

ATTACHMENT 1

DRAFT EIS NOTICES

Federal Register Notice 2022-25727

Public Availability of Comments

Written comments we receive become part of the administrative record associated with this action. 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 request in your comment that we withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of be made available for public disclosure in their entirety.

Next Steps

If we decide to issue permits to any of the applicants listed in this notice, we will publish a notice in the **Federal Register**.

Authority

We publish this notice under section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Peter Erickson,

Acting Regional Ecological Services Program Manager, Pacific Southwest Region, Sacramento, California.

[FR Doc. 2022–25734 Filed 11–23–22; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR**Bureau of Indian Affairs**

[2231A2100DD/AAKC001030/
AOA501010.999900]

Indian Gaming; Approval of Tribal-State Class III Gaming Compact in the State of Washington

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This notice publishes the approval of the Fourth Amendment to the Confederated Tribes and Bands of the Yakama Nation and the State of Washington Gaming Compact (Amendment) providing for Class III gaming between the Yakama Nation (Nation) and the State of Washington (State).

DATES: The Amendment takes effect on November 25, 2022.

FOR FURTHER INFORMATION CONTACT: Ms. Paula L. Hart, Director, Office of Indian

Gaming, Office of the Deputy Assistant Secretary—Policy and Economic Development, Washington, DC 20240, paula.hart@bia.gov, (202) 219–4066.

SUPPLEMENTARY INFORMATION: Under section 11 of the Indian Gaming Regulatory Act (IGRA), Public Law 100–497, 25 U.S.C. 2701 *et seq.*, the Secretary of the Interior shall publish in the **Federal Register** notice of approved Tribal-State compacts for the purpose of engaging in Class III gaming activities on Indian lands. As required by 25 CFR 293.4, all compacts and amendments are subject to review and approval by the Secretary. The Amendment permits the Nation to establish an additional gaming facility and engage in sports wagering. The Amendment makes technical amendments to update and add various definitions in the compact. The Amendment is approved.

Bryan Newland,

Assistant Secretary—Indian Affairs.

[FR Doc. 2022–25634 Filed 11–23–22; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR**Bureau of Indian Affairs**

[223A2100DD/AAKC001030/
AOA501010.999900]

Draft Environmental Impact Statement for the Coquille Indian Tribe Fee-to-Trust and Gaming Facility Project, City of Medford, Jackson County, Oregon

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of availability.

SUMMARY: This notice advises the public that the Bureau of Indian Affairs (BIA) as lead agency intends to file a draft environmental impact statement (DEIS) with the U.S. Environmental Protection Agency (EPA) for the Coquille Indian Tribe fee-to-trust and Gaming Facility Project, City of Medford, Jackson County, Oregon. This notice also announces that the DEIS is now available for public review and that a virtual public hearing will be held to receive comments on the DEIS.

DATES: Comments on the DEIS must arrive within 45 days after the EPA publishes its Notice of Availability in the **Federal Register**. The date and time of the virtual public hearing on the DEIS will be announced at least 15 days in advance through a notice to be published in a local newspaper (the Medford Mail Tribune) and online at www.coquille-eis.com.

ADDRESSES: You may mail or hand-deliver written comments to:

• *By mail to:* Mr. Bryan Mercier, Northwest Regional Director, Bureau of Indian Affairs, Northwest Region, 911 Northeast 11th Avenue, Portland, Oregon 97232. Please include your name, return address, and the caption: “DEIS Comments, Coquille Indian Tribe Fee-to-Trust and Gaming Facility Project,” on the first page of your written comments.

• *By email to:* Mr. Brian Haug, Bureau of Indian Affairs, at CoquilleCasinoEIS@bia.gov, using “DEIS Comments, Coquille Tribe Medford Gaming Facility Project” as the subject of your email.

The DEIS will be available for public review at:

• Medford Branch Library of Jackson County Library Services, 205 South Central Avenue, Medford, Oregon 97501; and www.coquille-eis.com.

FOR FURTHER INFORMATION CONTACT: Mr. Brian Haug, Bureau of Indian Affairs, Northwest Region, (503) 231–6780 (Office), (503) 231–2201 (Fax), CoquilleCasinoEIS@bia.gov.

SUPPLEMENTARY INFORMATION: Public review of the DEIS is part of the administrative process for BIA’s evaluation of the Tribe’s application to acquire approximately 2.4 acres of land in trust in the City of Medford, Jackson County, Oregon, for gaming purposes. Pursuant to Council on Environmental Quality (CEQ) National Environmental Policy Act (NEPA) regulations (40 CFR 1506.10), the publication of the Notice of Availability by the EPA in the **Federal Register** initiates the 45-day public comment period. A Notice of Intent to prepare an environmental impact statement was published in the Medford Mail Tribune on January 16 and 18, 2015, and the **Federal Register** on January 15, 2015 (80 FR 2120). The BIA held a public scoping meeting for the project on February 3, 2015, at the North Medford High School, Medford, Oregon.

Background

The Tribe requested that the Department acquire 2.4 acres of land in trust City of Medford, Jackson County, Oregon, for gaming purposes. The Tribe’s Proposed Project consists of the retrofit and remodel of an existing bowling alley on the proposed trust parcel into a 30,300-square foot gaming facility with class II gaming machines, food and beverage facilities, administrative space, associated parking on adjacent fee land, and ancillary facilities. Access to the site would be provided via two existing driveways along Highway 99.

The following alternatives are considered in the DEIS: (1) Proposed

Project; (2) Phoenix Site (alternative site); (3) Expansion of the Tribe's existing Mill Casino; (4) No Action/No Development. Environmental issues addressed in the DEIS include geology and soils, water resources, air quality, biological resources, cultural and paleontological resources, socioeconomic conditions (including environmental justice), transportation and circulation, land use, public services, noise, hazardous materials, aesthetics, cumulative effects, and indirect and growth inducing effects.

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 in accordance with section 1503.1 of the Council on Environmental Quality regulations (40 CFR 1500 *et seq.*) and the Department of the Interior regulations (43 CFR part 46) implementing the procedural requirements of the NEPA (42 U.S.C. 4321 *et seq.*), and in accordance with the exercise of authority delegated to the Assistant Secretary—Indian Affairs by part 209 of the Department Manual.

Bryan Newland,

Assistant Secretary—Indian Affairs.

[FR Doc. 2022–25727 Filed 11–23–22; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[2231A2100DD/AAK001030/
AOA501010.999900; OMB Control Number
1076–0155]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Leases and Permits

AGENCY: Bureau of Indian Affairs,
Interior.

ACTION: Notice of information collection;
request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the Bureau of Indian Affairs (BIA), are proposing renew an information collection.

DATES: Interested persons are invited to submit comments on or before December 27, 2022.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under Review—Open for Public Comments” or by using the search function. Please provide a copy of your comments to Steven Mullen, Information Collection Clearance Officer, Office of Regulatory Affairs and Collaborative Action—Indian Affairs, U.S. Department of the Interior, 1001 Indian School Road NW, Suite 229, Albuquerque, New Mexico 87104; or by email to comments@bia.gov. Please reference OMB Control Number 1076–0155 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: Steven Mullen, Information Collection Clearance Officer, comments@bia.gov, (202) 924–2650. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. You may also view the ICR at <http://www.reginfo.gov/public/do/PRAMain>.

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995, we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

A **Federal Register** notice with a 60-day public comment period soliciting comments on this collection of information was published on September 10, 2021 (86 FR 50737). No comments were received.

As part of our continuing effort to reduce paperwork and respondent burdens, we are again soliciting comments from the public and other Federal agencies on the proposed ICR that is described below. We are especially interested in public comment addressing the following:

(1) Whether or not the collection of information is necessary for the proper performance of the functions of the agency, including whether or not the information will have practical utility;

(2) The accuracy of our estimate of the burden for this collection of information, including the validity of the methodology and assumptions used;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) How might the agency minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of response.

Comments that you submit in response to this notice are a matter of public record. 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 us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: Generally trust and restricted land may be leased by Indian land owners, with the approval of the Secretary of the Interior, except when specified by statute. Submission of this information allows BIA to review applications for obtaining, modifying and assigning leases and permits of land that the United States holds in trust or restricted status for individual Indians and Indian Tribes. The information is used to determine approval of a lease, amendment, assignment, sublease, mortgage or related document. A response is required to obtain or retain a benefit.

Title of Collection: Leases and Permits.

OMB Control Number: 1076–0155.

Form Number: None.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Individual Indians and Indian Tribes seeking to lease their trust or restricted land and businesses that lease trust and restricted land.

Total Estimated Number of Annual Respondents: 99,340.

Total Estimated Number of Annual Responses: 99,340.

Proof of Publication

AFFIDAVIT OF PUBLICATION

**** THIS IS NOT A BILL ****

On Behalf of:
Acorn Environmental - Legal
5170 Golden Foothill Parkway
EL DORADO HILLS, CA 95762

STATE OF OREGON COUNTY OF JACKSON:

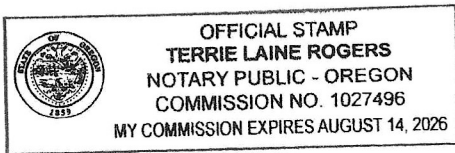
I, Kristy Gallon, being first duly sworn, depose and say that I am the principal clerk of Mail Tribune, a newspaper of general circulation, as defined by ORS 193.010 and 193.020; published at Medford in the aforesaid county and state; that the public notice, a published copy of which is hereto annexed, was published in the entire issue of said online newspaper for 1 successive and consecutive insertion(s) in the following issues 11/27/2022 (HERE SET FORTH DATES OF ISSUE).

Kristy Gallon
Affiant

Subscribed and sworn to before me this
15th day of Dec, 2022.

Terrie Laine Rogers
Notary State of Oregon County of Jackson

My commission expires Aug. 14, 2026



Rosebud Media - Mail Tribune
111 N Fir St, Medford, OR 97501

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COPY OF ADVERTISEMENT

NOTICE OF AVAILABILITY OF A DRAFT ENVIRONMENTAL IMPACT STATEMENT

PROJECT TITLE: Coquille Indian Tribe Fee-to-Trust and Gaming Facility Project

NEPA LEAD AGENCY: Bureau of Indian Affairs, Department of the Interior

SUMMARY: This notice advises the public that the Bureau of Indian Affairs (BIA) as lead agency intends to file a draft environmental impact statement (DEIS) with the U.S. Environmental Protection Agency (EPA) for the Coquille Indian Tribe fee-to-trust and Gaming Facility Project, City of Medford, Jackson County, Oregon. The proposed federal action consists of acquiring into trust 2.4 acres of land in the City of Medford, Jackson County, Oregon, for gaming purposes. The Tribe's Proposed Project consists of the retrofit and remodel of an existing bowling alley on the proposed trust parcel into a 30,300-square foot gaming facility with class II gaming machines, food and beverage facilities, administrative space, associated parking on adjacent fee land, and ancillary facilities. Access to the site would be provided via two existing driveways along Highway 99. This notice also announces that the DEIS is now available for public review and that a virtual public hearing will be held to receive comments on the DEIS.

DATES: Comments on the DEIS must arrive no later than Monday, January 9, 2023, which is 45 days after publication of Notice of Availability by the EPA in the Federal Register on November 25, 2022. A virtual public hearing will be held on December 15, 2022, starting at 6:00 p.m., and will run until the last public comment is received. Please go to <https://coquille-eis.com/> for information on how to attend the virtual public hearing.

ADDRESSES: You may mail or hand-deliver written comments to:

- By mail to: Mr. Bryan Mercier, Northwest Regional Director, Bureau of Indian Affairs, Northwest Region, 911 Northeast 11th Avenue, Portland, Oregon 97232-4169. Please include your name, return address, and the caption: "DEIS Comments, Coquille Indian Tribe Fee-to-Trust and Gaming Facility Project," on the first page of your written comments.
- By email to: Mr. Brian Haug, Bureau of Indian Affairs, at CoquilleCasinoEIS@bia.gov, using "DEIS Comments, Coquille Tribe Medford Gaming Facility Project" as the subject of your email.

The DEIS will be available for public review at:

- Medford Branch Library of Jackson County Library Services, 205 South Central Avenue, Medford, Oregon 97501; and www.coquille-eis.com

FOR FURTHER INFORMATION CONTACT: Mr. Brian Haug, Bureau of Indian Affairs, Northwest Region, (503) 231-6780 (Office), (503) 231-2201 (Fax), CoquilleCasinoEIS@bia.gov.

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, e-mail 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 in accordance with section 1503.1 of the Council on Environmental Quality regulations (40 CFR 1500 et seq.) and the Department of the Interior regulations (43 CFR part 46) implementing the procedural requirements of the NEPA (42 USC 4321 et seq.), and in accordance with the exercise of authority delegated to the Assistant Secretary - Indian Affairs by part 209 of the Department Manual.

November 27, 2022

Federal Register Extension Notice 2022-27573

Authority

We provide this notice under the authority of section 10(c) of the ESA (16 U.S.C. 1531 *et seq.*) and its implementing regulations (50 CFR 17.22 and 17.32) and NEPA (42 U.S.C. 4371 *et seq.*) and its implementing regulations (40 CFR 1506.6).

Amy L. Lueders,

Regional Director, Southwest Region, U.S. Fish and Wildlife Service.

[FR Doc. 2022-27611 Filed 12-19-22; 8:45 am]

BILLING CODE 4333-15-P

DEPARTMENT OF THE INTERIOR**Fish and Wildlife Service**

[Docket No. FWS-R1-ES-2022-0029; ES1114010000-234-FF01E0000]

Draft Environmental Impact Statement for the Elliott State Research Forest Habitat Conservation Plan in Coos and Douglas Counties, OR; Extension of Public Comment Period

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; extension of public comment period.

SUMMARY: We, the U.S. Fish and Wildlife Service, are extending the public comment period on our November 18, 2022, notice that announced our draft environmental impact statement evaluating two incidental take permit (ITP) applications received from the Oregon Department of State Lands (ODSL). The ITP applications include the ODSL's Elliott State Research Forest Habitat Conservation Plan, which is also under review. The applicant is requesting incidental take coverage of northern spotted owl, marbled murrelet, and Oregon Coast coho. Comments previously submitted need not be resubmitted and will be fully considered.

DATES: *Comment Period:* The comment period for the draft habitat conservation plan and draft environmental impact statement, notice of which was published on November 18, 2022 (87 FR 69291), is extended by 7 days. Comments submitted online at <https://www.regulations.gov> must be received by 11:59 p.m. Eastern Standard Time on January 10, 2023. Hardcopy comments must be received or postmarked on or before January 10, 2023.

ADDRESSES:

Obtaining Documents: The draft habitat conservation plan and the draft environmental impact statement, along with any comments and other materials

submitted to us, are available at <https://www.regulations.gov> in Docket No. FWS-R1-ES-2022-0029.

Submitting Comments: You may submit comments by one of the following methods:

- *Internet:* <https://www.regulations.gov>. Search for and submit comments on Docket No. FWS-R1-ES-2022-0029.

- *U.S. mail:* Public Comments Processing; Attn: Docket No. FWS-R1-ES-2022-0029; U.S. Fish and Wildlife Service Headquarters, MS: PRB/3W; 5275 Leesburg Pike, Falls Church, VA 22041-3803.

We request that you submit comments by only one of the methods above. We will post all comments on <https://www.regulations.gov>. This generally means that we will post online any personal information that you provide. For additional information about submitting comments, see Public Availability of Comments under **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT:

Shauna Everett, by telephone at 503-231-6949, or by email at shauna_everett@fws.gov. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION: On November 18, 2022 (87 FR 692910), we, the U.S. Fish and Wildlife Service (FWS), announced the availability for public comment of a draft environmental impact statement (DEIS) pursuant to the requirements of the National Environmental Policy Act of 1969, as amended (NEPA; 42 U.S.C. 4321 *et seq.*), to evaluate applications for incidental take permits (ITPs) received from the Oregon Department of State Lands (ODSL; applicant). ODSL submitted two applications, one for the northern spotted owl (*Strix occidentalis*) and marbled murrelet (*Brachyramphus marmoratus*) under FWS jurisdiction and the second application for the Oregon Coast coho (*Oncorhynchus kisutch*) under National Marine Fisheries Service (NMFS) jurisdiction. NMFS is a cooperating agency under NEPA. In support of the ITP applications, the ODSL prepared the draft Elliott State Research Forest Habitat Conservation Plan (HCP), which we also announced for public review.

With this notice, we are extending the public comment period on the DEIS and HCP (see **DATES** and **ADDRESSES**). Further information about the project and Federal process may be found at <https://www.fws.gov/project/elliott-state-research-forest-habitat-conservation-plan/>.

Public Availability of Comments

You may submit your comments and materials by one of the methods listed in **ADDRESSES**. Before including your address, phone number, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—might be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public disclosure in their entirety.

Authority

We provide this notice in accordance with the requirements of section 10(c) of the ESA (16 U.S.C. 1539(c)) and NEPA and its implementing regulations (40 CFR 1503.1 and 1506.6).

Nanette Seto,

Acting Deputy Regional Director, Pacific Region 1, U.S. Fish and Wildlife Service.

[FR Doc. 2022-27610 Filed 12-19-22; 8:45 am]

BILLING CODE 4333-15-P

DEPARTMENT OF THE INTERIOR**Bureau of Indian Affairs**

[2231A2100DD/AAKC001030/ AOA501010.999900]

Draft Environmental Impact Statement for the Coquille Indian Tribe Fee-to-Trust and Gaming Facility Project, City of Medford, Jackson County, Oregon

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of comment period extension.

SUMMARY: The Bureau of Indian Affairs (BIA) is announcing an extension of the comment period for the Draft Environmental Impact Statement (DEIS) for the Coquille Indian Tribe fee-to-trust and Gaming Facility Project, City of Medford, Jackson County, Oregon. Additionally, this notice announces that the BIA intends to hold a second virtual

hearing to receive comments on the DEIS.

DATES: The second virtual public hearing will be held on January 31, 2023, beginning at 5:30 p.m. Pacific time. Interested persons are invited to submit comments on or before February 23, 2023.

ADDRESSES: Send your comments to the Northwest Regional Director, Bryan Mercier, by any of the following methods:

- Mail, hand-carry comments to Bryan Mercier, Northwest Regional Director, Bureau of Indian Affairs, Northwest Region, 911 Northeast 11th Avenue, Portland, Oregon 97232-4169. Please include your name, return address, and the caption: “DEIS Comments, Coquille Indian Tribe Fee-to-Trust and Gaming Facility Project,” on the first page of your written comments.

- Email comments to CoquilleCasinoEIS@bia.gov with “DEIS Comments, Coquille Tribe Medford Gaming Facility Project” as the subject of your email.

FOR FURTHER INFORMATION CONTACT: Brian Haug, Northwest Regional Director, Bureau of Indian Affairs, Northwest Region, (503) 231-6780 (Office), (503) 231-2201 (Fax), CoquilleCasinoEIS@bia.gov.

SUPPLEMENTARY INFORMATION: On November 25, 2022, Notice of Availability of the DEIS for the Coquille Indian Tribe fee-to-trust and Gaming Facility Project, City of Medford, Jackson County, Oregon was published in the **Federal Register** by the BIA (87 FR 72505) and the Environmental Protection Agency (87 FR 72482). On December 15, 2022, BIA held the first virtual public hearing.

Public review of the DEIS is part of the administrative process for BIA’s evaluation of the Tribe’s application to acquire approximately 2.4 acres of land in trust in the City of Medford, Jackson County, Oregon, for gaming purposes. Additional information on the proposed action, alternatives to the proposed action, and potential environmental impacts associated with the proposed action and alternatives can be found in the DEIS. The DEIS will be available for public review at:

- Medford Branch Library of Jackson County Library Services, 205 South Central Avenue, Medford, Oregon 97501; and online at www.coquille-eis.com.

Public Comment Availability

The second virtual public hearing will be held on January 31, 2023, beginning at 5:30 p.m. Pacific time, and will run

until the last comment public comment is received.

- Please visit https://us06web.zoom.us/webinar/register/WN_bWQot-T_R52SpXk8KOW0tw to register for the virtual public hearing.

- Please visit <https://coquille-eis.com> for additional information and instructions for participation in the virtual public hearing.

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 in accordance with section 1503.1 of the Council on Environmental Quality regulations (40 CFR 1500 *et seq.*) and the Department of the Interior regulations (43 CFR part 46) implementing the procedural requirements of the NEPA (42 U.S.C. 4321 *et seq.*), and in accordance with the exercise of authority delegated to the Assistant Secretary—Indian Affairs by part 209 of the Department Manual.

Bryan Newland,

Assistant Secretary—Indian Affairs.

[FR Doc. 2022-27573 Filed 12-19-22; 8:45 am]

BILLING CODE 4337-15-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLOR93000

L61400000.HN0000LXLAH9990000 23X;
OMB Control Number 1004-0168]

Agency Information Collection Activities; Tramroads and Logging Roads

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Information Collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Bureau of Land Management (BLM) proposes to renew an information collection.

DATES: Interested persons are invited to submit comments on or before February 21, 2023.

ADDRESSES: Send your written comments on this information collection request (ICR) by mail to Darrin King, Information Collection Clearance Officer, U.S. Department of the Interior, Bureau of Land Management, Attention PRA Office, 440 W 200 S #500, Salt Lake City, UT 84101; or by email to BLM_HQ_PRA_Comments@blm.gov. Please reference Office of Management and Budget (OMB) Control Number 1004-0168 in the subject line of your comments. Please note that the electronic submission of comments is recommended.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Jessica LeRoy by email at jrleroy@blm.gov, or by telephone at (503) 808-6164. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States. You may also view the ICR at <http://www.reginfo.gov/public/do/PRAMain>.

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995 (PRA, 44 U.S.C. 3501 *et seq.*) and 5 CFR 1320.8(d)(1), all information collections require approval under the PRA. We may not conduct or sponsor, and you are not required to respond to a collection of information unless it displays a currently valid OMB Control Number.

As part of our continuing effort to reduce paperwork and respondent burdens, we invite the public and other Federal agencies to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public’s reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

We are especially interested in public comment addressing the following:

- (1) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- (2) The accuracy of our estimate of the burden for this collection of

AFFIDAVIT OF PUBLICATION

**** THIS IS NOT A BILL ****

On Behalf of:
Acorn Environmental - Legal
5170 Golden Foothill Parkway
EL DORADO HILLS, CA 95762

STATE OF OREGON COUNTY OF JACKSON:

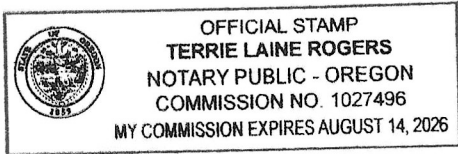
I, Kristy Gallon, being first duly sworn, depose and say that I am the principal clerk of Mail Tribune, a newspaper of general circulation, as defined by ORS 193.010 and 193.020; published at Medford in the aforesaid county and state; that the public notice, a published copy of which is hereto annexed, was published in the entire issue of said online newspaper for 1 successive and consecutive insertion(s) in the following issues 12/18/2022 (HERE SET FORTH DATES OF ISSUE).

Misty Gallon
Affiant

Subscribed and sworn to before me this
21st day of Dec., 2022.

Terrie L Rogers
Notary State of Oregon County of Jackson

My commission expires Aug. 14, 2026



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111 N Fir St, Medford, OR 97501

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COPY OF ADVERTISEMENT

NOTICE OF COMMENT EXTENSION AND SECOND HEARING FOR DRAFT ENVIRONMENTAL IMPACT STATEMENT

Project Title: Coquille Indian Tribe Fee-to-Trust and Gaming Facility Project, City of Medford, Jackson County, Oregon

NEPA LEAD AGENCY: Bureau of Indian Affairs, Department of the Interior.

SUMMARY: The Bureau of Indian Affairs (BIA) is announcing a forty-five (45) day extension of the comment period for the Draft Environmental Impact Statement (DEIS) for the Coquille Indian Tribe fee-to-trust and Gaming Facility Project, City of Medford, Jackson County, Oregon. The BIA published a Notice of Availability of the DEIS on November 25, 2022. Additionally, this notice announces that the BIA intends to hold a second virtual hearing to receive comments on the DEIS

DATES: Comments on the DEIS must arrive by February 23, 2023. The first virtual public hearing will be held on December 15, 2022 at 6:00 p.m., and the second virtual public hearing will be held on January 31, 2023, beginning at 5:30 p.m.

ADDRESSES: You may mail or hand-deliver written comments to:

• By mail to: Mr. Bryan Mercier, Northwest Regional Director, Bureau of Indian Affairs, Northwest Region, 911 Northeast 11th Avenue, Portland, Oregon 97232-4169. Please include your name, return address, and the caption: "DEIS Comments, Coquille Indian Tribe Fee-to-Trust and Gaming Facility Project," on the first page of your written comments.

• By email to: Mr. Brian Haug, Bureau of Indian Affairs, at CoquilleCasinoEIS@bia.gov, using "DEIS Comments, Coquille Tribe Medford Gaming Facility Project" as the subject of your email

The DEIS will be available for public review at:

• Medford Branch Library of Jackson County Library Services, 205 South Central Avenue, Medford, Oregon 97501; and www.coquille-eis.com.

Instructions for participation in the virtual public hearings are available at:

• <https://coquille-eis.com/>

FOR FURTHER INFORMATION CONTACT: Mr. Brian Haug, Bureau of Indian Affairs, Northwest Region, (503) 231-6780 (Office), (503) 231-2201 (Fax), CoquilleCasinoEIS@bia.gov.

SUPPLEMENTARY INFORMATION: On November 25, 2022, the BIA published in the Federal Register (87 FR 72505) a Notice of Availability of the Draft EIS for the Coquille Indian Tribe fee-to-trust and Gaming Facility Project, City of Medford, Jackson County, Oregon. BIA will hold a virtual public hearing on December 15, 2022, and a second public hearing on January 31, 2023. Public review of the Draft EIS is part of the administrative process for BIA's evaluation of the Tribe's application to acquire approximately 2.4 acres of land in trust in the City of Medford, Jackson County, Oregon, for gaming purposes. Additional information on the proposed action, alternatives to the proposed action, and potential environmental impacts associated with the proposed action and alternatives can be found in the Draft EIS.

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, e-mail 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.

December 18, 2022

Newspaper Proof of Publication



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 Campaign No. 7714
 Invoice Date 12/19/2022
 P.O. Number PUBLIC NOTICE
 Sales Rep(s) 050 Legals

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Acorn Environmental - Legal
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 Account No: 103972

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Currency	United States Dollar
Campaign Gross Amount	367.50
Agency Commission	0.00
Campaign Net Amount	367.50
Billing Installment	1 of 1
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Payment Amount Due	\$ 0.00
Payment Due Date	

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Product	Start	End	Description	Ad Size(s)	P.O. Number	Qty	Rate	Amount
Mail Tribune	12/18/2022	12/18/2022	Legal Liner	50 Line(s) by 3 Column(s)		1	367.50	367.50

invoice no.	invoice date	sales rep(s)
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IN13525

12/19/2022

050 Legals

bill-to

Acorn Environmental - Legal
 ATTN:
 5170 Golden Foothill Parkway
 EL DORADO HILLS, CA 95762
 Account No: 103972

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ATTACHMENT 2

COMMENT LETTERS



MEDFORD
CITY ATTORNEY'S OFFICE

December 2, 2022

via certified mail to

Bryan Mercier
Northwest Regional Director
Northwest Regional Office Bureau of Indian Affairs
911 Northeast 11th Avenue
Portland, OR 97232-4169

via email to

Brian Haug
Regional Scientist/Interim NEPA Coordinator
Bureau of Indian Affairs
CoquilleCasinoEIS@bia.gov
Brian.Haug@bia.gov

**Re: Coquille Indian Tribe Fee-to-Trust and Gaming Facility Project
Cooperating Agency City of Medford's Request for Extension of Time for
Submission of DEIS Comments and Continuance of Public Hearing**

Dear Director Mercier and Interim NEPA Coordinator Haug:

The City of Medford is a cooperating agency with BIA on the NEPA process and is closely examining the Draft Environmental Impact Statement ("DEIS") for the Coquille Indian Tribe's proposed casino project (the "Coquille Project") within the City of Medford. This would be the first such project within the City of Medford and within Jackson County, and it is important for the City to have the full opportunity to be heard on this matter. The City intends to provide information and technical expertise in the spirit of full cooperation under the terms of the MOU between the City and BIA. Allowing the City of Medford and its leadership to be heard on this matter would require both an extension of time for submitting comments and also the continuance of the December 15, 2022 public hearing.

A1-1

The Bureau of Indian Affairs has authority to grant such extensions under 40 CFR Section 1506(11)(e), and in fact has done so previously on this particular application (on



February 19, 2015). Granting a modest extension of time here, at least 45 days and preferably 60-90 days, would dramatically improve the City of Medford's ability to participate in this critical public comment process, without meaningfully extending the process for applicant (a process that has been many years to date).

I. The deadline for submission of comments should be extended.

The City of Medford, as the municipality where the proposed casino would be located, needs to be actively involved in the public comment process. Even under the best of circumstances, 45 days is a limited time to fully examine a proposal of such significance for Medford and the potential environmental effects of the proposed actions and its alternatives. The draft EIS is fundamentally different than the last draft EIS that was produced, and Medford itself has significantly changed in the near-decade since the last draft EIS.

The current timing of the public dissemination of the draft EIS is particularly of concern for the City. Arriving the day after Thanksgiving and closing the second week of January, the window coincides with already-scheduled vacations for a number of key employees and officials. Furthermore, on January 1, 2023, three of Medford's eight Councilmembers leave office and three new members take office. Under the existing schedule, these new councilmembers would have just one week to participate in the public comment process and provide direction to staff for a proposal that could have significant, permanent impacts¹ on Medford for decades to come.

For these reasons, the City of Medford respectfully requests an extension of at least 46 days (to Monday, February 27, 2023) and preferably 60 days (Monday, March 13, 2023) or 90 days (Wednesday, April 12, 2023) from the current deadline.

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¹ Supporters of the project promise significant benefits to the City of Medford, and opponents of the project promise significant harms to the City of Medford. This request for extension of time does not take any substantive position either for or against the project. The one thing that both sides seem to agree on is that this project is, simply put, a big deal for the City of Medford.

A1-1
cont.



II. The public hearing date should be continued.

The public hearing on this matter is currently set for December 15, 2022 at 6:00 p.m. The City needs the public hearing date to be postponed for two reasons. First, it is a direct conflict with the largest City Council meeting of the year, and indeed the most packed City Council agenda in the undersigned's memory. At December 15, 2022 at 6:00 p.m., the Medford City Council will be convening to vote on the ten-year strategic plan for the Police Department, the ten-year strategic plan for the Fire Department, a utility fee adjustment, time-place-manner regulations for Psilocybin Mushroom Services as per Measure 109, a Major Comprehensive Plan Amendment to the Transportation System Plan, and about a dozen other agenda items. With the City's elected officials and key city staff at this essential meeting, the City of Medford could not have meaningful representation at this public hearing on the Coquille Project.

Furthermore, the hearing should be at a later date to allow more time to analyze the draft EIS before the public hearing. The draft EIS was released just 14 business days before the scheduled public hearing. There are certain predictable comments in support of the project that do not require detailed analysis of the draft EIS, and there are certain predictable comments in opposition to the project that do not require detailed analysis of the draft EIS. But often the most meaningful comments are based on the specifics of the draft EIS itself instead of entrenched, preexisting opinions. And the current schedule simply does not allow interested parties, including the City of Medford itself and its approximately 85,000 residents, to analyze the draft EIS, identify key points, and articulate those specific, helpful comments in a clear and concise way.

For these reasons, the public hearing should be postponed to a later date, and preferably not to a Thursday evening at 6:00 p.m.

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A1-1
cont.



III. Conclusion.

For all of these reasons, the City of Medford requests an extension of the public comment period on the Coquille Project to at least February 27, 2023 and preferably April 12, 2023, with a corresponding continuance of the public hearing date. The City of Medford, as a cooperating agency requests time to allow the City to meaningfully participate in this process.

A1-1
cont.

Sincerely,

Eric B. Mitton
City Attorney

cc: Bryan Newland, Assistant Secretary – Indian Affairs, via email
bryan_newland@ios.doi.gov

Bryan Mercier, NW Regional Director for Bureau of Indian Affairs, via email
bryan.mercier@bia.gov



OFFICE OF THE GOVERNOR

January 12, 2023

Via US Mail

Bryan Newland
 Assistant Secretary - Indian Affairs
 U.S. Department of the Interior
 1849 C Street, N.W. MS-4660-MIB
 Washington, D.C. 20240

RE: Comments on Coquille Indian Tribe Medford Gaming Facility Project Draft Environmental Impact Statement

Dear Assistant Secretary Newland:

The Draft Environmental Impact Statement for the Coquille Indian Tribe Medford Gaming Facility Project (Draft EIS) reviews the Coquille Indian's Tribe's proposed transfer of a 2.4-acre parcel into trust and remodel of a bowling alley on that parcel into a 30,300-square-foot gaming facility. The preferred project site is located less than 25 miles from the California border in Medford, Oregon, and the Draft EIS identifies various project impacts to the surrounding community. Notably, tribes in California would experience over \$7 million in reduced annual gaming revenues as a result of the proposed project. Draft EIS, Table 4.7-6; Appx. E, p. 88. These reduced gaming revenues may have direct, immediate, and significant impacts to tribal governments in California.

A2-1

The decision whether to take the proposed land into trust for gaming is discretionary. To inform this action, the U.S. Department of the Interior should consult with those tribes with a gaming facility in California within a 100-mile radius of the proposed project. The tribes should be given an opportunity to describe the potential impacts of the project on their gaming revenues and governmental functions and services.

A2-2



The State of California appreciates the opportunity to review and provide these comments on the Draft EIS.

Sincerely,



Nathan Voegeli
Senior Advisor for Tribal Negotiations
Office of Governor Gavin Newsom

ec: Mr. Brian Haug
Bureau of Indian Affairs
CoquilleCasinoEIS@bia.gov





Oregon

Tina Kotek, Governor

Department of Transportation
 Region 3 Planning and Programming
 100 Antelope Drive
 White City, Oregon 97503
 Phone: (541) 774-6299

January 31, 2023

Tobiah Mogavero
 Bureau of Indian Affairs
 Northwest Regional Office
 911 Northeast 11th Avenue
 Portland, OR 97232-4169

Re: Draft Environmental Impact Statement for Coquille Casino Project

Dear Tobiah,

Thank you for providing the Oregon Department of Transportation (ODOT) with the opportunity to provide comments associated with the Draft Environmental Impact Statement (DEIS) of the Coquille Indian Tribe's (Tribe) application for a proposed 2.4-acre fee to trust transfer and gaming facility adjacent to Oregon State Highway 99 in Medford. We request the Tribe take the following information into consideration.

- I. As noted on page 1-5 of the DEIS, approval of Access Permits to Highway 99 are required prior to legal access to the State Highway. A Misc./Utility Permit is required prior to any disturbance within the State Right of Way, and a Drainage Permit is required for connection to drainage facilities. Please contact District 8 Permit specialist Julee Scruggs at Julee.Y.SCRUGGS@odot.state.or.us or 541.864.8811 when the Tribe is ready to discuss the permit application process.
- II. ODOT requests installation of frontage improvements consistent with the 2015 OR 99 Rogue Valley Corridor Plan along the State Highway, including sidewalk, additional Right of Way for future bike lanes, and other features to improve mobility, multimodal access, livability and safety throughout the corridor.
- III. All pedestrian ramps along Highway 99 should be designed to meet current ADA standards.
- IV. ODOT will need to approve a drainage study prepared by an Oregon Registered Professional Engineer.

A3-1

Please feel free to contact me at Micah.HOROWITZ@odot.state.or.us or 541-774-6331, should you have any questions or concerns.

Sincerely,

Micah Horowitz

Micah Horowitz, AICP
 Senior Transportation Planner

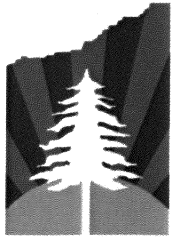
From: [HOROWITZ Micah](#)
To: [FY22, BIA CoquilleCasinoEIS](#)
Cc: [BAKER Michael](#); [GRIFFIN Jeremiah M](#); [MARMON Jerry](#); [NEAVOLL Darrin L](#); [John N. Vial](#); [Matt H. Brinkley](#)
Subject: [EXTERNAL] DEIS Comments, Coquille Tribe Medford Gaming Facility Project
Date: Tuesday, January 31, 2023 1:49:08 PM
Attachments: [aDEIS comments.pdf](#)

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

Hi Tobiah, please find ODOT comments in the attached letter. Thank you for your consideration.

Best regards,
Micah

Micah Horowitz, AICP | Senior Transportation Planner
ODOT Region 3 | Southwest Oregon (Coos, Curry, Douglas, Jackson & Josephine Counties)
p: 541.774.6331 | c: 541.603.8431 | e: micah.horowitz@odot.oregon.gov



JACKSON COUNTY

Oregon

Board of Commissioners

Rick Dyer (541) 774-6118
Dave Dotterer (541) 774-6119
Colleen Roberts (541) 774-6117
Fax: (541) 774-6705

10 South Oakdale, Room 214
Medford, Oregon 97501

February 14, 2023

Mr. Bryan Mercier
Northwest Regional Director
Bureau of Indian Affairs, Northwest Region
911 Northeast 11th Avenue
Portland OR 97232-4169

Mr. Brian Haug
Environmental Scientist
Bureau of Indian Affairs, Northwest Region
CoquilleCasinoEIS@bia.gov

RE: Comments on the Draft Environmental Impact Statement for the Coquille Indian Tribe Fee-to-Trust and Gaming Facility Project

Dear Mr. Mercier and Mr. Haug:

We, the Jackson County Board of Commissioners, submit the following comments to the Bureau of Indian Affairs (BIA) on the Draft Environmental Impact Statement (DEIS) for the Coquille Indian Tribe Fee-to-Trust and Gaming Facility Project (Coquille Project). Please consider and use these substantive comments from Jackson County, as a cooperating agency, to the Administrative draft to the maximum extent possible.

I. Background on the Coquille Project and Jackson County as a Cooperating Agency

The DEIS indicates that Jackson County (County), along with the City of Medford (City), the Coquille Indian Tribe (Tribe), and the Oregon Department of Transportation, is a cooperating agency with the Tribe's proposed action to bring a 2.4-acre site in trust for the purpose of using the property as a gambling facility in the City. The Tribe has been pursuing the possibility of opening a casino and gaming facility (casino) in the City for several years. On January 15, 2015, the BIA issued a notice of intent for this proposed project. The BIA solicited comments from the County, and other cooperating agencies, in the summer of 2015. The project apparently stalled and, on September 3, 2020, the BIA published a notice of cancellation of the Environmental Impact Statement (EIS). Now, more than two years later, the BIA has published the DEIS with no new or additional input from the County, the City, or other cooperating agencies.

A4-1

Unlike the 2015 EIS, the DEIS offers four options listed as the following Alternatives: Alternative A is the proposed project in the City, and includes the transfer of 2.4 acres into trust status; Alternative B considers the transfer of 49.34 acres of exclusive farm use (EFU) property into Federal Trust Status, with the construction of a casino and parking lot on the property; Alternative C considers the expansion of the Tribe's existing Mill Casino in North Bend, Oregon; and Alternative D considers the no action/no development option. Alternatives A and B directly affect Jackson County, as more fully described herein.

II. Alternative A: Medford Site

The proposed action, Alternative A, involves the transfer of one 2.4-acre tax lot to be held in Federal Trust Status for the Tribe. The total size of the Project is 7.24 acres. One tax lot on proposed Site A: 37-1W-32C-4701, has a bowling alley. The Tribe has already submitted an application to the BIA for the transfer of 2.4 acres of land within the Medford Site into Federal Trust. The transfer of this property

raises several issues that affect the interest of the County, three of which are particularly of interest: (1) potential impacts on property tax revenue for the portion of property to be transferred to Trust Status; (2) potential increases in calls for police and fire service, and consequential related increases to other services in the criminal justice field due to the development and nature of the use; and (3) gambling and substance addiction issues that may arise and require resources provided by the County's Health and Human Services (HHS) Department. Each of these issues is addressed in turn below.

A. Impacts on Tax Revenue

Jackson County depends on property tax revenue as a substantial portion of its annual income. In 2022, the County assessed \$25,791.79 in property taxes against the subject property, \$3,554.45 of which went directly to Jackson County for revenue and associated bonds and services. Transferring this property into Federal Trust Status would eliminate the County's ability to collect revenue on this property, and would further hinder the County's ability to repay the County Bond on the property. The DEIS does not address this loss of revenue to the County, nor has the Tribe discussed possible revenue alternatives with the County.

A4-2

Additionally, the loss of revenue to the County is, at this time, limited only to the particular parcel at issue. However, if the Tribe were to expand the existing casino or propose new developments in Jackson County in the future, the County could lose future tax revenue if the property is transferred into Federal Trust Status. This transfer, as well as any other potential future transfers, would affect Jackson County and other taxing districts within the County in perpetuity.

B. Impacts on Police and Criminal Justice

The DEIS acknowledges that the Medford Police Department and Oregon State Police Patrol Division respond to emergency calls and provide law enforcement services in the City of Medford, but fails to address the potential impacts of Alternative A on the County's law enforcement and criminal justice services, including the Jackson County Sheriff's Office (JCSO), the Jackson County District Attorney's Office (DA's Office), and the Jackson County Jail (Jail).

The DEIS claims that, "the introduction of casinos typically does not cause an increase in the crime rate, and in some cases may lead to a decline in the crime rate." The DEIS cites to Appendix E, which includes an impact study commissioned by the Tribe for the Coquille Development Project. Within this study, the general conclusion is that the increase in volume of people to any place, such as a destination casino, the volume of crime is expected to increase, and that "this holds true for any large-scale development." The study further reviews the relationship between four types of crime in casino and gambling facilities: petty crime, violent crime, white-collar crime, and prostitution.

The study cited by the Tribe in the DEIS found that, "a casino, regardless of its size, will experience petty crimes solely because of the volume of people that will visit the facility." Appendix E, Att. 1, p. 20. The study further found that, "casinos are periodic targets of armed robberies and casinos in both Las Vegas and regional markets have been attacked by these types of criminals." The study found that there were minimal associations between casinos and increases in embezzlement or other white-collar crime. Finally, the study cited endemic prostitution in two areas known for gambling, Nevada and Atlantic City. Despite extremely high rates of prostitution in Atlantic City compared to New Jersey, and the United States as a whole, the Tribe's study asserts that the type of casino proposed here does not lend itself to street prostitution because it would be "isolated from urban areas and/or is surrounded by rural or major roads." Appendix E, Att. 1, p. 23. Regardless of this assertion, the data associated with prostitution and casinos unequivocally shows a marked increase in prostitution crimes in

A4-3

connection with places of gambling. Other than a low instance or connection between casinos and white-collar crimes, the Tribe's study strongly links the existence of casinos with increases in petty crime, violent crime, and prostitution. Each of these increases in criminal activities will potentially, or directly, affect the County's criminal justice and law enforcement services.

A4-3
cont.

1. The DEIS Does Not Address Potential Impacts of Alternative A on JCSO

Although the subject site in Alternative A is within the City of Medford's city limits and law enforcement service area, JCSO works closely with its community partners and regularly assists with calls for service within the City of Medford.

The DEIS states that Alternative A could result in calls for service that could result in increased costs for the Medford Police Department. Consequently, the effect on public law enforcement services would be considered significant; however, the DEIS claims that, "with implementation of the on-site security measures, and the mitigation and BMPs [best management practices] included in Sections 5.10.3 and 2.3.3, . . . Alternative A would result in a less-than-significant effect on public law enforcement services." Other than a handful of references to private security services and roving security guards, the DEIS does not provide specifics on the mitigation measures provided by the Tribe to adequately ameliorate the significant effect on public law enforcement services. Additionally, the DEIS fails to address any mitigation measures with JCSO for Alternative A; the proposed mitigation measures recommended omit any mention of JCSO or other County agencies.

A4-4

The DEIS further provides that, "the Tribe shall offer to enter into agreements to reimburse the Medford Police Department for direct and indirect costs incurred in conjunction with providing law enforcement services," and includes a provision that the Tribe must "meet with the City of Medford at least once a year," in order to "discuss" potential improvements to any policing or prosecution issues raised by the Project. Again, this mitigation measure completely omits a requirement for discussion with the County, JCSO, or any other County entity.

A4-5

2. The DEIS Does Not Address Potential Impacts of Alternative A on the DA's Office

As stated above, the mitigation measures for the potential impacts of Alternative A on law enforcement are limited to negotiations and agreements with the City of Medford and Oregon State Police. Only one of the proposed mitigation measures outlined in the DEIS addresses a potential increase in prosecutions:

The Tribe shall offer to enter into agreements . . . include[ing] a provision requiring the Tribe to meet with the City of Medford at least once a year, if requested, to discuss ways to improve police services and prosecution of crimes associated with the project.

Although the City of Medford has a municipal court and prosecutor, the bulk of criminal prosecutions are handled by the DA's Office. The Medford Municipal Prosecutor can only prosecute violations and misdemeanors of the Medford Municipal Code (MMC). The MMC does include several crimes that Appendix E (the Tribe's socioeconomic impact study) considers "petty crimes," such as vandalism, "purse snatching, pick-pocketing, and other non-violent crimes." However, the MMC does not cover any felonies, nor does it address prostitution crimes. The Tribe's study indicates that criminal activity, including violent crime and prostitution, increases with the influx of new people, and is correlated with the siting of casinos. These crimes can only be prosecuted by the DA's Office, which directly impacts the County's resources. The DA's Office

A4-6

is responsible for many misdemeanors within the City of Medford, and is responsible for all felonies, including high-value theft cases, sex crimes, and violent crimes. The DEIS is silent on the potential impacts to the DA's Office.

A4-6
cont.

3. The DEIS Does Not Address Potential Impacts of Alternative A on the Jail

In addition to being largely responsible for the criminal prosecutions in Jackson County and within the City of Medford, the County is almost entirely financially responsible for the lodging of adults-in-custody. The City contracts with the County for use of eight adult jail beds; the remainder of adults (and juveniles) lodged in Jackson County are the sole financial responsibility of the County. Any increase in crime, especially violent and sex-related crimes, is likely to result in additional need for jail space. The DEIS does not address the potential costs to, and impacts on, the Jail if Alternative A were to be approved.

A4-7

Because the DEIS does not address the potential impacts on the County, JCSO, the DA's Office, or the Jail, the Tribe cannot reach the conclusion that the effect on public law enforcement services will be downgraded from significant to less-than-significant based only on the mitigation measures offered. The DEIS must address the impacts on JCSO and other County services, and must require the Tribe to negotiate with the County to reach agreements that increases in services and costs will be mitigated before it can appropriately find that potential effects on public law enforcement services will be less-than-significant.

C. Impacts on Fire Department and Emergency Medical Response

The DEIS anticipates an influx of patrons to the proposed casino, and a result of increased people is an increased likelihood of calls for service, particularly medical service. Jackson County works closely with Medford Fire and Rescue to respond to fire/life safety calls, and contracts with ambulance service providers to respond to medical calls. The DEIS does not address these potential impacts to the County, and specifically does not address potential impacts to Jackson County Fire District No. 5 or ambulance service contracts.

A4-8

III. Alternative B: Phoenix Site

Alternative B for the proposed action is located east of Interstate 5 and west of North Phoenix Road, on two parcels, identified as 38-1W-09A-100 and 38-1W-07-500, that are currently zoned for EFU and are in active use for cattle grazing. Unlike the Medford Site, this parcel is completely undeveloped and is largely within the County's jurisdiction. Alternative B is within the City of Phoenix's Urban Growth Boundary, but is outside of the Phoenix city limits. The effects of Alternative B on the County are outlined herein, and largely mirror the potential impacts discussed in Section II above.

A. Impact on Tax Revenue

As with Alternative A, the proposed action for Alternative B would require the transfer of the subject parcels into Federal Trust Status. Because the properties are zoned EFU, the tax revenue to the County was \$123.58 for tax year 2022, which is substantially lower than the revenue from the parcel in Alternative A. However, the potential for tax revenue on this site is quite high, as it lies within the Phoenix Urban Growth Boundary. If the property were to be developed for commercial or other use, in accordance with an expansion by the City of Phoenix, the taxable value would increase substantially. Transferring this property into Federal Trust Status would eliminate the County's ability to collect revenue on this property in the future which would, in turn, diminish the County's potential revenue

A4-9

from urbanized lands in the City of Phoenix. The DEIS does not address this loss of revenue to the County, nor has the Tribe discussed possible revenue alternatives with the County.

A4-9
cont.

B. Impacts on Criminal Justice and Law Enforcement Services

Unlike Alternative A, the properties in Alternative B are fully within the County's jurisdiction for purposes of law enforcement response. The DEIS is inconsistent in its acknowledgment of which agencies would provide services to the Phoenix Site. On page 3-65 of the DEIS, the Tribe indicates that the Phoenix Police Department "provides law enforcement services to the vicinity of the Phoenix site." However, on page 4-56, the DEIS indicates that "the Phoenix Site is within the service area of the Jackson County Sheriff's Office." The Tribe has not consulted with JCSO to determine which agency/agencies are responsible for the Phoenix Site, nor has the Tribe negotiated or reached any agreement to offset the potential impacts to JCSO.

As discussed more extensively in Section II, above, the impacts of the development of a casino at the Phoenix Site would very likely have a measurable impact on other criminal justice services, including the DA's Office and the Jail. Unlike Alternative A, which is located within the City of Medford and thus allows the City of Medford to share some of the burden of increased prosecution and jail costs, Alternative B is solely within the County's jurisdiction. Therefore, the DA's Office and the Jail would be directly affected by the proposed increases in calls for service, prosecution of related crimes, and lodging of adults and juveniles-in-custody. Although the DEIS provides that the Tribe will provide "on-site security measures," and a handful of other high-level mitigation measures, there have been no negotiations or agreements on what the mitigation measures look like, or how they will be implemented to offset the potential impact to the County.

A4-10

C. Impacts on Fire Department and Emergency Medical Response

The DEIS anticipates an influx of patrons to the proposed casino, and a result of increased people is an increased likelihood of calls for service, particularly medical service. Again, Alternative B is sited within Jackson County's jurisdiction. The DEIS does not adequately address potential impacts, stating only that "a potentially significant impact to Jackson County Fire District 5 would occur," but with "implementation of mitigation and BMPs . . . impacts would be addressed, and Alternative B would result in a less-than-significant effect on public fire protection and emergency medical services." DEIS page 4-56. Unless, and until, agreements are negotiated to implement these mitigation factors, the DEIS cannot reasonably conclude that the impacts to Jackson County will be "less than significant."

A4-11

IV. Impacts on Jackson County Health and Human Services Resulting From Alternatives A and B

HHS is the Local Public Health Authority and is responsible for providing public health and mental health services for all of Jackson County. In this role, HHS is particularly interested in, and affected by, community health and risk factors affecting the community and public health.

Gambling is a public health concern with a diverse impact on individual and community health. Those who gamble, harmfully or not, are embedded within an environment shaped by commercial, legislative, regulatory, and cultural forces that determine the availability and accessibility of gambling products and venues, as well as the advertising and promotion of gambling on a wide scale. Like other public health concerns, gambling is associated with wide-ranging harms and disproportionately affects vulnerable groups in ways that contribute to, and exacerbate, existing social inequalities. It also imposes a large economic burden on society. The causes of harm are multifactorial, reflecting an interplay of individual, social, and environmental processes.

A4-12

Establishing a casino in the County is a public health concern. The location of the proposed casino at Alternative A, right along South Pacific Highway, is in a lower socioeconomic area. Additionally, the proposed Alternative A is immediately adjacent to residential areas and a very large and active youth sporting complex, which will expose children and families to gambling. The ease of access to the casino in an urban area will introduce gambling to more individuals in our community and, as such, will likely result in an increase in the number of people with problem gambling and gambling disorder. There is currently only one facility in Jackson County that treats gambling addiction.

Based on the data compiled and reviewed by HHS staff, a casino in Jackson County would likely increase the number of suicides in the region, as well as generate increases in mental illness, stress, alcohol use and related harms and addictions, and secondhand smoke exposure and disease. These impacts, though briefly addressed in Appendix E of the DEIS, are not sufficiently discussed in the DEIS, nor are the potential impacts on HHS and the County addressed. HHS provides resources, treatment, and services to people in our community. Any expected increase in mental illness and substance use disorders will directly affect the resources and needs of HHS to continue to provide services in the community. The DEIS must address the impacts on HHS, and must require the Tribe to negotiate with the County to reach agreements that increases in services and costs will be mitigated.

A4-12
cont.

V. Alternative C: Expansion of the Mill Casino; and Alternative D: No Action

The remaining two options discussed in the DEIS are Alternative C: expanding the existing Mill Casino in Coos County; and Alternative D: no action/no development. Jackson County offers no position on either of these options, as neither position would likely impact Jackson County.

Thank you for your consideration. Please do not hesitate to contact us if you need additional information or have any questions.

Sincerely,

JACKSON COUNTY BOARD OF COMMISSIONERS

Colleen Roberts, Chair



Rick Dyer, Commissioner



Dave Dotterer, Commissioner

:jb/kk

By: Email Only

From: [Haug, Brian J](#) on behalf of [FY22, BIA CoquilleCasinoEIS](#)
To: [Shahrokhi, Alexander S](#)
Subject: FW: [EXTERNAL] Letter of Comments on the Draft Environmental Impact Statement for the Coquille Indian Tribe Fee-to-Trust and Gaming Facility Project
Date: Friday, February 17, 2023 2:56:35 PM
Attachments: [image.png](#)
[2023-02-14-Comments-Draft-Gaming-Facility-Signed.pdf](#)
[image.png](#)

Best regards,



Brian J. Haug, R.G. [he/him]

Regional Scientist

Bureau of Indian Affairs | [NW Regional Office](#)

Environmental & Cultural Resource Mgmt.

911 NE 11th Ave., Portland, Oregon 97232-4169 | m 503.347.0631

*"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

From: BOC-CAO_ADMIN <BoC-CAO_Admin@jacksoncounty.org>
Sent: Tuesday, February 14, 2023 9:58
To: FY22, BIA CoquilleCasinoEIS <CoquilleCasinoEIS@bia.gov>
Subject: [EXTERNAL] Letter of Comments on the Draft Environmental Impact Statement for the Coquille Indian Tribe Fee-to-Trust and Gaming Facility Project

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

Good Morning,

On behalf of the Jackson County Board of Commissioners, please see the attached Letter of Comments on the Draft Environmental Impact Statement for the Coquille Indian Tribe Fee-to-Trust and Gaming Facility Project.

Best Regards,

Megan Cook
Executive Assistant
Board of Commissioners
10 S Oakdale Room 214

Medford OR 97501
541-774-6116



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CITY ATTORNEY'S OFFICE

RECEIVED

MAR 1 2023

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

23ED-6028

February 23, 2023

via certified mail to

Bryan Mercier
Northwest Regional Director
Northwest Regional Office Bureau of Indian Affairs
911 Northeast 11th Avenue
Portland, OR 97232-4169

via email to

Brian Haug
Interim NEPA Coordinator
Bureau of Indian Affairs
Brian.Haug@bia.gov

Tobiah Mogavero
Bureau of Indian Affairs
CoquilleCasinoEIS@bia.gov

**Re: Coquille Indian Tribe Fee-to-Trust and Gaming Facility Project
Cooperating Agency City of Medford's Comments on Draft
Environmental Impact Statement (DEIS)**

Dear Director Mercier, Interim NEPA Coordinator Haug, and Mr. Mogavero:

The City of Medford is a cooperating agency with the Bureau of Indian Affairs (BIA) on the NEPA process and provides the following comments to the Draft Environmental Impact Statement ("DEIS") for the Coquille Indian Tribe's proposed casino project (the "Coquille Project") within the City of Medford. As a cooperating agency with BIA on the preparation of the Environmental Impact Statement (EIS) it is a purpose¹ of the cooperation to prepare an EIS that will properly address potential project-related environmental impacts, a full range of project alternatives, and effective and enforceable mitigation measures to mitigate the proposed project's environmental impacts.

A5-1

¹ See Purpose No. 4 of the Memorandum of Understanding (MOU) between the BIA and the City of Medford (Exhibit 1).



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The City remains fully committed to its cooperating agency responsibilities and will continue to share information with the BIA and technical expertise in the evaluation of the potential project-related environmental impacts. The BIA should not hesitate to request additional evaluation, updated information and/or any expertise from the City of Medford including its various Departments in the finalization of the EIS following comments on the DEIS.

In March of 2022, the Medford City Council approved a motion to direct staff to begin negotiating a Municipal Services Agreement (MSA) with the Coquille Tribe for the 2.42 acre parcel of land on South Pacific Highway to protect the City's financial interests. The City Council took no substantive position on the issue of whether the land should be placed into trust. Because the City of Medford's interests pertain almost exclusively to the effects of Alternative A in the DEIS the City's comments will focus on Alternative A and specifically effective and enforceable mitigation efforts. For the sake of clarity, any references to "the Project" in the following material are references specifically to Alternative A.

The City is aware that some residents of Medford are firmly in opposition of the proposed casino and other residents firmly support the project. The City also recognizes that there are firmly-held opinions on the question of whether a "one casino one tribe" policy exists in Oregon and whether this proposal would violate such a policy. Pursuant to federal guidance to entities commenting on a DEIS as part of a National Environmental Policy Act (NEPA) process, this letter will concisely address technical matters instead of addressing those policy issues or serving as a referendum on the project as a whole.²

A5-1
cont.

Thank you for the opportunity to comment. An appendix from each impacted department is attached. If you should have any questions, please feel free to contact this office and we can facilitate a dialogue with the City's appropriate subject matter experts.

Sincerely,

Alicia M. Wilson
Senior Assistant City Attorney

Eric B. Mitton
City Attorney

² <https://www.nm.blm.gov/cfo/HBIS/docs/Tips.pdf>



Appendix A: Public Works Department Comments

1. Transportation and Public Improvements

To effectively mitigate the transportation circulation, public access, transportation safety and neighborhood effects of the proposed project the City requests the project include improvements to Charlotte Ann to current city standards. Charlotte Ann Road is outside of the 2.4 acres proposed to be placed into trust but would be one of the parking lots serving the proposed casino. Pedestrians would walk across Charlotte Ann to access the proposed casino; as seen below; Charlotte Ann Road bisects the parking for the Project:



A5-2

Currently Charlotte Ann lacks curb, gutter and sidewalks. As seen in the photograph below, the existing parking lot and Charlotte Ann are not physically distinguished, creating risk of conflicts between pedestrians and vehicular traffic which the City identifies as a safety issue.



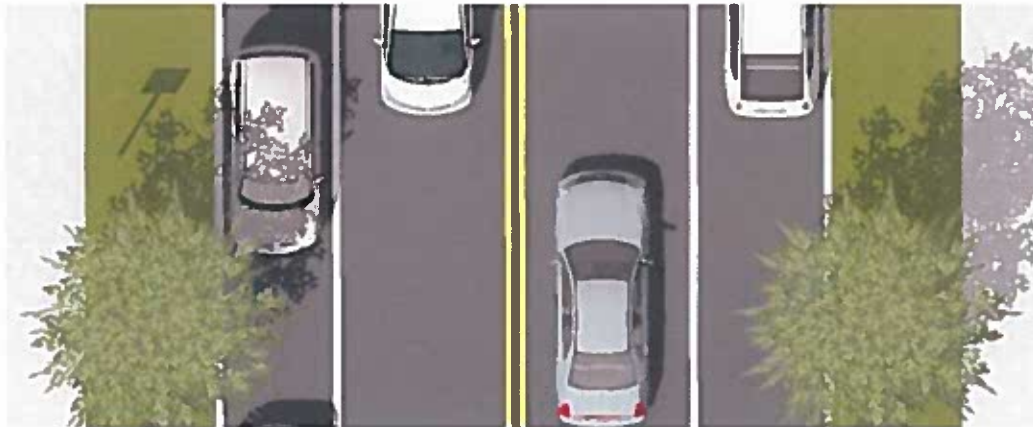
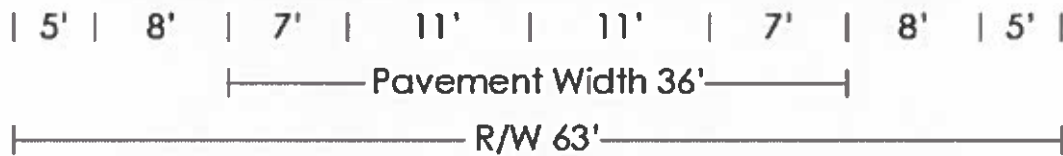
MEDFORD

CITY ATTORNEY'S OFFICE



To avoid conflicts between pedestrians and vehicular traffic, the City requests that Charlotte Ann Road be improved to City standards as part of this NEPA process, specifically Commercial Street standards as per MMC 10.429. This would require two 11' travel lanes, two 7' parking lanes, 8' planter strips and 5' sidewalks for an overall right-of-way of 63', as shown on the next page. These frontage improvements should be built along the entire frontage of the Medford Site's parcels which front along Charlotte Ann Road:

A5-2
cont.



Finally, it should be noted that the traffic impact analysis (TIA) included in the DEIS dates from 2019. This is substantially older than the City would accept from a developer in any other context, and predates the Almeda Fire and substantial development in the area of Alternative A. If there is no future public comment period, the City recognizes that requiring an updated TIA would be fruitless, as the City would not have any opportunity to review and comment on it. However, if this matter is substantially delayed again and an additional public comment period is anticipated, the City requests an updated TIA be required as part of that future process.

A5-3



2. Stormwater

The DEIS provides information that the proposed project would include either bioretention swales or a distributed pervious parking strip system. (See figures pg. 32 and pg. 33). The proposed project does not contain detailed plan sufficient to allow detailed comments. The DEIS refers to the standards in the Rogue Valley Stormwater Quality Design Manual. However there is an updated Manual. The City requests the Stormwater retention, detention and water quality systems installed meet the updated and current 2023 Rogue Valley Stormwater Quality Design Manual³ standards. Compliance with the specifications and requirements of this updated manual is necessary for the City to be compliant with its own MS4 permit. As such, there is significant importance in the Coquille Tribe designing and building stormwater detention and retention facilities to as described in the new manual.

A5-4

Sincerely,

John Vial
Public Works Director

³ <https://www.medfordoregon.gov/Government/Departments/Public-Works/Rogue-Valley-Stormwater-Design-Manual>



Appendix B: Building Department Comments

1. Applicable code

The DEIS states that the Project will follow the "applicable seismic codes and International Building Code" for construction purposes. (DEIS page 2-10). The City recommends that the Project instead follow "applicable seismic codes and the Oregon Structural Specialty Code based on the most current International Building Code" for construction purposes. This would make the substantive construction standards consistent with other similar development in Oregon.

A5-5

2. Independence of inspections

In communication with the Coquille Tribe, the Tribe asserted that it would follow the Coquille Indian Tribal Code in land development matters (addressing permitting and inspections). According to that code, the Tribe's own "Permit Administrator" would conduct all Building Code review of the Tribe's designs and building, except the following caveat exists:

"The Tribe may use an employee or contracted Code Reviewing firm to assess whether a permit application complies with applicable building and construction codes, including those identified in CITC 315.150. Coquille Indian Tribal Code 315.215(5)."

A5-6

The City recommends that the City of Medford Building Safety Department be delegated this authority, along with the authority to issue stop-work orders for noncompliance in order to ensure building safety of any construction.

The Building Safety Department cannot currently provide detailed comments as the DEIS does not contain any detailed building or landscaping plans for the remodel to the current site.

Sincerely,

Sam Barnum
Building Safety Director



Appendix C: Fire Department Comments

1. Corrections to DEIS

Section 3.10.5 of the DEIS (found starting at page 3-65) contains information about the Medford Fire Department that is roughly five years old. Updated information follows, and should be substituted for the description in the first paragraph of Section 3.10.5.

Medford Fire Department serves the 98,000 citizens who live within the City of Medford and Medford Rural Fire Protection District 2, a combined area encompassing 56 square miles. Medford Fire Department consists of five fire stations and a total of 84 personnel including firefighters, paramedics, emergency medical technicians (EMT), inspectors, administrative staff, and support staff. Medford Fire Department provides firefighting, emergency medical response, hazardous materials response, heavy rescue, and life safety services. In addition, specialists and resources provide services to neighboring communities through mutual aid agreements. The closest fire station to the Medford Site is Station #3, located 1.1 miles to the north near the corner of Siskiyou Boulevard and Highland Drive. Medford Fire Department has 25 apparatuses, which includes 11 engines/pumpers, two aerial ladder trucks, five brush rigs, one water tender, two battalion chief rigs, two hazardous materials trucks, and 2 utility terrain vehicle. In 2022, there were 13,958 total incident responses (Medford Fire Department, 2022). The nearest emergency room to the Medford Site is the Asante Rogue Regional Medical Center, located approximately 1.4 miles to the northeast at 2825 East Barnett Road.

A5-7

2. Proposed Mitigation

As mitigation, the City of Medford's Fire Department should have the right to access for routine fire-life-safety inspections, at least once per year, including access sufficient to verify that emergency egress is not obstructed or locked, and that fire suppression systems are in proper working order. Medford Fire Department should retain the ability to ensure that the building is being maintained in a way that will allow for safe civilian egress and safe first responder entry in case of such an emergency.

A5-8



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Second, just like with the Medford Police Department, the City anticipates additional demand for service for the Medford Fire Department. Staff supports requiring compensation to the Medford Fire Department to counterbalance increased calls for service; the appropriate amount is still under analysis and is expected to be determined through a municipal services agreement, the successful negotiation of which is necessary to address the impacts of the Project.

A5-9

Sincerely,

A handwritten signature in black ink, appearing to read 'Chase Browning'.

Chase Browning

Battalion Chief - Fire Marshal, Medford Fire Department



Appendix D: Planning Department Comments

The City of Medford's Land Development Code has provisions dealing with the size and permissible features of signs for all business along the South Pacific Highway. Having signage dramatically larger or more distracting than other signage in the area could be disruptive to the environment and depending on sign features could even distract drivers on South Pacific Highway. There is no specific signage information currently available for the proposed project besides a generic representation that "Signage would be architecturally compatible with the buildings and would be of appropriate size and content." (Page 2-17). The City recommends for mitigation the requirement to follow signage standards of the Medford Land Development Code's Article VI.

A5-10

On March 10, 2020 Oregon Governor Brown signed into effect Executive Order No. 20-04 directing State agencies to promulgate new administrative rules designed to reduce and regulate greenhouse gas emissions to affect climate change. That Order recognizes that:

"Climate change has a disproportionate effect on the physical, mental, financial and cultural wellbeing of impacted communities, such as Native American tribes, communities of color, rural communities, coastal communities, lower-income households, and other communities traditionally underrepresented in public processes, who typically have fewer resources for adapting to climate change and are therefore the most vulnerable to displacement, adverse health effects, job loss, property damage, and other effects of climate change..."

A5-11

This rulemaking is known as Climate Friendly and Equitable Communities (CFEC) rulemaking and includes changes to parking standards⁴ including maximum parking and infrastructure for electric charging stations for electric vehicle readiness⁵. The DEIS does not cite to this source of law for environmental compliance and does not analyze the proposed project under these standards.

⁴ See OAR 660-012-0405 through OAR 660-012-0445

⁵ OAR 660-012-0410 and ORS 455.417 (Oregon Building Code standards requiring the installation of electric conduit in new parking facilities).



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The City cannot currently provide more detailed comments as there are not currently any detailed building or landscaping plans for the remodel to the current site. It is unclear what, if any, type of paving or re-paving will be done to the surrounding parking lot sites or to what extent new parking lot(s) would be installed to serve the proposed project.

A5-11
cont.

Sincerely,

Kelly Akin

Assistant Planning Director



Appendix E: Police Department Comments

1. Corrections to DEIS

Section 3.10.4 of the DEIS (found at page 3-64) contains information about the Medford Police Department that is roughly five years old. Updated information, including the Department's new location, follows, and should be substituted for the description in the first paragraph of Section 3.10.4.

The Medford Police Department is located at 219 S Ivy St in Medford, approximately 2.3 miles northwest of the Medford site. The Medford Police Department is comprised of 115 sworn officers, 38 non-sworn civilian employees, 21 part-time employees (6 sworn and 15 non-sworn), and 22 volunteers. In 2022, the department handled 83,672 calls for service while investigating 20,977 cases; the top six reported offenses (not including traffic related offenses) were theft, trespassing, criminal mischief, disorderly conduct, harassment, and assault.

A5-12

Furthermore, the crime statistics in Table 3.10-1 (found at page 3-65) are similarly outdated. Reporting just 2017 and 2018 case statistics suggests a 16% drop cases that has not been sustained. Total cases are 20,632 for 2021 and 20,977 for 2022, as compared to the 17,761 cases for 2018.

1. Proposed Mitigation

The Medford Police Department has conducted some analysis including gathering calls for service data from comparable casinos in the Pacific Northwest. The Win River casino in Redding, California was determined to be a potential comparison given the comparable size casino located within a larger population city. Many casinos in Oregon are located in smaller and rural communities which are not comparable. The Win River casino in Redding California was the subject of 1,856 calls for service from 2019-2022. The five most frequent types of calls were traffic stop, petty theft report, warrant, vehicle check, and disturbance. These offenses go beyond and are separate from problem gambling mitigation efforts.

A5-13

The DEIS makes reference to private security being on-site "at all times during operation" and "an adequate level of on-site security at the site during all hours of operation" (see pages



MEDFORD
CITY ATTORNEY'S OFFICE

2-17). To mitigate burden on the Medford Police Department, the City supports this as an ongoing requirement.

Even with on-site security, Medford Police Department responses will be required for arrests and transport, and City resources will be required to prosecute cases in the Medford Municipal Court. The City expects to enter into a MSA with the Coquille Tribe for payments to the Medford Police Department for direct and indirect costs incurred in conjunction with providing law enforcement services to serve the proposed project. The successful negotiation of this MSA is necessary to address the impacts of the Project.

A5-13
cont.

Sincerely,

A handwritten signature in blue ink, appearing to read "D.J. Graham" followed by a long horizontal line and the number "617".

D.J. Graham
Deputy Chief of Operations, Medford Police Department



Appendix F: Deferral and Support for Other Agency Comments

Regarding issues related to Oregon Department of Transportation (ODOT) facilities, including South Pacific Highway and the Exit 27 interchange, the City defers and supports the comments and requests in the comments⁶ submitted by ODOT. ODOT similarly requests improvements, including to pedestrian facilities.

Regarding issues related to water the City defers to the Medford Water Commission. At this time the City is not aware of any Medford Water Commission related comments on the proposed project.

A5-14

Regarding issues related to the sewer capacity and the Wastewater Feasibility Study from April of 2016 in Appendix C the City defers to Rogue Valley Sewer Services (RVSS), although the City does express concern with the outdated nature of the information.

⁶ ODOT Comments attached as Exhibit 2

MEMORANDUM OF UNDERSTANDING
BETWEEN THE BUREAU OF INDIAN AFFAIRS,
LEAD AGENCY

AND

THE CITY OF MEDFORD,
COOPERATING AGENCY
FOR THE
COQUILLE INDIAN TRIBE FEE-TO-TRUST AND GAMING FACILITY PROJECT
ENVIRONMENTAL IMPACT STATEMENT

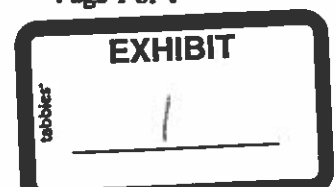
THIS MEMORANDUM OF UNDERSTANDING ("MOU") is entered into by and between the BUREAU OF INDIAN AFFAIRS ("BIA") an agency of the United States Government; and the CITY OF MEDFORD, a political subdivision of the State of Oregon ("City"). This MOU is entered into for the consultation, preparation, and review of an Environmental Impact Statement ("EIS") that will describe and analyze the potential environmental effects of the proposed Coquille Indian Tribe's Fee-to-Trust and Gaming Facility Project ("Project"). This MOU describes the agencies' ("signatories") respective responsibilities and procedures agreed to regarding completion of and EIS pursuant to the requirements of the National Environmental Policy Act ("NEPA"). The BIA is lead agency for purposes of NEPA. The City is a cooperating agency. The BIA acknowledges that the City has special expertise applicable to the EIS effort, as defined at 40 CFR 1508.26.

The cooperating agency relationship established through this MOU shall be governed by all applicable statutes, regulations, and policies, including the Council on Environmental Quality's ("CEQ's") NEPA regulations (including 40 CFR 1501.6 and 1508.5), the Department of the Interior's ("Department's") NEPA regulations (including 43 CFR 46.225 and 46.230), the Department Manual (516 DM 10), the Department of Indian Affairs Manual (59 IAM 3) and the BIA NEPA Guidebook (59 IAM 3-H).

I. PURPOSE

The purpose of this MOU is:

- 1) to confirm the designation of the City as a cooperating agency in the preparation of the EIS;
- 2) to define the City's role regarding the EIS;
- 3) to clarify the signatories responsibilities and commitments in the preparation of the EIS;
- 4) to prepare an EIS that will properly address potential project-related environmental impacts, a full range of project alternatives, and effective and enforceable mitigation measures to mitigate the proposed project's environmental impacts; and
- 5) to provide a framework for cooperation and coordination among the signatories to facilitate completion of the NEPA process.



II. REGULATORY CRITERIA

Under the policies, directives, plans, and operations of the BIA, and under NEPA (42 U.S.C. 4371 et seq.) the BIA, as Federal lead agency, has the authority to designate cooperating agencies to assist in the preparation and review of the EIS.

Following the directives of NEPA, the signatories to this MOU shall cooperate fully and share information and technical expertise to evaluate the potential environmental effects of the proposed action and its alternatives. Each signatory shall give full recognition and respect to the authority, expertise, and responsibility of others. Participation in this MOU does not imply endorsement of the proposed project, nor does it abridge the independent review of the Draft and Final environmental documents by the City or the ability of the City to seek judicial review of the EIS or the proposed action on the project. The City acknowledges that the BIA has the responsibility under NEPA for the content of the Draft and Final EIS and its conclusion.

III. PROCEDURES

1. The BIA is the Federal lead agency for this project. It is ultimately responsible for the preparation of the Draft and Final EISs and for assuring compliance with the requirements of NEPA. Although the BIA agrees to give full respect and recognition to the jurisdiction and special expertise of the City, the BIA is responsible for considering impacts to the quality of the human environment associated with the proposed project. BIA cannot delegate its core NEPA responsibilities to the City. In meeting these responsibilities, the BIA will consider and use the comments, recommendations, data, environmental analyses, proposals, and special expertise of the City to the maximum extent possible consistent with its responsibility as lead agency.
2. BIA, as lead agency, retains ultimate responsibility for the EIS content. This responsibility includes defining the issues, determining purpose and need of the project, selecting or approving alternatives and mitigation measures, reviewing any required modification of the EIS, responding to comments on the Draft EIS and retaining responsibility for the conclusions of the environmental analysis.
3. The signatories' goal is to prepare an EIS that fully discloses the project-related and cumulative impacts of the proposed action and provides a thorough discussion of a reasonable range of alternatives to the project and enforceable measures to effectively mitigate the significant environmental impacts. Accordingly, the City is to participate in the NEPA process at the earliest appropriate time, identify potential environmental impacts, mitigation measures, and possible alternatives to the project, review and comment on administrative drafts of the Draft and Final EIS, exchange relevant information throughout the EIS process, and submit independent recommendations to the BIA on the Draft and Final EIS. The City will not be responsible for the actual preparation of any portion of the EIS or related technical reports; however the City will provide comments to the BIA on administrative drafts of the Draft and Final EISs.
4. The procedures for EIS development and interagency coordination contained in NEPA are incorporated herein by reference.

5. As appropriate, and to enhance the effectiveness of this MOU, the BIA will work with the cooperating agencies to ensure access to BIA expertise, data, information, analyses, and comments received.
6. Each signatory will identify a Point of Contact (POC) for coordination and consistency on this project. The signatories will make every effort to maintain the same POC through the duration of the NEPA process. If reassignment of the POC becomes necessary, the agency will notify the MOU signatories of said change. In such cases, previous official written agreement and positions will not be revisited, unless there is significant new information or significant changes to the project, the environment, or laws and regulations.
7. The City will keep confidential and protect from public disclosure any and all draft documents received prior to determination by either, the BIA or a court of competent jurisdiction, of the suitability of the documents for public review or release pursuant to the Federal Freedom of Information Act (FOIA).
8. The signatories agree not to employ the services of any representative or party having a financial interest in the outcome of the proposed project. The City will take all necessary steps to ensure that no conflict of interest exists within its consultants, counsel, or representatives employed in this undertaking.

IV. ADMINISTRATION

1. Nothing in this MOU will construed as affecting the authority of the BIA and City beyond those agreements contained within this MOU.
2. This MOU does not obligate the BIA, or the City to provide funding for cooperating agency involvement in this effort nor does it require the BIA or the City to obligate or expend funds.
3. This MOU shall be terminated when the BIA issues a Record of Decision or for reasons of good cause upon 30 days prior written notice. An example of good cause is the applicant's withdrawal of the application for the proposed action.
4. The BIA or the City may request a modification of this MOU at any time. Both signatories will consider the proposed changes, and may upon mutual agreement, adopt the proposed changes by written amendment of this MOU. The signatory that proposes the change shall provide copies of the adopted revised MOU to the other signatory.

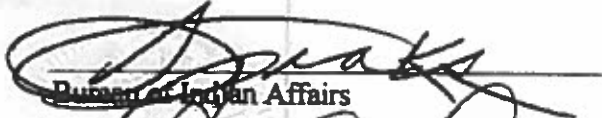
V. POINTS OF CONTACT

The signatories Points of Contact and preferred methods of communication are as follows:

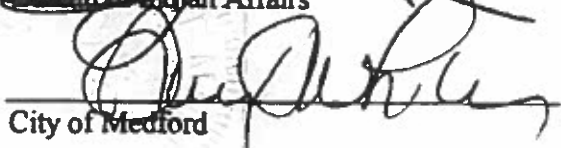
**Bureau of Indian Affairs: Dr. BJ Howerton, (503) 231-6749 or (202) 219-4066,
BJ.Howerton@bia.gov**

City of Medford:

VI. AGREEMENT TO PARTICIPATE IN THIS MOU


Department of Indian Affairs

8/13/2015
Date


City of Medford

10-1-2015
Date

EXHIBIT

tabbles

1



Oregon

Tina Kotek, Governor

Department of Transportation
Region 3 Planning and Programming
100 Antelope Drive
White City, Oregon 97503
Phone: (541) 774-6299

January 31, 2023

Tobiah Mogavero
Bureau of Indian Affairs
Northwest Regional Office
911 Northeast 11th Avenue
Portland, OR 97232-4169

Re: Draft Environmental Impact Statement for Coquille Casino Project

Dear Tobiah,

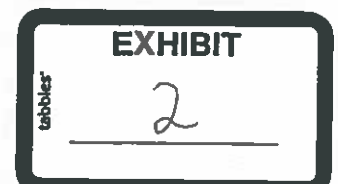
Thank you for providing the Oregon Department of Transportation (ODOT) with the opportunity to provide comments associated with the Draft Environmental Impact Statement (DEIS) of the Coquille Indian Tribe's (Tribe) application for a proposed 2.4-acre fee to trust transfer and gaming facility adjacent to Oregon State Highway 99 in Medford. We request the Tribe take the following information into consideration.

- I. As noted on page 1-5 of the DEIS, approval of Access Permits to Highway 99 are required prior to legal access to the State Highway. A Misc./Utility Permit is required prior to any disturbance within the State Right of Way, and a Drainage Permit is required for connection to drainage facilities. Please contact District 8 Permit specialist Julee Scruggs at Julee.Y.SCRUGGS@odot.state.or.us or 541.864.8811 when the Tribe is ready to discuss the permit application process.
- II. ODOT requests installation of frontage improvements consistent with the 2015 OR 99 Rogue Valley Corridor Plan along the State Highway, including sidewalk, additional Right of Way for future bike lanes, and other features to improve mobility, multimodal access, livability and safety throughout the corridor.
- III. All pedestrian ramps along Highway 99 should be designed to meet current ADA standards.
- IV. ODOT will need to approve a drainage study prepared by an Oregon Registered Professional Engineer.

Please feel free to contact me at Micah.HOROWITZ@odot.state.or.us or 541-774-6331, should you have any questions or concerns.

Sincerely,

Micah Horowitz, AICP
Senior Transportation Planner





CITY OF MEDFORD
Office of the City Attorney
411 W. 8th Street
Medford, Oregon 97501-3188

Bryan Mercier
Northwest Regional Director
Northwest Regional Office Bureau of Indian Affairs
911 Northeast 11th Avenue
Portland OR 97232-4169

www.ci.medford.or.us



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

1200 Sixth Avenue, Suite 155, 14-D12
Seattle, WA 98101-3144

REGIONAL
ADMINISTRATOR'S
DIVISION

February 23, 2023

Bryan Mercier, Northwest Regional Director
Bureau of Indian Affairs, Northwest Region
911 Northeast 11th Avenue
Portland, Oregon 97232-4169

Dear Mr. Mercier:

The U.S. Environmental Protection Agency has reviewed Bureau of Indian Affairs' November 2022 Draft Environmental Impact Statement for the Coquille Fee to Trust and Gaming Facility Project (EPA Project Number 15-0008-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.

The DEIS evaluates the potential environmental impacts associated with putting fee land into federal trust and the establishment of a gaming facility by the Coquille Tribe in the State of Oregon. The DEIS identifies and evaluates 4 alternatives: the conversion and expansion of Roxy Anne Lanes bowling alley in Medford, Oregon (Alternative A); building of a gaming facility on vacant land in Phoenix, Oregon (Alternative B); and the expansion of the Coquille Tribe's existing Mill Casino in North Bend, Oregon (Alternative C); and a No Action Alternative (Alternative D).

EPA has not identified significant environmental concerns with the DEIS. In reviewing the DEIS, EPA identified recommendations for further improving the NEPA analysis related to air quality, green stormwater infrastructure, traffic impact analysis, wildlife impacts, greenhouse gases and climate change considerations, and environmental justice. These recommendations can be found in detail in the enclosure.

Thank you for the opportunity to review the DEIS for this project. If you have questions about this review, please contact Scott Schlieff of my staff at (206) 553-4032 and Schlieff.Scott@epa.gov or me, at (206) 553-1774 or at Chu.Rebecca@epa.gov.

Sincerely,

Rebecca Chu, Chief
Policy and Environmental Review Branch

Enclosure

A6-1

U.S. EPA Detailed Comments
Coquille Fee-to-Trust and Gaming Facility Project DEIS
Jackson County, Oregon
February 2023

Air Quality

EPA recommends the Final EIS (FEIS) including the background design concentrations for the criteria air pollutants for the areas surrounding the project locations for all three of the action alternatives. These are not currently disclosed in the DEIS or in Appendix N. EPA recommends utilizing the background concentration lookup tool provided by the NW-AIRQUEST group¹, or similar tool to provide this data.

A6-2

EPA recommends utilizing MOVES3² as opposed to MOVES2014 for emissions modeling as MOVES3 is the latest version of the program that is available and the two-year grace period for transitioning to MOVES3 from MOVES2014 lapsed as of January 7th, 2023³.

In Section 3.4.2, the DEIS states the primary emissions are CO, NO₂, and O₃. Ozone is not an air pollutant emitted in any significant amounts but is the product of chemical reaction in the atmosphere. Particulate Matter (PM) is emitted in significant quantities in this area and EPA recommends including it in this section as well. EPA's EJScreen 2.1⁴ indicates that the region within a 1-mile radius of the locations for Alternative B and Alternative C is above the 90th percentile. EPA considers a community to have potential environmental justice concerns when EJScreen indices exceed the 80th percentile. In the event that multiple indices approach, but do not necessarily surpass the 80th percentile, there may still be communities with potential environmental justice concerns due to the cumulative impacts of each of the individual stressors and how they may interact and exacerbate one another. Furthermore, EPA recommends expanding the reference to NO₂ to NO_x emissions to ensure it includes the full the range of emitted NO₂ precursors.

A6-3

Green Infrastructure

NEPA requires that the analysis consider the direct, indirect, and cumulative effects of the proposed action⁵.

All the action alternatives (Alternatives A, B, and C) require additional structures and/or paving to accommodate parking for the facility, increasing the amount of impervious surfaces and stormwater runoff.

Where the proposed action requires Clean Water Act permitting: EPA notes that in February 2022, EPA updated its Construction General Permit (CGP) with several key requirements⁶, which include the development of a Stormwater Pollution Prevention Plan, implementation of erosion and sediment controls and pollution prevention practices throughout the entire construction project, and various inspection, maintenance, and documentation requirements.

A6-4

¹ <https://lar.wsu.edu/nw-airquest/>. Accessed 2/23/2023.

² <https://www.epa.gov/moves/moves-versions-limited-current-use#note>. Accessed 2/23/2023.

³ <https://www.govinfo.gov/content/pkg/FR-2021-01-07/pdf/2021-00023.pdf>. Accessed 2/23/2023.

⁴ <https://www.epa.gov/ejscreen>. Accessed 2/23/2023.

⁵ <https://www.govinfo.gov/app/details/CFR-2010-title40-vol32/CFR-2010-title40-vol32-sec1508-25>. Accessed 2/23/2023.

⁶ <https://www.epa.gov/npdes/2022-construction-general-permit-cgp>. Accessed 2/23/2023.

Table 2-5 of the DEIS details some of the considerations and Best Management Practices (BMPs) for Alternative A to reduce potential stormwater impacts to water resources and water quality. Appendix D states that the development of Alternative A would lead to a 700% increase in water usage for irrigation over the current 300 gallons per day that is currently estimated for the existing Roxy Ann Lanes facility. Considering these potential impacts, EPA recommends the FEIS include additional mechanisms to minimize impacts such as green infrastructure technologies. EPA has a list of green infrastructure technologies and ideas that could be incorporated into the development of Alternatives A, B, and C for the FEIS⁷. These technologies include permeable paving systems, rainwater harvesting ideas, and information on bioswales that may be useful for reducing the impacts of development.

A6-4
cont.

The NEPA analysis should include reasonably foreseeable environmental trends⁸, such as the consideration of climate change projections. EPA recommends the FEIS include consideration of climate change scenarios that may impact the success of some of proposed green infrastructure mitigation measures and include additional measures, e.g., strategic use of drought tolerant species in the landscape design better suited to dealing with hotter and drier conditions and requiring less irrigation. USDA's plant database may be a useful resource in selecting plant species with low water requirements⁹.

Traffic Impacts

Section 4.8 of the DEIS discusses transportation and circulation impacts for each of the alternatives. Increase in traffic can result in additional impacts to air quality, as well as pollutants via stormwater runoff. Air quality impacts related to increased vehicular traffic have the potential to impact human health¹⁰. Increase traffic to the project area may also lead to increased issues related to water quality issues due to stormwater runoff from roadways.

EPA recommends that the FEIS include opportunities to mitigate the environmental impacts from the anticipated traffic impacts, including promotions for reducing single occupancy vehicles, such as:

A6-5

- Offering employee incentives/benefits for alternatives to single occupancy use trips to the casino, such as subsidies/reimbursements for public transit use, biking, or carpooling/vanpooling.
- Offering an EV shuttle service for visitors to/from major destinations (hotels, airport, train station, etc.).

Wildlife Impacts

In describing the proposed projects potential impacts to wildlife, the DEIS identifies permitting and approval requirements from the National Oceanic and Atmospheric Administration (NOAA) National Marine Fisheries Service. Bear Creek is listed as 303d listed as impaired for fish and aquatic life, fishing, and contact recreation¹¹. The Oregon Department of Environmental Quality lists the impairments as pertaining to E. coli, fecal coliform, pH, and temperature¹². NOAA Fisheries also lists the watershed as Essential Fish Habitat under the Magnuson Stevens Fishery Conservation and

A6-6

⁷ <https://www.epa.gov/green-infrastructure/what-green-infrastructure#Greenparking>. Accessed 2/23/2023.

⁸ <https://ceq.doe.gov/docs/laws-regulations/NEPA-Implementing-Regulations-Desk-Reference-2022.pdf>. Accessed 2/23/2023.

⁹ <https://www.epa.gov/watersense/what-plant>. Accessed 2/23/2023.

¹⁰ <https://www.epa.gov/mobile-source-pollution/how-mobile-source-pollution-affects-your-health>. Accessed 2/23/2023.

¹¹ https://mywaterway.epa.gov/waterbody-report/OREGONDEQ/OR_WS_171003080110_02_105768/2022. Accessed 2/23/2023.

¹² https://www.deq.state.or.us/psc/pdf/AssessmentSummaries/2022_IR_Assessment_Unit_report-OR_WS_171003080110_02_105768.html. Accessed 2/23/2023.

Management Act for Coho and Chinook Salmon¹³. EPA recommends that the FEIS include verification that there are no additional threatened or endangered species or critical habitat associated with the Endangered Species Act with the U.S. Fish and Wildlife Service. Additionally, EPA recommends that in the development of the FEIS that BIA utilizes Oregon Department of Fish and Wildlife’s Compass database¹⁴, or similar tools, to help with identifying the location and potential impacts to State listed species of concern, and species currently undergoing conservation efforts.

A6-6
cont.

The DEIS also discusses how wildlife surveys of the Phoenix site were conducted in 2015, however, they were done from the periphery of the Site due to access issues. EPA recommends the FEIS include updated data for this site and a more detailed assessment to determine the presence or absence of species of potential concern.

A6-7

Greenhouse Gases and Climate Change

EPA appreciates the discussion regarding the greenhouse gas emissions and climate change that was included in the DEIS.

On January 9, 2023, Council on Environmental Quality published interim guidance to assist federal agencies in assessing and disclosing climate change impacts during environmental reviews¹⁵. CEQ developed this guidance in response to EO 13990, *Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis*. The interim guidance is effective immediately. CEQ indicated that agencies 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.

A6-8

EPA recommends the FEIS include descriptions of any considerations made regarding the recently issued CEQ Guidance to the ongoing NEPA process, including considerations of potential climate impacts, mitigation, and adaptation issues.

Environmental Justice

The DEIS discussion of environmental justice considered racial composition and income level of the communities near the locations of each of the alternatives, concluding that “no minority communities have been identified in the vicinity of any of the alternative sites.” The data utilized for this analysis is based on the 2010-2014 American Community Survey Data from 2010 to 2014. Subsequent to that timeframe, developments have been constructed in the vicinity of the proposed project area, such as the Charles Point Apartment complex directly next to the location for Alternative A that was not finished until 2015.

A6-9

Additionally, EPA has updated its Environmental Justice screening tool, EJScreen 2.1¹⁶, which is a valuable tool in assessing where communities may face environmental justice concerns. Another more recent screening tool, the Climate and Economic Justice Screening Tool¹⁷, identifies Census tract 41029001601, the tract containing the site for Alternative A, as a disadvantaged community due to

¹³ https://www.habitat.noaa.gov/apps/efhmapper/?data_id=dataSource_13-17aa6b26e62-layer-55-westcoast_salmon_efh%3A139&page=page_4&views=view_31. Accessed 2/23/2023.

¹⁴ <https://www.dfw.state.or.us/maps/compass/>. Accessed 2/23/2023.

¹⁵ <https://www.federalregister.gov/documents/2023/01/09/2023-00158/national-environmental-policy-act-guidance-on-consideration-of-greenhouse-gas-emissions-and-climate>. Accessed 2/23/2023.

¹⁶ <https://ejscreen.epa.gov/mapper/>. Accessed 2/23/2023.

¹⁷ <https://screeningtool.geoplatform.gov/en/#3/33.47/-97.5>. Accessed 2/23/2023.

multiple environmental burden and socioeconomic indicators being over the percentile thresholds for those given metrics. These environmental burden and socioeconomic indicators include potential flood risk, PM 2.5 exposure, and heart disease rates occurring in a low-income community with high unemployment rates.

Given the recently available tools and data for identifying where environmental justice concerns may exist within the project area: EPA recommends the FEIS include an updated analysis for identifying communities with potential environmental justice concerns and discussion of how the proposed project's impacts these communities. When conducting the analysis, EPA recommends looking at areas beyond the census tracts that contain the sites for the various action alternatives. EPA recommends identifying and conducting the analysis on all block groups within a one-mile radius of each of the project sites to determine if there are communities that exceed the State or National 80th percentile. Census block groups are a smaller unit of measurement than census tracts and therefore less likely to mask smaller communities that may have EJ concerns. EJScreen results near the project site for Alternative A indicate that Census Block Groups 410290016012, 410290016013, 410290016022, 410290001002, 410290002031, and 410290006051 all have communities whose EJ indices exceed the 80th percentile for the State of Oregon or National level for one or more of the metrics. EPA recommends the NEPA analysis examine whether the proposed project will result in direct, indirect, or cumulative impacts that may be considered disproportionately high and adverse.

Executive Order 12898 directs federal agencies to identify and address the disproportionately high and adverse human health or environmental effects of their actions on minority and low-income populations, *to the greatest extent practicable* and permitted by law. To adequately address environmental justice concerns, the first step is to ensure that the proposed project area identifies where those concerns exist, including selection of the appropriate level of geographic analysis. The appropriate units of geographic analysis are a neighborhood census tract and its similar unit, block groups. Analyzing at the block group level prevents artificial dilution (or inflation) of the affected minority and low-income populations when no affected population are found at the census tract level.

When considering the impacts to communities with potential EJ concerns, EPA recommends considering both the adverse and beneficial impacts of a project, as well as any mitigation measures that will be used to address these impacts. EPA also recommends that the final NEPA analysis include the details for meaningful engagement that was conducted in communities where EJ concerns exist. Details should include the community engagement strategy, issues raised during consultation, and how the issues are being addressed in the project development. Additionally, EPA recommends discussing how impacts from the project will be monitored in the future and what adaptive management strategies will be utilized to mitigate them. For additional information on analyzing and addressing these impacts, EPA recommends using our Promising Practices for EJ Methodologies in NEPA Reviews document¹⁸

A6-9
cont.

¹⁸ https://www.epa.gov/sites/default/files/2016-08/documents/nepa_promising_practices_document_2016.pdf. Accessed 2/23/2023.

From: Schlieff, Scott <Schlieff.Scott@epa.gov>
Sent: Thursday, February 23, 2023 2:12 PM
To: FY22, BIA CoquilleCasinoEIS <CoquilleCasinoEIS@bia.gov>
Subject: [EXTERNAL] DEIS Comments, Coquille Tribe Medford Gaming Facility Project

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

Greetings Mr. Mogavero,

Please find the attached comment letter from EPA, Region 10, regarding the DEIS for the Coquille Fee to Trust and Gaming Facility Project. If you have any questions regarding our comments, please feel free to contact me.

Respectfully,

Scott Schlieff (He/Him)

Policy and Environmental Review Branch

U.S. Environmental Protection Agency, Region 10

Schlieff.Scott@EPA.Gov

Work: (206)-553-4032

Check out [R10's New Environmental Justice Sharepoint Site](#) | *Submit NEPA environmental review documents to R10-NEPA@epa.gov*



**COW CREEK BAND OF UMPQUA TRIBE OF INDIANS
GOVERNMENT OFFICES**

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**Phone: 541-672-9405
Fax: 541-673-0432**

November 30, 2022

VIA U.S. CERTIFIED MAIL TO

Mr. Bryan Mercier
Northwest Regional Director
Bureau of Indian Affairs, Northwest Region
U.S. Department of the Interior
911 Northeast 11th Avenue
Portland, Oregon 97232-4165

& BY EMAIL TO

Mr. Brian Haug
Regional Scientist/Interim NEPA Coordinator
Bureau of Indian Affairs
CoquilleCasinoEIS@bia.gov

Re: Request for Continuance of Public Hearing and Extension of Time for
Submission of DEIS Comments, Coquille Indian Tribe Fee-to-Trust and
Gaming Facility Project

Dear Director Mercier and Interim NEPA Coordinator Haug:

The Cow Creek Band of Umpqua Tribe of Indians (“Cow Creek Tribe”) will be submitting comments on the Draft Environmental Impact Statement (“DEIS”), assessing the environmental impacts of the Coquille Indian Tribe’s (“Coquille”) application for a proposed 2.4-acre fee-to-trust transfer and casino project in the City of Medford, Jackson County, Oregon (“Coquille Project”), which was made available by publication of notice in the Federal Register on November 25, 2022.

Currently, a virtual public hearing is scheduled to occur in two and a half weeks, on December 15, 2022, and the Notice of Availability provides that the deadline to submit public comments on the DEIS is January 9, 2023. The DEIS consists of 1919 pages of information that the Cow Creek Tribe is diligently working on analyzing. However, as explained in more detail below, the current hearing date and deadline for comments do not

provide sufficient time for the Cow Creek Tribe, and other interested parties, to meaningfully participate in the public comment process. The Cow Creek Tribe respectfully requests that you continue the hearing to January 17, 2023, or later, and extend the deadline for comments by forty-six (46) days, to Monday, February 27, 2023.

An extension is within the BIA's authority. "An agency may grant requests to extend the comment period to ensure enough time for the public and other agencies to review and comment." Council on Environmental Quality, A Citizen's Guide to NEPA, p. 20 (January 2021); *see also* 40 CFR § 1506.11(e). Recognizing the complexity of the Coquille Project, the BIA has granted extensions in the past. *See* Extension of Time to Respond to the Notice of Intent for the Proposed Coquille Indian Tribe Fee-to-Trust and Gaming Facility Project, dated February 19, 2015.

Public Comments are Critical to DEIS. As recognized in the Bureau of Indian Affairs' National Environmental Policy Act Guidebook ("NEPA Guidebook"), "[p]ublic involvement is critical in the preparation of an EIS." p. 29, 59 IAM 3-H (August 2012). The NEPA Guidebook stresses that "an adequate opportunity must be given to allow for public comment through notices, hearings, and public meetings" *Id.* Agencies are required to "[m]ake diligent efforts to involve the public in preparing and implementing their NEPA procedures." 40 CFR § 1506.6(a). Further, "[t]o promote informed decision making, comments on an environmental impact statement ... shall be as specific as possible, ... and shall provide as much detail as necessary to meaningfully participate and fully inform the agency of the commenter's position." 40 CFR § 1503.3(a). The BIA should recognize the importance of the public comment process and provide the public with sufficient time to develop meaningful comments.

Coordination of Necessary Resources. We anticipate that the Coquille Project will have a profound impact on the Cow Creek Tribe, necessitating careful consideration. The review, analysis and preparation of comments on the Coquille Project and the almost two thousand pages of the DEIS will require the investment of significant time and resources of the Cow Creek Tribe. Personnel from across our different government departments will need to coordinate their time, efforts and work product. Particularly considering the time of year, the current deadlines do not provide sufficient time for this necessary coordinated effort to occur.

Timing of Publication. The DEIS is dated July 2022. Accordingly, it is clear that the analysis of the Coquille Project was completed this summer. However, the DEIS was not published until November 26, 2022, the day after Thanksgiving. The strategic timing of the publication of the DEIS ensures that the majority of the public comment period will occur during the holidays. This will tax the resources of the Cow Creek Tribe and many other public agencies. The analysis of the DEIS requires the Cow Creek Tribe to coordinate with staff among many different departments. Many of those staff members are now traveling and many more will be unavailable for portions of December. The Cow Creek Tribe is not unique in this way; we anticipate the same scheduling issues will arise across the breadth of members of the public who wish to meaningfully participate in this process. Therefore, we request extra time to ensure that an adequate amount of time is given to the public in order to develop meaningful comments.

T1-1
cont.

Inadequate Information and Consultation. There has been very little publicly available information on the Coquille Project. The Scoping Report that formed the basis for the DEIS was published in June of 2015. It is severely outdated. More importantly, however, the Scoping Report is based on a project with a significantly smaller scope. The Scoping Report described the proposed action as “the transfer of a 2.4-acre parcel from fee to trust status, upon which the Tribe would renovate an existing bowling alley to convert it into a gaming facility with a bar/deli.” However, the current proposed action for the parcel is a much larger project and now includes a 111-room hotel (construction of which began prior to the completion of NEPA) currently operating as the Compass Hotel Medford by Margaritaville, featuring both a pool and a bar and grill. The current proposed action is a significant departure from what was previously contemplated. The DEIS is the first substantive, up to date, information that has been made available about the Coquille Project in seven years. The processing of this vast amount of new information requires time.

T1-2

On February 12, 2015, the BIA “decided not to extend cooperating agency status to the Cow Creek Band” but pledged to consult with us as an affected local government. See 25 CFR § 151.11(d). Regrettably, the federal government has not consulted with or afforded information to the Cow Creek Tribe in relation to the Coquille Project, as promised or required by applicable federal law and agency policy. The Cow Creek Tribe has also attempted to obtain information about the Coquille Project through the Freedom of Information Act (“FOIA”) process, but Interior’s Office of Indian Gaming has taken as long as four years to respond to certain of our FOIA requests. Many of our FOIA requests remain outstanding as of this writing. This federal void of tribal consultation and information sharing underscores why, in hope that our concerns about the Coquille Project will be considered, we deserve an extension of time to comment on the DEIS.

T1-3

The deadlines for public involvement should be modified in order to allow the public to participate in the process as NEPA’s statutes and regulations require: to allow for the development of meaningful and substantive comments. Again, we respectfully request that you continue the hearing to January 17, 2023, or later, and extend the deadline for comments by forty-six (46) days, to Monday, February 27, 2023.

T1-4

Thank you for your consideration.

Sincerely,



Carla Keene, Chairman
Cow Creek Band of Umpqua Tribe of Indian

cc: Bryan Newland, Assistant Secretary – Indian Affairs, via email
bryan_newland@ios.doi.gov

Bryan Mercier, NW Regional Director for Bureau of Indian Affairs, via email
bryan.mercier@bia.gov

Karuk Community Health Clinic

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Karuk Tribe**Administrative Office**

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 64236 Second Avenue • Post Office Box 1016 • Happy Camp, CA 96039

Karuk Dental Clinic

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 Phone: (530) 493-2201
 Fax: (530) 493-5364

December 5, 2022

Mr. Bryan Mercier
 Northwest Regional Director
 Bureau of Indian Affairs, Northwest Region
 U.S. Department of the Interior
 911 Northeast 11th Avenue
 Portland, Oregon 97232-4165
bryan.mercier@bia.gov

Mr. Brian Haug
 Regional Scientist/Interim NEPA Coordinator
 Bureau of Indian Affairs
CoquilleCasinoEIS@bia.gov

Re: Cancellation of Public Hearing and Extension of Time for Submission of
 DEIS Comments, Coquille Indian Tribe Fee-to-Trust and Gaming Facility
 Project

Dear Director Mercier and Interim NEPA Coordinator Haug:

I write on behalf of the Karuk Tribe. We will be submitting comments on the Draft Environmental Impact Statement (“DEIS”), assessing the environmental impacts of the Coquille Indian Tribe’s (“Coquille”) application for a proposed 2.4-acre fee-to-trust transfer and casino project in the City of Medford, Jackson County, Oregon (“Coquille Project”), which was made available by publication of notice in the Federal Register on November 25, 2022. We respectfully request that you cancel the scheduled hearing and extend the deadline for comments until we have had the opportunity to meet with your offices.

T2-1

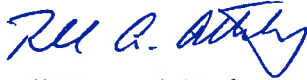
By Coquille’s own admissions, their off-reservation casino will result in **a 27.2% reduction** in Karuk governmental gaming revenue, effectively the sole source of revenue for providing essential governmental services to our people. See DEIS, Table 4.7-6. Coquille’s numbers are not accurate and underestimate the harm to Karuk. You are embarking on a DEIS process that will result in the termination or decimation of government revenue at three Tribal facilities: Karuk, Klamath, and Cow Creek. This is not the behavior of a Trustee. Before you seek to close three Tribal gaming operations to

T2-2

benefit a single Tribe, 150 miles from its homelands, we request you meet your fiduciary obligations to the Karuk Tribe.

Thank you for your consideration.

Sincerely,



Russell "Buster" Attebery
Chairman
Karuk Tribe

cc: Bryan Newland, Assistant Secretary – Indian Affairs, via email
bryan_newland@ios.doi.gov



**CONFEDERATED TRIBES OF
COOS, LOWER UMPQUA AND SIUSLAW INDIANS
TRIBAL GOVERNMENT**

1245 Fulton Avenue - Coos Bay, OR 97420
Telephone: (541)888-9577 Toll Free 1-888-280-0726 Fax: (541)888-2853

December 5, 2022

Bryan Mercier
Northwest Regional Director
Bureau of Indian Affairs, Northwest Region
U.S. Department of the Interior
911 Northeast 11th Avenue
Portland, Oregon 97232-4165

& BY EMAIL TO

Brian Haug
Regional Scientist/Interim NEPA Coordinator
Bureau of Indian Affairs
CoquilleCasinoEIS@bia.gov

**RE: Request for Continuance of Public Hearing and Extension of Comment
Period for Coquille Indian Tribe Fee-to-Trust and Gaming Facility Project**

Dear Director Mercier and Interim NEPA Coordinator Haug:

This letter is provided on behalf of the Confederated Tribes of Coos, Lower Umpqua and Siuslaw ("CTCLUSI" or "Tribe") on the Draft Environmental Impact Statement ("DEIS"), assessing the environmental impacts of the Coquille Indian Tribe's ("Coquille") application for a proposed 2.4-acre fee-to-trust transfer and casino project in the City of Medford, Jackson County, Oregon ("Coquille Project"), which was made available by publication of notice in the Federal Register on November 25, 2022.

While the Tribe takes no position on the Coquille Project, we do request that the Bureau of Indian Affairs ("BIA") continue the hearing until after January 1, 2023 and extend the deadline for comments by an additional 45 days.

Currently, the virtual public hearing is scheduled to occur on December 15, 2022, and the Notice of Availability provides that the deadline to submit public comments on the DEIS is January 9, 2023. The DEIS consists of nearly 2,000 pages of information that the Tribe is currently reviewing. The current hearing date and deadline for comments do not provide sufficient time for interested parties, to meaningfully review the DEIS and appendices and participate in the public comment process.

The deadlines for public involvement should be modified in order to allow the public to participate in the process as NEPA's statutes and to allow for the development of meaningful and substantive comments.

We appreciate your immediate attention and assistance in this matter.

Respectfully,

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

Brad Kneaper
Chair, Tribal Council
Confederated Tribes of Coos, Lower and Siuslaw Indians

cc: Bryan Newland, Assistant Secretary – Indian Affairs, via email
bryan_newland@ios.doi.gov



Tolowa Dee-ni' Nation

12801 Mouth of Smith River Rd. Smith River, CA 95567
707-487-9255 www.tolowa-nsn.gov



December 5, 2022

Bryan Mercier
Northwest Regional Director
Bureau of Indian Affairs, Northwest Director
911 Northeast 11th Avenue
Portland, Oregon 97232-4165
Bryan.mercier@bia.gov

Brian Haug
Regional Scientist/Interim NEPA Coordinator
Bureau of Indian Affairs
CoquilleCasinoEIS@bia.gov

Re: Postponement of Public Hearing and Extension of Time to Submit Written Comments on Draft EIS, Coquille Indian Tribe Fee-to-Trust and Gaming Facility Project

Dear Director Mercier and Coordinator Haug:

On behalf of the Tolowa Dee-ni' Nation, I write to request postponement of the public hearing for oral comments on the Draft Environmental Impact Statement for the above-captioned project, now scheduled for December 15, and for an extension of time to submit written comments on the Draft, which now has a deadline of January 9. The Tolowa Dee-ni' Nation's interests are directly and substantially adversely affected by the Project, which is only 110 miles from the Nation. The Nation has grave concerns about the adequacy of the evaluation of environmental consequences of the alternatives for the Project, particularly the deleterious socioeconomic impacts to the Nation's gaming enterprise, which are grossly underestimated.

As you know, the draft was made available for review on November 25, 2022 by notice in the Federal Register. Requiring oral comments to be submitted in three weeks, and written comments in less than 45 days, for a document that is nearly 270 pages, with more than 1,600 pages of appendices, is unfair and unreasonable. Neither the Bureau nor the Coquille Tribe is well served by a rushed public review process. Adequate time should be provided for both the oral and written comment periods, in order to ensure that the issues are fairly and thoroughly examined.

The Tolowa Dee-ni' Nation respectfully requests an opportunity to consult with you regarding an adequate time for review and comment on the DEIS.

Sincerely yours,

Jerri Lynn Thompson
Chairperson on behalf of Tribal Council

WAA-SAA-GHITLH-'A~ WEE-NI NAA-CH'AA-GHITLH-NI

OUR HERITAGE IS WHY WE ARE STRONG

Jerri Lynn Thompson
Chairperson

Scott D. Sullivan
Vice - Chairperson

Debbie Boardman
Council Secretary

Jaytuk Steinruck
Council Treasurer

Dr. Joseph Giovannetti
Council Member

Amanda O'Connell
Council Member

Dorothy Wait
Council Member

T4-1



Confederated Tribes of Warm Springs, Oregon
PO Box C
Warm Springs, OR 97761
Phone: 541-553-1161
Fax: 541-553-1924

RECEIVED

JAN 23 2023

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

23ED-0016

January 16, 2023

Bryan Mercier
Northwest Regional Director
Bureau of Indian Affairs, Northwest Region
911 Northeast 11th Avenue
Portland, OR 97232-4169

Re: DEIS Comments, Coquille Indian Tribe Fee-To-Trust and Gaming Facility Project

Dear Mr. Mercier:

On behalf of the Warm Springs Tribal Council, I am writing to express our Tribe's support for the Coquille Tribe's pending application to take land into trust in Medford, Oregon, to develop a Class II gaming facility. As a Tribe that operates a Class II gaming facility (the Plateau Travel Plaza in Madras, Oregon) apart from our Class III casino (Indian Head Casino in Warm Springs, Oregon) our experience is that Class II gaming provides a productive economic development opportunity, especially since Class II gaming is subject only to Tribal and National Indian Gaming Commission regulation and is not subject to State of Oregon policy or regulation regarding Indian gaming. We furthermore understand that the project's location in Jackson County is consistent with the Coquille Restoration Act (P.L. 101-42) and federal Indian gaming law regarding the geographic scope of "restored lands" eligible to be taken into trust for gaming.

T5-1

In summary, we support the Coquille Tribe's application because it is consistent with applicable federal law, will provide positive economic development opportunity and will further assist the Coquille Tribe efforts to achieve self-sufficiency. Accordingly, we urge you to approve the Coquille Tribe's pending application.

Thank you for your consideration of our views on this important matter.

Sincerely,

Jonathan W. Smith, Sr.
Chairman
for Confederated Tribes of the Warm Springs
Reservation of Oregon

cc: Chair Brenda Meade
Coquille Tribal Council





COW CREEK BAND OF UMPQUA TRIBE OF INDIANS
GOVERNMENT OFFICES

2371 NE STEPHENS STREET, SUITE 100
ROSEBURG, OR 97470-1399

Phone: 541-672-9405

Fax: 541-673-0432

February 1, 2023

To: Director Mercier (bryan.mercier@bia.gov)

CC: Tobiah Mogavero (tobiah.mogavero@bia.gov) and CoquilleCasinoEIS@bia.gov) and Acorn (info@acorn-env.com)

Dear Director Mercier,

Thank you again for scheduling a second comment hearing in the Coquille DEIS process. I write to request copies of the transcripts from the comment hearings on December 15, 2022, and, once the court reporter has had a chance to prepare it, January 31, 2023.

We were previously provided a copy of the transcript for the public comment hearing on scoping (in 2015) pursuant to a similar request sent to Mr. Speaks and Dr. Howerton. Please advise if there is another mechanism we should use to obtain these more recent transcripts.

Thank you for your attention to this matter.

Sincerely,

Carla Keene

Tribal Chairman, Cow Creek Band of Umpqua Tribe of Indians

T6-1

From: [Vanessa Pence - GO \ Tribal Board Assistant](#) on behalf of [Carla Keene - GO \ Tribal Board Chairman](#)
To: [Mercier, Bryan K](#)
Cc: [Mogavero, Tobiah C](#); [FY22, BIA CoquilleCasinoEIS](#); info@acorn-env.com
Subject: [EXTERNAL] Transcripts Request
Date: Wednesday, February 1, 2023 3:52:40 PM
Attachments: [image.png](#)
[image.png](#)
[image.png](#)
[Requesting Transcripts 01.23.pdf](#)

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

Good Afternoon Director Mercier,

Please see attached letter requesting transcripts.

Thank you,

Vanessa Pence | Executive Assistant to the Tribal Board of Directors
Cow Creek Band of Umpqua Tribe of Indians
vpence@cowcreek-nsn.gov
2371 NE Stephens St., Roseburg, OR. 97470
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Thank you for your cooperation.



Tolowa Dee-ni' Nation

12801 Mouth of Smith River Rd. Smith River, CA 95567
707-487-9255 www.tolowa-nsn.gov



Jeri Lynn Thompson
Chairperson

Scott D. Sullivan
Vice - Chairperson

Debbie Boardman
Council Secretary

Jaytuk Steinruck
Council Treasurer

Dr. Joseph Giovannetti
Council Member

Amanda O'Connell
Council Member

Dorothy Wait
Council Member

January 30, 2023

Bryan Mercier
Northwest Regional Director
Bureau of Indian Affairs, Northwest Director
911 Northeast 11th Avenue
Portland, Oregon 97232-4165
Bryan.mercier@bia.gov

Brian Haug
Regional Scientist/Interim NEPA Coordinator
Bureau of Indian Affairs
CoquilleCasinoEIS@bia.gov

Re: Request to Postpone Public Hearing and Extension of Time to Submit Written Comments on Draft EIS, Coquille Indian Tribe Fee-to-Trust and Gaming Facility Project

Dv-laa-ha~- Director Mercier and Coordinator Haug:

On behalf of the Tolowa Dee-ni' Nation, I write to request postponement of the public hearing for oral comments on the Draft Environmental Impact Statement for the above-captioned project, now scheduled January 31, 2023, and for an extension of time to submit written comments on the Draft, which now has a deadline of February 23, 2023. The Tolowa Dee-ni' Nation's interests are directly and substantially adversely affected by the Project, which is only 110 miles from the Nation. The Nation has grave concerns about the adequacy of the evaluation of environmental consequences of the alternatives for the Project, particularly the socioeconomic impacts to the Nation's gaming enterprise, which are grossly underestimated.

The voluminous nature of the nearly 270 pages of the DEIS, with more than 1,600 pages of appendices, requires additional time for review and evaluation by the Tolowa Dee-ni' Nation. The purposes of the public review process under NEPA are better served with adequate time to prepare both oral and written comments. A fair and thorough examination of all of the issues requires additional time for review.

The Tolowa Dee-ni' Nation respectfully requests an extensions of time for both the public hearing and the deadline for written comments.

Shu' shaa nin-la

Jeri Lynn Thompson, Chairperson
On behalf of Tribal Council

WAA-SAA-GHITLH-'A~ WEE-NI NAA-CH'AA-GHITLH-NI

OUR HERITAGE IS WHY WE ARE STRONG

From: [Shelly Reynolds](#)
To: [Mercier, Bryan K; FY22, BIA CoquilleCasinoEIS](#)
Subject: [EXTERNAL] Letter from Tolowa Dee-ni' Nation re: Coquille Casino EIS
Date: Monday, January 30, 2023 3:26:21 PM
Attachments: [Coquille Casino Letter.pdf](#)

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Good afternoon,

Please find the attached signed letter from the Tolowa Dee-ni' Nation tribal Council, signed by Chairperson Thompson.

Shu' shaa nin-la

Shelly Reynolds
Recording Secretary
Tolowa Dee-ni' Nation
w.707-487-9255
c.707-954-6087
shelly.reynolds@tolowa.com

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Elk Valley Rancheria, California



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MAR 1 2023

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

VIA E-MAIL & POSTAL SERVICE

23RD-0023

February 17, 2023

Bryan Mercier
Regional Director
Bureau of Indian Affairs
Northwest Region
911 Northeast 11th Avenue
Portland, Oregon 97232-4169

Brian Haug
Bureau of Indian Affairs
Northwest Region
911 Northeast 11th Avenue
Portland, Oregon 97232-4169

Re: DEIS Comments, Coquille Tribe Medford Indian Tribe Fee-to-Trust and Gaming Facility Project

Dear Regional Director Mercier and Mr. Haug:

The Elk Valley Rancheria, California, (the "Tribe") writes to you with regard to the Coquille Indian Tribe ("Coquille") application to take land near Medford, Oregon, into trust for gaming purposes pursuant to 25 C.F.R. § 292.11(a) and the Coquille Restoration Act (the "Act"). Elk Valley is concerned that the Act does not expressly authorize the Coquille to acquire in trust the land for gaming purposes in Medford pursuant to 25 C.F.R. § 292.11(a) and the Coquille cannot satisfy the requirements of Section 292.12. Instead, Elk Valley believes that the Coquille's application must be considered under 25 C.F.R. § 292, Subpart C, if at all.

T8-1

Coquille's Current Class III Gaming Operation

As you are aware, Coquille operates The Mill Casino in North Bend, Oregon pursuant to its tribal-state compact, as amended, ("Compact") with the State of Oregon. Importantly, the Compact provides that Class III gaming will only be conducted in North Bend, Oregon at the gaming facility, i.e., The Mill.

Elk Valley understands that Governor Kate Brown wrote to the Bureau of Indian Affairs opposing the Medford casino proposal. In her letter, Brown cited to a policy Gov. John Kitzhaber laid out in a 1997 white paper entitled "Gambling in Oregon": that Oregon's nine recognized tribes should each be allowed one casino. The Coquille already operate a casino in North Bend. Elk Valley understands that Governor Kotek agrees with the position ascribed to numerous past governors.

T8-2

Background on Medford Site

In 2012, the Coquille Tribe purchased a tract of land in south Medford that includes the Roxy Ann Lanes bowling center – the proposed location for the gaming facility. The Coquille Tribe subsequently submitted a request to the Secretary of the Interior to have the land transferred into trust for Coquille. The proposed 2.4-acre *discretionary* fee-to-trust transfer and gaming facility project is in the City of Medford, Jackson County, Oregon, adjacent to the northeastern boundary of Highway 99, between Charlotte Ann Lane and Lowry Lane.

The Roxy Ann site is within the Coquille's service area, as defined by the Coquille Restoration Act of 1989 ("Act"), but is not part of the area that is subject to a mandatory acquisition under the Act. The Act also provides that lands taken into trust by the Secretary within Coquille's five-county (Coos, Curry, Douglas, Jackson, and Lane) service area "shall be part of its reservation" (25 U.S.C.A. §§ 715 to 715H).

There is no Indian gaming facility within a 50-mile radius of the Roxy Ann site. Beyond a 75-mile radius (a 90-minute drive away), there are three Class III casinos, Seven Feathers (owned by the Cow Creek Band of Umpqua Tribe of Indians), Rain Rock Casino (owned by the Karuk Tribe) and Kla-Mo-Ya (owned by the Klamath Tribes). In addition, the Draft Environmental Impact Statement acknowledges that there will be potential detrimental socio-economic impacts on other tribes in the region, including Elk Valley and the Tolowa Dee-Ni (located in Smith River, California).

The Notice of Intent to prepare an EIS was published in January 2015.

Coquille seeks to acquire land in Medford, Oregon for a gaming facility. The Coquille casino in North Bend is about 165 miles northwest of Medford, Oregon. Coquille operates the Mill Casino located in North Bend, Oregon.

Coquille chose Medford, Oregon because "at the time of the Coquille Tribe's restoration, Jackson County had the second-largest population of Tribe members. [Coquille] has a strong desire to continue to provide services to its members in Jackson County." However, nothing about the number of Coquille members in an area establishes a basis for approving land into trust for gaming purposes. Elk Valley, similarly, has citizens that reside in Jackson County.

Coquille Seeks to Circumvent its Tribal-State Compact and Oregon Public Policy

Coquille already operates a casino in North Bend. Coquille seeks an additional gaming facility in Oregon. That acquisition is contrary to the Coquille's tribal-state compact and Oregon policy.

We understand that Governor Kate Brown wrote to the Bureau of Indian Affairs opposing the Medford casino proposal. In her letter, Brown cited to a policy Gov. John Kitzhaber laid out in a 1997 white paper entitled "Gambling in Oregon": that Oregon's nine recognized tribes should each be allowed one casino. We understand that Governor Kotek holds a similar position, i.e., one casino per tribe. Said policy is embodied in the Coquille's tribal-state

compact, i.e., it is limited to a gaming facility in North Bend, Oregon, as expressly described in the federally-approved tribal-state compact.

IGRA and Corresponding Regulations Require that BIA Treat this Acquisition as a “Two-Part Determination”

The Indian Gaming Regulatory Act (“IGRA”), 25 U.S.C. § 2719(a), prohibits gaming on land acquired after 1988, unless a tribe can meet one of four exceptions: (1) the two-part determination, found at 25 U.S.C. § 2719(b)(1)(A); (2) the “restored lands” exception, found at 25 C.F.R. § 292.11; (3) the “initial reservation” exception, found at 25 C.F.R. § 292.6; or (4) the settlement of a land claim exception, found at 25 C.F.R. § 292.5.

Importantly, the regulations addressing the restored lands exception, located at 25 C.F.R. §292.11, require that a tribe show a modern, historical, and temporal connection to the subject land, unless Congress recognized a tribe and designated a specific area for land acquisition. A tribe that cannot meet the requirements of the restored lands provisions of 25 C.F.R. §292.11, would have to meet the requirements of 25 C.F.R. Part 292, Subpart C, otherwise known as the “two-part determination,” to be able to game on newly acquired lands.

Here, the Coquille were recognized by Congress, and Congress designated a very specific area for Coquille *mandatory land acquisition in Coos and Curry Counties*. Land acquired in these counties, of course, would meet the requirements of 25 C.F.R. §292.11(a)(1).

T8-3

Congress separately mentions the Secretary’s ability to exercise *discretion* to acquire additional land in trust in Coquille’s “service area” pursuant to authority granted by the Indian Reorganization Act. Land acquired under this provision must follow the regulatory provision outlined 25 C.F.R. § 292.11(a)(2), or 25 C.F.R. Part 292, Subpart C.

If Congress intended to direct the Secretary to accept land within the Coquille’s service area in trust as a mandatory acquisition, it would have done so explicitly and included the service area along with Coos and Curry Counties when it directed the acquisition of land pursuant to the Act. Instead, Congress declined to direct the Secretary to acquire land in the Coquille’s service area.

The bill that became the Coquille Restoration Act, Pub. L. No. 101–42, originally contained the following provision: “The **Secretary shall accept real property within the service area** for the benefit of the Tribe . . .” H.R. 881, *as introduced*, 101st Cong. (emphasis added). But that the language was changed. The Act, as enacted, provides for the following:

- (a) **LANDS TO BE TAKEN IN TRUST**- The Secretary shall accept any real property located in Coos and Curry Counties not to exceed one thousand acres for the benefit of the Tribe if conveyed or otherwise transferred to the Secretary: *Provided*, That, at the time of such acceptance, there are no adverse legal claims on such property including outstanding liens, mortgages, or taxes

owed. The **Secretary may accept any additional acreage in the Tribe's service area** pursuant to his authority under the Act of June 18, 1934 (48 Stat. 984).

25 U.S.C. § 715(c) (emphasis added).

The Department of Interior has also recognized, as a general matter, that service area has little to do with a tribe's historical territory when it adopted 25 C.F.R. Part 292. When adopting the regulation, the department explicitly declined to recognize service area as establishing a tribe's modern connection to a particular parcel of land and stated:

[S]ervice area is not necessarily defined by the DOI and would thus add complication to the analysis due to the added necessity of collaboration with other agencies. Furthermore, the tribe's **service area is often based on factors not connected with the DOI's section 2719 analysis** and is often ill-defined, overlapping and potentially inconsistent.

Gaming on Trust Lands Acquired After October 17, 1988, 73 Fed. Reg. 29354, 29365 (May 20, 2008) (emphasis added).

If the Act is read to require the Secretary to take land within a service area into trust for the benefit of Coquille, there is a threat that other similar restoration acts will be interpreted in this manner as well. This would mean that, for instance, a tribe with no aboriginal or historic connections to the subject land would be allowed to game in another tribe's aboriginal lands. It would also mean that surrounding communities and governments would have no say in the matter. *Id.* Further, as indicated in the DEIS, the Medford area is the aboriginal territory of other tribes, including Elk Valley's ancestors.

We recommend the Department interpret the Act in a manner that is consistent with its plain language and legislative intent and that respects other tribes, i.e., the land does not qualify as "restored lands" and must be processed in accordance with 25 C.F.R. Part 292, Subpart C.

Socio-Economic Impact

In the DEIS, the BIA acknowledges that there will be adverse effects to other tribes that offer tribal government gaming in the region, including the Tribe. It appears that the information provided in the DEIS is outdated and stale and fails to demonstrate the full impact on other tribes that offer tribal government gaming in the region.

Notably, the DEIS asserts two arguments to justify the preferred alternative. First, Coquille asserts that The Mill has faced competition from other tribal gaming operators near North Bend, Oregon, such that Coquille has been negatively impacted and is unable to provide the preferred level of social and other financial support to its citizens. As such, the DEIS posits that Coquille should be able to acquire the Medford Site in trust for gaming purposes because operating a new gaming facility in Medford would generate additional revenue. Second, the

T8-3
cont.

T8-4

DEIS asserts that the negative impact on other tribes that offer tribal government gaming in the region is irrelevant because IGRA does not protect those tribes from competition citing a federal court decision from the Eastern District of California. However, the cited case is easily distinguished from this matter and should not be relied upon to justify the acquisition of the Medford land in trust for gaming purposes.

The DEIS fails to provide for public review and comment the information necessary to verify the impact on Coquille's casino operation from existing competition or why Coquille cannot offer an appropriate level of social services or financial support to its citizens. To make matters worse, the DEIS demonstrates a callous disregard of the potential impact on the regional tribal operations that the BIA acknowledges will be significantly affected by the preferred alternative, but the BIA won't consider whether the acknowledged impacts are even accurate and will disregard that injury as an environmental impact under the National Environmental Policy Act citing an inapposite federal court decision.

T8-4
cont.

The acknowledged negative financial impact on other tribes that offer tribal government gaming in the region, including the Tribe, will result in a diminishment of revenue from tribal gaming operations, which funds are used to fund the same types of governmental services and financial support that Coquille claims have been negatively affected by competition with its existing casino. It is unclear why the Department would authorize a second casino for Coquille to inflict the very type of harm on other tribes in contravention of the Government's trust responsibility.

The DEIS includes as an alternative an expansion of The Mill Casino. The Tribe understands that alternatives under NEPA are intended to explore other ways of meeting the purpose and need of the Coquille. Alternatives, to be reasonable, presumably should respond to the purpose and need of the Coquille. Such an expansion is technically and economically feasible, is consistent with the basic policy objectives of all interested parties and does not impose a negative impact on tribes operating tribal government gaming in the region. The alternative that provides for expansion of the Coquille's existing casino should be the preferred alternative.

Coquille already has gaming eligible land in trust, i.e., The Mill Casino, which the DEIS acknowledges can be expanded and provide additional revenue for the social services and financial support of Coquille's citizens. DOI "cannot favor one tribe over another." *Redding Rancheria v. Jewell*, 776 F.3d 706, 713 (9th Cir. 2015); 25 U.S.C. § 5123(f) (prohibiting federal agencies from any action that "classifies, enhances, or diminishes the privileges and immunities available to the Indian tribe relative to other federally recognized tribes"). Authorizing an additional gaming facility in Oregon is contrary to the Coquille's tribal-state compact, Oregon policy, and enhances the privileges enjoyed by Coquille over other tribes located in Oregon and those in the region, i.e., it diminishes the rights of Elk Valley.

T8-5

EIS Information is Incomplete and Stale

Regional Director Mercier & Brian Haug
Re: Coquille; Medford Land into Trust for Gaming
February 17, 2023
Page 6

Unlike the past, Elk Valley understands that the Department seeks to complete an EIS in one year with a 150-page limit as required by the DOI Secretarial Order 3355 for streamlining environmental reviews under the National Environmental Policy Act (NEPA). EISs are intended to assist the public and the federal agency proposing an action to evaluate the environmental effects of its action and alternatives.

With the start of the EIS process, the subsequent suspension of the process, and the re-start, the information provided in the DEIS is incomplete, misleading, and in some instances understated (e.g., adverse impact on other tribes in the region) or overstated (e.g., unemployment figures offered by Coquille appear to be pre-COVID figures).

T8-6

The DEIS should be updated with current, accurate data to ensure that the Department and public can fully analyze potential impacts of this proposed project.

Conclusion

The acquisition of land in trust in Medford for the Coquille is not mandatory pursuant to the Act. The Act provides for discretionary acquisition under the Indian Reorganization Act within the Coquille's service area. The *Oregon v. Norton* and *City of Roseville v. Norton* cases essentially held that the remedy for termination could include acquisition of lands outside of identified areas, but that the acquisition of such land is not limitless. Acquisition of land in trust for gaming purposes in Medford, Oregon, 165 miles away from the primary territory of the Coquille, will have significant adverse regional impacts and stretches those limits and reasonable discretion described in those court decisions.

T8-7

We urge you to reject the Coquille application for acquisition of land in trust for gaming purposes in Medford, Oregon as a "restored lands" application and, instead, require Coquille to complete a "two-part, best interests determination" in accordance with 25 C.F.R. Part 292, subpart (C).

Sincerely,



Dale A. Miller
Chairman

cc: Elk Valley Tribal Council
Senator Feinstein
Senator Padilla
Congressman Huffman
Governor Newsom
AS-IA Bryan Newland



The Confederated Tribes of the Grand Ronde Community of Oregon

Umpqua Molalla Rogue River Kalapuya Chasta

Tribal Council
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Grand Ronde, Oregon 97347

February 23, 2023

Bryan Mercier, Regional Director
Bureau of Indian Affairs, Northwest Region
911 NE 11th Avenue
Portland, Oregon 97232-4169

*sent via electronic mail to:
CoquilleCasinoEIS@bia.gov*

Re: DEIS Comments, Coquille Indian Tribe Fee-to-Trust and Gaming Facility Project

Dear Mr. Mercier:

The Confederated Tribes of the Grand Ronde Community of Oregon (“Grand Ronde”) respectfully submits the following comments to the Draft Environmental Impact Statement (“DEIS”) for the Coquille Indian Tribe Fee-To-Trust and Gaming Facility Project (“Medford Casino”).

Grand Ronde’s Interest in the Medford Area and Proposed Medford Casino.

Historical and cultural connections. The Takelma, Upper Takelma, and Latgawa Tribes historically inhabited and used the Medford area. These tribes signed the 1853 and the 1854 Treaties with the Rogue River.¹ Many of their members were removed to the Grand Ronde Reservation. Today, Grand Ronde annually conducts a community meeting with Medford-area residents, governments, and non-governmental organizations. Table Rocks, northeast of Medford, is sacred to Grand Ronde members and is regularly used for cultural purposes. Grand Ronde has a Memorandum of Understanding with the Bureau of Land Management and Nature Conservancy for the protection and management of Table Rocks.

T9-1

Indian gaming under the Indian Gaming Regulatory Act. Grand Ronde supports casino gaming by all Oregon tribes on their reservations. The development of second casinos off reservation, closer to urban populations, will demand that Oregon tribes, whose on-reservation casinos are impacted, seek their own off-reservation casinos. This competition to locate casinos in more profitable locations will significantly damage tribes’ on-reservation, casino-based economies.

Support for the Principle of One On-Reservation Casino per Tribe.

Grand Ronde supports the principle of one on-reservation casino per Tribe. The DEIS projects that the Cow Creek Band of Umpqua Indians will lose 25% of its projected 2023 gaming revenue, the Karuk Tribe will lose 27.2% of its revenue, and the Klamath, Modoc & Yahooskin Tribes will lose 16.1% of its revenue.² These are devastating losses. We expect they would have significant impacts

T9-2

¹ Treaty with the Rogue River, 1853, Sept. 10, 1853, 10 Stat. 1018 and Treaty with the Rogue River, 1854, Nov. 15, 1854, 10 Stat. 1119.

² See DEIS at 4-23.

on these tribes' ability to provide critical services to their members. Even the modest projected impact on Grand Ronde would have consequences for us.

While we respect the need of the Coquille Tribe for additional revenue, meeting that need should not come at the cost of devastating impacts on other tribes.

The DEIS states:

Estimated substitution effects are anticipated to diminish after the first year of the project operations because local residents will have experienced the casino and will gradually return to more typical and more diverse spending patterns.³

This conclusion is not consistent with Grand Ronde's experience. Grand Ronde endured the hardship of a new casino entering its gaming market. In Grand Ronde's case, a substantial number of patrons, and the revenue that would have been earned from them, were permanently lost to the new casino, despite marketing and incentive programs aimed at retaining them.

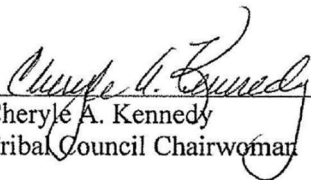
The DEIS further states

It is estimated that revenues would rebound to projected 2023 levels within 16.1 years at the Cow Creek Band's gaming facility, within 28.1 years at the Karuk Tribe's gaming facility, and within 12.3 years at the Kla-Mo-Ya facility.⁴

In other words, in 2051, the Karuk Tribe's revenues will return to a 2023 level. This is a staggering loss of revenue to the Karuk Tribe. We can only imagine what an impact this would have to Karuk's programs for its members. Moreover, projecting revenue recovery over many years, especially after a large initial revenue loss, ignores whether Karuk's casino could sufficiently meet its fixed operational costs and continue in business.

These devastating impacts on other Tribes are unacceptable. Grand Ronde opposes federal action which would enable the construction of the proposed Medford casino. A policy of one casino per tribe on reservation land is the best policy for Oregon tribes.

Very truly yours,


Cheryl A. Kennedy
Tribal Council Chairwoman

cc: Tribal Council
Chief of Staff
Tribal Attorney

³ DEIS at 4-22.

⁴ *Id.*

From: Kerrina Mishler <Kerrina.Mishler@grandronde.org>
Sent: Wednesday, February 22, 2023 11:27 AM
To: FY22, BIA CoquilleCasinoEIS <CoquilleCasinoEIS@bia.gov>
Subject: [EXTERNAL] DEIS Comments, Coquille Tribe Medford Gaming Facility Project

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Good morning. On behalf of the Confederated Tribes of Grand Ronde, attached please find a letter from Chairwoman Cheryle Kennedy providing comments to the Coquille Tribe's DEIS for their Medford project. Thank you for your consideration of Grand Ronde's comments. Please let us know if you have any questions.

Kerrina Mishler
Office Manager / Paralegal
Tribal Attorney's Office
Confederated Tribes of Grand Ronde
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MAR 6 2023 T10

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

272D-0033

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64236 Second Avenue • Post Office Box 1016 • Happy Camp, CA 96039

February 22, 2023

VIA EMAIL: CoquilleCasinoEIS@bia.gov

Hon. Bryan Newland
Assistant Secretary – Indian Affairs
Department of the Interior
1849 C Street, N.W.
MS-4660-MIB
Washington, DC 20240

Bryan K. Mercier, Director
Northwest Region
Bureau of Indian Affairs
911 NE 11th Avenue
Portland, OR 97232-4169

Re: Karuk Tribe DEIS Comments, “Coquille Tribe Medford Gaming Facility Project”

Dear AS-IA Newland and Regional Director Mercier:

As Chairman of the federally-recognized Karuk Tribe, I am writing on the Karuk Tribe’s behalf to provide these comments to the Draft Environmental Impact Statement (“DEIS”) for the Coquille Indian Tribe’s (“Coquille”) application to have off-Reservation land within (“Alternative A”) or near (“Alternative B”) the city of Medford, Oregon taken into federal trust for the ostensible purpose of operating class II gaming activities¹ pursuant to 25 U.S.C. § 2719(b)(1)(A). The Karuk Tribe objects to the application and finds the DEIS woefully deficient in analyzing the impacts of the application. The DEIS uses outdated and unsupported information and analysis, fails to disclose or under-states the area and degree of impacts to Tribal and local governments, fails to acknowledge socioeconomic and fiscal impacts to the Karuk Tribe, and provides erroneous rationales in seeking to justify impacts as necessary.

T10-1

In order to address these concerns and others, pursuant to 25 CFR Part 292.2, I previously petitioned to you requesting that the Bureau of Indian Affairs (“BIA”) and the Assistant Secretary – Indian Affairs (collectively “Department”), as the Karuk Tribe’s trustee, consult with

T10-2

¹ The DEIS is deceptive, in that it purports to study the impacts of a class II gaming facility, but Appendix D describes proposed casinos with “slot machines.” 25 U.S.C. § 2703(7)(B)(ii) explicitly excludes slot machines from the definition of class II gaming activities.

Hon. Bryan Newland
Bryan K. Mercier
February 22, 2023
Page 2

the Karuk Tribe concerning the proposed acquisition.² Only in consultation would the Karuk Tribe be able to share detailed confidential information about the likely extent to which approval of a casino on either Alternative A or B sites in the DEIS would adversely impact the Karuk Tribe's ability and resources to meet the current and future needs of its citizens and government for the next three decades, and the extent to which the lives of Karuk citizens and the environment in which they live would be impacted. As of this date, the petition for consultation has been unanswered by your office. As part of these comments, I repeat the petition for consultation in the enclosed letter (Attachment A).

T10-2
cont.

The Karuk Tribe

For millennia, the Karuk people sustained themselves on the bounty of its vast (>1 million acres) traditional territory,³ including the Klamath River region's fish, wildlife, and other resources. No longer. Past (and some current) Federal and state policies and actions, such as permitting (and in some instances encouraging) over-fishing by the non-Indian ocean troll fishery while prohibiting traditional Native fishing practices, vastly reducing salmon spawning habitat and in-river flows through dam construction, forced fee-patenting of trust allotments, destructive logging practices, and in recent years, a succession of devastating wildfires⁴ have reduced or eliminated much of the natural abundance that once sustained the people of the Karuk Tribe and the other Tribes of the Klamath River Basin and watershed.

The Karuk Tribe, with 3,700 enrolled citizens, numerically is one of California's largest federally-recognized Tribes, but has only a relatively small tribal trust land base. The Tribe is headquartered at Happy Camp, California with additional major populations in Orleans and Yreka, California where we operate a Class III gaming facility close to the Interstate 5 and a few miles south of the California-Oregon border. On this property, we developed the Rain Rock Casino, at considerable debt to our tribe and citizens. We opened the casino doors in 2018. After debt service, it is hoped that the casino will provide future governmental funds for tribal services. The Rain Rock project requires patience from the Karuk Tribal community, as the costs of the investment to the Tribe's future must be satisfied before benefits are realized. If approved, the Coquille Medford casino project would frustrate the purpose of the Tribe's economic engine, rendering it unable to generate adequate funding for government services (including essential services) in the short term and the long term. As Karuk's trustee, the Department is obligated to consider and preclude this impact to the Karuk Tribal government.

T10-3

² Notwithstanding that the Karuk Tribe is located more than 25 miles from the site that Coquille seeks to have placed into federal trust for gaming purposes, and Karuk's Rain Rock casino is located about 50 highway miles from Coquille's proposed acquisition, consultation is warranted given the unusual "restored lands" premise of the application and the impacts that would occur to the Karuk Tribal community

³ 97% of which was converted to public lands and lost to the Tribal community.

⁴ The Coquille DEIS offers as a rationale for locating a new casino inland that Tribe's concern that a tsunami occurring at some unpredictable future date might damage the Coquille Tribe's existing Mill Casino. In contrast to the speculative nature of this concern, recent and repeated catastrophic wildfires in and around the Karuk Tribe's traditional territory make the recurrence of such disasters a virtual near- and long-term certainty.

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The Department's Trust Duty Applies to All Federally Recognized Tribes

The federal government owes a trust responsibility to the Karuk Tribe even when it also owes a trust responsibility to another tribe. *See, Nance v. EPA*, 645 F.2d 701 (9th Circ. 1981); 25 U.S.C. § 2719(b)(1)(A); 25 C.F.R. Part 292, § 292.13(b). It cannot state that it owes a responsibility to one tribe to approve a land into trust, or to minimize the impacts of such an action, and do so at the expense of another tribal community. That is a breach of the Department's Trust responsibility to all tribes. Under IGRA and pursuant to its sovereign capabilities, the Karuk Tribe should be able to operate Rain Rock at a level that will generate revenues to fund the tribal government and gainfully employ its citizens, not just to barely be able to service the debt incurred in its construction. The Department is fully aware of Karuk's needs and its struggle to self-govern; however, the Department's current consideration threatens the Karuk Tribe's sovereignty, viability and future. How will the Department protect those interests as Trustee?

T10-4

Rain Rock does not and will not pose a threat to the Coquille Tribe's existing Mill Casino or to the Coquille Tribe, nor does the Mill Casino pose any threat to Rain Rock or the Karuk Tribe. The Coquille Tribe's proposed Medford are casino would pose an existential threat to Rain Rock and thus to the Karuk Tribe itself, something that the Department of the Interior, as the Karuk Tribe's trustee, should reject, not facilitate. The only manner in which the Department can honor its trustee obligations to both Tribes is to select Alternative C, the Mill Casino Improvements, as the only viable alternative to meet the purpose and need for the project consistent with the Department's trust obligations and regulatory requirements. The Department must reject the land into trust application and work with Coquille to facilitate the Mill Casino improvements.

The Coquille Casino Process Does Not Satisfy NEPA Requirements

The BIA published the original Notice of Intent for the preparation of the DEIS in the Federal Register on January 15, 2015 (the "Coquille NOI"), announcing its intent to prepare a Draft EIS for the Coquille Indian Tribe's fee-to-trust and casino project (the "Coquille Medford Project") on a piece of land referred to as the "Medford site." Information allowed to be submitted to inform the scope of the DEIS analysis had to be submitted within the next 30 days, and that door closed on February 17, 2015—nearly 8 years before the release of the current DEIS which continues to rely on that same scope.

T10-5

On September 3, 2020, the BIA published a Notice of Cancellation of preparation of an EIS for the Casino project, as the Assistant Secretary—Indian Affairs had declined to accept conveyance of the Medford site into trust on May 27, 2020. *See* 85 Fed. Reg. 55026 (Sept. 3, 2020). Individuals that would be affected by the Coquille Medford Project reasonably relied upon the cancellation notice to invest their efforts to projects and actions that they reasonable believed would not be threatened or affected by Coquille's proposed casino complex.

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On December 27, 2021, the BIA published a “Resumption of Preparation of an [EIS] for the Proposed Coquille Indian Tribe Fee-to-Trust and Gaming Facility Project, Medford, Oregon.” 86 Fed. Reg. 73313 (Dec. 27, 2021). This Resumption was predicated on the Assistant Secretary’s November 19, 2021 decision to withdraw the previous denial of the Tribe’s fee-to-trust application for the Medford site and his December 22, 2021 memorandum to Regional Director Bryan Mercier and his letter of the same date to the Coquille Tribe directing the “completion of the environmental process under NEPA.” Neither the Memorandum, nor the letter authorized the Department to merely resume the currently existing DEIS without the benefit of reconducting the scoping process in order to accurately determine the required scope of the DEIS analysis eight years later. The Memorandum and letter also did not authorize the use of stale data and analysis in the “completion of the DEIS.”

The Department’s notice cited 40 CFR §§ 1501.7 and 1506.6 as authority for the resumption of the NEPA process. Section 1501.7 provides that a lead agency shall supervise preparation of an EIS, and provides how a “lead agency” is designated. Section 1506.6 provides that agencies *shall make a diligent effort to involve the public* in preparing and implementing NEPA procedures, and provides potential contents of NEPA notices to the public. Notably, this regulation does not reference “Resumptions” of DEIS processes. In order to “complete the NEPA process,” the Department should have taken a candid, renewed look at the current circumstances under which the Department’s decision would be considered. The Department did not do this. Instead, the Department provided no diligence and made no effort to involve the public and affected communities in preparing an updated scope of the DEIS analysis—it merely relied on the eight-year old scoping document and made no findings that the previous, dated scope analysis was sufficient for the analysis that is occurring eight years later.

T10-5
cont.

Failing to Conduct a Proper Scoping Process Negates the Validity of Much of the DEIS

The primary purpose of NEPA is to have a fully informed public understand the complete and accurate considerations of effects from federal decisions. The first, most critical step in this process is to properly and honestly develop the scope the required analysis. NEPA regulations address the situation where, as here, a significant period of time has passed since the initial scoping was completed in preparation for the EIS. 40 CFR § 1501.10(b), provides that, “[t]o ensure timely decision making, agencies shall complete: (1) Environmental assessments within 1 year . . . ; (2) **Environmental impact statements within 2 years** unless a senior agency official of a lead agency approves a longer period in writing and establishes a new time limit. **Two years is measured from the date of issuance of the notice of intent to the date a record of decision is signed.**” This provision is required to ensure the timeliness and relevance of the data used in the DEIS, and may be extended or diminished by the request of affected governments, including Tribes. Subdivision (f) provides that “State, Tribal, or local agencies or members of the public may request a Federal agency to set time limits.” These time limits may be set for the overall process or for each constituent part of the NEPA process. 40 CFR § 1501.10(d). Obviously, much longer than two years have passed since issuance of the Coquille NOI in January 2015. There is no evidence that the BIA has approved a longer period for the relevance of the 2015

T10-6

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scoping effort in writing, and by this communication, the Karuk Tribe is requesting that the 2-year time limit for the relevance of the data and analysis be strictly adhered to.

In addition, 40 CFR § 1501.9, provides guidelines for agencies to follow in the scoping process and lists certain determinations that lead agencies must make including those addressing inviting cooperating and participating agencies (including Tribes); Scoping outreach; Determination of scope"; and "Additional scoping responsibilities." (see 40 CFR § 1501.9(b). Subdivision (g) addresses revisions to these scoping determinations, providing that "[a]n agency *shall* revise the determinations made under paragraphs (b), (c), (e), and (f) of this section [1501.9] if substantial changes are made later in the proposed action, or if significant new circumstances or information arise which bear on the proposal or its impacts."

The Scoping process for the DEIS is too narrowly focused to capture all of the environmental impacts caused by the Project, uses stale information, fails to consider significant changed circumstances related to the impact area as well as the Coquille Tribe and the project site, fails to consider changed reasonably foreseeable effects of the project. In limiting the scope of analysis, the DEIS also relies on an unpublished 2015 dismissal of alternatives that were found, prior to 2015, to be considered "infeasible" by the Department. This action avoided discussion of potentially feasible alternatives eight years later. The 2015 document was cited to by the Department, but was not made available for public review as part of the DEIS. The 2023 use of the dismissed alternatives is a summary conclusion that is not supported by facts, evidence or discussion of the conditions eight years after this report was apparently issued. It is unclear if the Department even reviewed the report prior to issuing the DEIS.

T10-6
cont.

The current DEIS is based on the 2015 scoping process, which identified a project and area of potential impact so limited that it failed to take into account the wide-ranging ramifications of the proposed Coquille Medford project into Northern California, precluding the Department from discussing or considering impacts to the Karuk Tribe and its government, as well as to local governments in California.

Since 2015, the southern Oregon and Northern California region has undergone significant changes and events which have dramatically altered the ramifications of your determination, including the development of the Rain Rock Casino in the City of Yreka, the decline in the logging industry in Northern California, and a recent history of catastrophic wildfires. In just the past few years, wildfires such as the 2020 Slater Fire have destroyed hundreds of tribal citizens' homes in the Karuk Tribe's traditional territory, and the unavailability or increased cost of fire insurance has hampered efforts to rebuild. Given this recent situation, there are limited opportunities for the Tribe's citizens to obtain and maintain gainful employment and the importance of the Karuk Tribal businesses and governmental services to Tribal members has been amplified. None of these issues were addressed through the scoping process, and as a result are not discussed in the DEIS.

In addition to the limited geographical area of the scoping process and the use of stale information in all of the DEIS analysis, it also fails to acknowledge the changed circumstances of

the applicant, which warrants increased and broader scrutiny of the reasonably foreseeable impacts of the Department's decision on the land into trust. According to the DEIS, if the fee to trust application is approved, The Coquille Tribe is proposing to open a 30,300 square-foot gaming facility with 650 Class II gaming machines, a deli/bar, and parking for 520 vehicles at the site of Roxy Ann Lanes bowling alley on the property.⁵ This description may indicate the limited project that Coquille and the Department wish to use to limit the DEIS analysis; however, this does not satisfy NEPA requirements and misleads the public regarding the ramifications of the Department's decision. The 2023 situation surrounding the Department's decision must disclose and include in its analysis that the Coquille Tribe has obtained rights to Kim's Restaurant, which is located next door to the Medford property at issue, and agreed to lease Bear Creek Golf Course, which is adjacent to the two buildings.⁶ In addition, the Coquille Tribe has opened the 111-room Compass by Margaritaville Hotel directly adjacent to the site of the Proposed Coquille Medford Casino, which is stated as "not technically part of their land-in-trust application." However, all of these factors should be considered part of the project impacts when estimating the scope of the reasonably foreseeable impacts arising from the Department's action. The DEIS admits that the hotel would be part of the same Coquille economic enterprise ("adjacent hotel would be available to serve patrons of the proposed class II gaming facility") but fails to include the hotel or the other properties in the impact analysis. The hotel and surrounding properties, clearly assembled for the purposes of a larger gaming complex, should be considered as part of a larger, reasonably foreseeable project description which is NOT stated in the scoping process or addressed in the DEIS.

T10-7

Appropriate scoping is important for other NEPA purposes. The identification of environmental justice concerns and the incorporation of these concerns into the scoping analysis can have implications for the nature and extent of the scoping of the EIS analysis. The Council for Environmental Quality ("CEQ") has opined that Indian Tribe representation in the scoping process should be sought by the lead agency in a manner that is consistent with the government-to-government relationship between the United States and tribal governments, the federal government's trust responsibility to federally-recognized tribes, and treaty rights. This will help to ensure that the NEPA process is fully utilized to address concerns identified by tribes and to enhance protection of tribal environments and resources. As defined by treaties, statutes, and executive orders, the federal trust responsibility may include the protection of tribal sovereignty, properties, natural and cultural resources, and tribal cultural practices. However, pre-scoping consultation with affected tribes never occurred.

T10-8

These factors should be included in the environmental justice screening analysis. An environmental justice screening analysis should include consulting with community leaders and members of the surrounding communities to seek their assistance in identifying all minority and/or low-income communities that may be affected by the proposed action. Consulting with officials in tribal, state and/or local government agencies over the environmental and human health concerns within the region and who may be familiar with the demographics of the affected

T10-9

⁵ DEIA, p. 2-10.

⁶ Coquille Indian Tribe (2013), pp. 3-4, 8.

populations is important, and not done here. Where environments of Indian tribes may be affected, agencies must consider pertinent treaty, statutory or executive order rights and consult with tribal governments in a manner consistent with the government-to-government relationship. The scoping notices (including the notice of intent for the EIS) should also include a description of the results of the environmental justice screening analysis completed by the lead agency. In this instance, the 2015 scoping notice failed to disclose the Department's environmental justice screening analysis (if it ever occurred), precluding the public from commenting on the adequacy of that portion of the scoping analysis. By failing to update and renew the scoping process in 2022, the Department again failed to disclose its environmental justice screening analysis. This is critical given the significant environmental justice impacts arising from this project, addressed below and absent from disclosure in the DEIS.

T10-9
cont.

Purpose and Need for the Federal Action is Misleading

As part of the NEPA process, the lead agency is required to establish a purpose and need for the proposed federal decision. The purpose and need statement describe why the project is necessary despite its potential environmental impacts which will be addressed in the EIS. A properly broad purpose statement provides adequate latitude for a consideration of a reasonable range of alternatives to satisfy the purpose.

The current DEIS states the purpose and need for the Department's action is "to facilitate tribal self-sufficiency, self-determination, and economic development," in order to satisfy the Department of Interior's land acquisition policy as articulated by the trust land's regulation at 25 C.F.R. Part 151 and the principal goal of IGRA as articulated in 25 U.S.C. § 2701. The purpose and need do not limit the purpose "to facilitating tribal self-sufficiency, self-determination and economic development" to the Coquille Tribe. The Department has a trust obligation to all federally recognized tribes, not just the Coquille Tribe. As a result, with the current purpose and need, the Department is obligated to weigh the impacts to all affected federally recognized tribes as part of the NEPA process. The current DEIS fails to satisfy this obligation because it lacks sufficient specificity, as it does not provide clear reasoning in support of the tribe's stated need.

T10-10

Part of the rationale for the purpose and need is to determine whether a project alternative is appropriate and necessary. In this instance, the "need" stated in the DEIS summarily claims that bringing new land into trust for Coquille is "needed" due to an alleged concern that the Coquille Tribe's Mill Casino is in an area of potential impact by a tsunami, should an earthquake occur in the Pacific Northwest with a Richter scale of 8.0 or greater. In stating that "revenues for the proposed Medford gaming facility are intended to mitigate a portion of the probable risk of loss to a natural disaster at the Mill Casino," the DEIS should provide data and information regarding the probability of that risk and the amount of that risk of loss if it is going to use such terms for the rationale for the project. No such analysis or support is provided. There is no information regarding the likelihood of the size of the tsunami, whether or not it would affect the Coos Bay Mill Casino site and to what effect it would affect that facility. This threat is speculative as to both timing and whether any such geological activity would in fact create a tsunami that would affect the Coos Bay area and misleads the public as being imminent. No actuarial information regarding the likelihood of such an event occurring is provided for the

public to assess the validity of the statement, leading to the likelihood of overstating the impacts. Courts have found that “highly speculative” effects that “distort the decision-making process” by emphasizing consequences beyond those of “greatest concern to the public and of greatest relevance to the agency’s decision” should not be discussed. *Robertson v. Methow Valley Citizens*, 490 U.S. 332, (1998).

The speculative statement regarding a “tsunami threat” to the current Coquille Mill Casino also fails to analyze the feasibility of moving the existing casino to other existing thousands of trust acres of Coquille trust land within the Coquille Tribal Forest, Set-Wet-Se, and Empire reservation, or acknowledge that there are other potential natural hazards that should be counter-weighted by the threat of a tsunami requiring a change in the Coquille gaming location. In contrast to the speculative nature of this tsunami concern, recent and repeated catastrophic wildfires in and around the Karuk Tribe’s traditional territory make the recurrence of such disasters a virtual near- and long-term certainty. This reality renders the speculative concern stated as a “need” for the land into trust as illusory and misleading and should be removed.

T10-10
cont.

The Purpose and Need also relies on decade-old data provided in “Coquille Tribe’s unmet Tribal needs report” (2013). This report purportedly states a need for additional funds based on reduced projected income by 2022 (a year ago). This “projected income” is relying on stale information related to tribal income and purposefully misleads the public to believe there is an instant need for additional income by the Coquille Tribe. If the Department is considering that there is an actual tribal need for additional income for the Tribe as a “need” for its decision, then that consideration should be stated in an updated and recirculated unmet Tribal Needs Report to determine the veracity of that decision.

Project Description

Under the project description, the DEIS constantly refers to a 2.4-acre fee-to-trust acquisition as the preferred alternative (Alternative A). However, figure 2.3 regarding Alternative A (the Medford site) shows multiple parcels encompassing 7.24 acres. This clearly indicates that the proposed Coquille Medford project is at least 7.24 acres, though the project description states 2.4 acres. Even the 7.24 acres is a misstatement given that the Coquille Tribe currently leases the adjacent golf course area and owns the property immediately adjacent to the Medford site, operating a 111-room hotel constructed in 2020. These property holdings are not disclosed in the DEIS and as a result will mislead the public to believe that the Department’s decision involves only a 2.4-acre property. NEPA requires that the project description be complete, unambiguous and accurate. The DEIS project description for Alternative A fails to satisfy any of these requirements.

T10-11

Alternatives

The alternatives analysis provided in the DEIS is at best misleading and at worse purposefully misrepresents the Department’s intent regarding the DEIS. As stated in the discussion regarding the purpose and need, the purpose of the DEIS is stated to facilitate “tribal

T10-12

self-sufficiency, self-determination and economic development.” That purpose and need says nothing about how that will be achieved, whether it is in existing facilities, or new facilities and whether or not that will include gaming activity or other economic enterprises. However, the DEIS assumes that this purpose and need can only occur through bringing new land into trust for gaming. This creates ambiguity in the document and confuses the public regarding with an overly-narrow view of alternatives to achieve the Department’s purpose.

A purpose and need statement that is too narrow is inconsistent with NEPA’s requirement to consider alternatives to the proposed action. Lead agencies are required to identify reasonable alternatives that are technically and economically feasible to meet the purpose and need of a proposed action (40 C.F.R. § 1501.9). While agencies have the discretion to base the purpose and need of their actions on a variety of factors including the goals of the applicant, they are not provided the capability of excluding other factors that are equally relevant (see 87 Federal Register 23453,23458 April 20, 2022).

T10-12
cont.

In addition, the Department has previously required that a Department’s analysis of alternatives address a broad range of alternatives initially, and then narrow those alternatives in the DEIS analysis. It is up to the lead agency to determine the efficacy of any of the alternatives, including which to dismiss as infeasible. The Department has indicated that the goals of the applicant are an important but not determinative factor in developing a purpose and need statement for a variety of reasons, including helping to identify a reasonable range of alternatives that are technically and economically feasible. However, it is not clear that the Department has used independent judgement regarding the range of alternatives discussed in the DEIS. Moreover, the current relevance of the alternatives dismissed in the 2015 feasibility analysis was never addressed in the current DEIS, and as such the validity of claiming those alternatives as infeasible is not supported.

Scope of Analysis-- Use of Stale Data and Analysis

NEPA’s twin goals are: (1) to foster informed decision making by “ensur[ing] that the agency, in reaching its decision, will have available, and will carefully consider, detailed information concerning significant environmental impacts,” and (2) to promote informed public participation by requiring full disclosure of and opportunities for the public to participate in governmental decisions affecting environmental quality. To that end, lead agencies must disclose the scientific information and analyses on which they rely in their environmental effects analyses and decision-making processes. *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, (1989). NEPA broadly requires that the [agency] take a ‘hard look’ at the environmental consequences of its actions.” *Sierra Club v. Marita*, 46 F.3d 606, 616 (7th Cir. 1995) (citing *Methow Valley*, 490 U.S. at 350) As part of the hard look” analysis, an EIS must identify any methodologies used and reference the scientific sources relied upon. 40 CFR 1502.23. The agency must also discuss responsible opposing views as part of its obligation to discuss “all major points of view” regarding environmental impacts of the alternatives, including the proposed action. 40 CFR 1502.9(b). The DEIS fails in both regards, and where data and analysis are provided, the supporting documents are several years old and the DEIS fails to provide their relevance to the current situation.

T10-13

The concerns regarding the use of stale data in the DEIS scoping process taint the entirety of the DEIS analyses. The Ninth Circuit has indicated that reliance on stale data is arbitrary and capricious finding a lead agency violated NEPA because it relied on stale data and “failed to properly update the data with additional studies and surveys.” (*Northern Plains Resource Council Inc. v. Surface Transportation Board*, 668 F.3d 1067) Absent the re-scoping of the DEIS to notify the public of the changed circumstances, the larger impact area, the significant changes that the applicant has undertaken regarding land acquisition (which also affects the purpose and need for the decision) and the reasonably foreseeable direct, indirect and growth inducing impacts expected from the Department’s decision, the Department will have failed to satisfy its obligation to *make a diligent effort to involve the public* in preparing and implementing NEPA.

T10-13
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Scope of analysis—Reasonably Foreseeable Project Impacts Should be Considered

Given the Coquille Tribe’s land holdings and ancillary projects (hotel) around the Coquille Medford site, the development of a larger Class III facility is also reasonably foreseeable.⁷ NEPA requires the analysis to include actual direct impacts and reasonably foreseeable indirect impacts from projects. Reasonably foreseeable means impacts that are sufficiently likely to occur such that a person of ordinary prudence would take them into account in reaching a decision. (40 CFR 1508.1(aa)) This includes growth-inducing impacts related to follow-on projects like expansion of the Medford bowling alley site into a Class III facility. While a larger Class III facility and hotel complex may not part of the Department’s decision on the fee to trust, it is a reasonably foreseeable consequence of the decision. Absent the Department’s approval of the 2.4 acres being taken into trust, the various property ownership complex that Coquille has assembled would not be able to develop into a large, Class III facility. With that decision, given the purposeful surrounding projects and land acquisition, such a project is reasonably foreseeable and should be included in the scoping and impacts assessment.

T10-14

Given the likelihood of a much larger project occurring only if the Department allows the land into trust, the DEIS must consider much more significant impacts to surrounding casinos and other entertainment businesses. The proposed action may result in business failures, and associated unemployment, erosion of tax bases, and reduced public services. All of these issues are recognized as significant socioeconomic and reasonably foreseeable impacts. When these types of effects exacerbate the condition for low-income communities and minority communities due to an inability to relocate, to travel long distances to find alternative means of employment, or to attract new industry or commerce, these also raise environmental justice concerns. These issues would be direct, foreseeable impacts from the Department’s decision and remain unaddressed in the DEIS.

Where the impacts affect tribal casinos, the analysis should be scoped to include additional governmental impacts including the defunding impacts to Tribal governments relying on Tribal

⁷ Once the 2.4 acres of land is brought into trust for The Coquille Tribe, The Tribe has an expedited manner to bring additional adjacent lands into trust for gaming purposes, making the development of a class III facility a near certainty.

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business income for funding their services, and local governments that rely on municipal service agreements with tribal businesses for local public services and equipment. Since its development, the City of Yreka has also benefitted greatly from Rain Rock through its Intergovernmental Agreement (“IGA”) with the Karuk Tribe—those benefits would be lost if Rain Rock is significantly impacted or shut down due to the Department’s decision. This direct fiscal impact would not be disclosed to the public because the Department chose not to include such analyses when scoping its DEIS.

T10-15

Socio-Economic Impacts Are Understated in the DEIS, Particularly to the Karuk Tribe

Analysis of socioeconomic impacts arising from a project are often understated, poorly supported and fail to acknowledge environmental justice impacts created by the project. This DEIS is no exception. Deterministic models are generally used to predict potential impacts that a particular action may have upon particular economic indicators (e.g., the level of employment and changes to income distribution or property values) for the communities affected by the Project. Standard models provide for analyses of the potential effects that an action may have upon the local economy in both the short term, due to transient or temporary activities (e.g., construction, facility planning and startup activities), and the long term, due to sustained impacts to the area (e.g., market siphoning, permanent employment opportunities, reduction in housing quality, degradation of existing environment, loss of tax base). However, the use of models is useful as predictors only if they are properly constructed and used and they rely on appropriate information. The DEIS socioeconomic analysis suffers from unsupported assumptions, a narrow set of facts and information (due to the failure to properly scope the project) and a disingenuous discussion of direct and indirect impacts from the Project. Given the DEIS failure to address the current condition of the Karuk Tribal community and northern California, a supplement of the relevant facts that should be part of the analysis are provided for the administrative record.

T10-16

Some Karuk citizens residing in the Tribe’s traditional territory continue to have individual allotments held in trust for them by the United States, but in the early 20th century, many Karuk citizens lost their trust allotments as the result of the BIA’s policy of forcing the issuance of fee patents in the interest of opening lands to logging and other forms of destructive exploitation. Due to the remoteness of the Tribe’s territory, and especially in light of the decline in the logging industry and a recent history of catastrophic wildfires (in just the past few years, wildfires such as the 2020 Slater Fire have destroyed hundreds of tribal citizens’ homes in the Karuk Tribe’s traditional territory, and the unavailability or increased cost of fire insurance has hampered efforts to rebuild), there are limited opportunities for the Tribe’s citizens to obtain and maintain gainful employment.⁸ Consequently, the unemployment rate among the Tribe’s citizens consistently exceeds 25%.

The Tribe has tried hard to adapt to changing circumstances by pursuing various forms of economic development to generate revenues for its government and employment and income for its citizens. Among its most recent projects was the establishment and operation of the Rain

⁸ An estimated 300 Karuk citizens live in the Medford, Oregon area, having been displaced by adverse economic conditions in the area around Happy Camp, as well as by natural disasters.

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Rock Casino in the Tribe's traditional territory near Yreka, California, which opened for business in April, 2018. Rain Rock was built with borrowed money, and the Tribe's lenders have first priority on Rain Rock's net revenues until the loan has been repaid in full, with interest. Thus, any substantial decrease in Rain Rock's revenues would have a disproportionately adverse impact on the availability of funds to the Tribe's government, due to the priority that must be given to debt service.

The appendices to the Coquille DEIS state that either of Coquille's proposed alternatives A and B, even if Coquille were to operate only class II gaming, will devastate the Karuk Tribe's ability to meet the immediate and long-term needs of its citizens for adequate housing, domestic water and effluent disposal, recovery from wildfire damage, education and other critical services, by reducing the gross gaming revenues of Karuk's Rain Rock Casino by more than 27% for as long as 28 years. The Coquille DEIS also does not assess the impact on the Karuk Tribe if Coquille were to operate class III gaming in the new facility, a reasonably foreseeable possibility that is not disclosed in the DEIS's statement of the need for the project, thus should have been analyzed. Of course, a class III facility would be much more devastating to the Karuk Tribe. Moreover, and at least as significantly, the DEIS is silent about what a decrease in gross gaming revenue of this magnitude would mean in terms of a reduction in the Rain Rock Casino's profits, and in turn, how much less revenue would be available to the Karuk Tribe's government.⁹ In fact, a separate study of Coquille's proposed Medford class II casino projects a 34% reduction in the Rain Rock Casino's gross gaming revenues.¹⁰ This reduction hurts The Karuk Tribe directly through the loss of governmental funds, as well as lost employment.

T10-16
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Rain Rock has 145 employees, of which 35 are Karuk citizens. A reduction of >27%, much less a 34% reduction, in Rain Rock's gross gaming revenues for the next 28+ years would directly result in the loss of at least 45 jobs at Rain Rock, including those held by Karuk citizens, and at least 25-35 jobs in the Karuk tribal government. In the short time that Rain Rock has been open, it has become an important source of employment and income for Karuk citizens and others in the surrounding area, but according to the Coquille DEIS, if the Department of the Interior facilitates Coquille's cannibalization of Rain Rock's already limited market, it will cease to be a viable source of vital ongoing revenue to fund the tribal government's programs and services for most of the next 30 years.

According to the Coquille DEIS, the proposed Coquille casino in Medford, operating only with class II games, would have both short- and long-term catastrophic impacts on Rain Rock's gross gaming revenue: *i.e.*, a 27.2% decline in gross gaming revenue (DEIS, Table 4.7-6, p. 4-23), from which Rain Rock would need more than 28 years to recover just to the level anticipated for 2023. DEIS, p. 4-30. Although the Coquille DEIS projects a substantial reduction in Rain Rock's gross gaming revenues, the DEIS admits that this projection is based solely on an

⁹ Gross gaming revenue does not include operating expenses. See *AICPA Audit and Accounting Guide*, § 3.08 (2020 ed.) Thus, a 27%+ reduction in gross gaming revenue necessarily would result in an even greater reduction in net profit available to the Karuk Tribe's government.

¹⁰ See *The Competitive Impact of Proposed Medford Casino on Rain Rock Casino*, Meister Economic Consulting, 2023, Attachment B.

estimate of those revenues, not on actual data. DEIS App. E, pp. 68-70. Thus, the DEIS is devoid of any estimates about Rain Rock's profit margin, indebtedness, and net gaming revenues actually available to the Karuk Tribe. Moreover, and perhaps most significantly, the DEIS is devoid of any information or analysis about the Karuk Tribe's current and future resources and needs, and how the projected drastic and long-term reduction in Rain Rock's revenues will impair the Karuk Tribe's ability to respond to the immediate and long-term needs of its citizens, and the social and environmental impacts of that impairment.

Once the property is taken into trust for gaming, nothing would prevent Coquille from obtaining either a compact or using Secretarial Procedures allowing Coquille to install class III games and further expand that facility. In fact, these actions are reasonably foreseeable, given Coquille's acquisition property and businesses surrounding the 2.4 acres. However, the DEIS is completely silent about the impacts to Rain Rock and thus to the Karuk Tribe from the operation of a class III casino on either alternative sites A or B. Moreover, the DEIS fails to consider as a viable alternative the acquisition of land in Lane County on which to establish a casino to conduct either class II or class III gaming, with far less adverse impact on the Karuk Tribe.

Out of concern for the woefully inadequate DEIS analysis, the Karuk Tribe sought a third-party expert economist to inform the Tribe as to the actual impacts to the Tribe's business and its Tribal governmental resources. The Competitive Impact of Proposed Medford Casino on Rain Rock Casino was completed by Meister Economic Consulting, 2023 ("Meister Report") and corrects many of the errors and faulty analysis in the DEIS appendices. It is included with these comments as Attachment B and incorporated by reference into these comments.

The corrected gravity model that was developed in the Meister Report looks at the effect of the stated Coquille casino (650 Class II--which is all that the NEPA provided) and is a strong refutation of the analysis that was done in the NEPA document. It clearly displays that the DEIS socioeconomic analysis was poorly supported, used inaccurate assumptions and understates the impacts. Moreover, both analyses (Meister and DEIS) fail to show the likely impact of the reasonably foreseeable larger Coquille Casino complex that would undoubtedly be built.

The Meister Report concludes that "[t]he Karuk Tribe would lose between **\$8.2 million to \$9.6 million annually** in lost funding from its Rain Rock Casino/Hotel/Resort. All of which would eliminate or drastically reduce funds available for the Karuk Tribe to fund essential services for their tribal membership. . . .[a]lso based on this impact we estimate it would eliminate over 50 full time jobs resulting in lost wages of **\$2.3 million annually**, which would be devastating to both employees who would be without a job and the wages that would be lost for the local economy."

Unlike municipalities and States, Tribal governments lack the ability to fund government resources through property taxes. Instead, they rely on government businesses to generate funds sufficient to drive Tribal government budgets. When governmental businesses are significantly impacted by a project, there is a direct relationship causing an impact to governmental service capabilities. This is a direct parallel to the recognized impacts that arise when a municipality

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experiences a loss in tax base, resulting in a diminishment of income to the municipality. It is a direct fiscal impact. Erosion of tax base and services is acknowledged as an environmental justice and socioeconomic impact from a project under NEPA. Given that Tribes rely on gaming for Tribal governmental income, the same analysis of the erosion of the Tribe's governmental funding source is required in a NEPA setting. No such analysis was included in the DEIS.

The DEIS socioeconomic analysis relies on the premise that "if it is not dead, it is not an impact." According to the DEIS, "With appropriate management practices, the Tribe should have the ability to streamline operations at its facility to absorb this level of impact and remain operational." *Id.* The DEIS does not define or describe "appropriate management practices" or what would be needed to "streamline operations," but it is obvious that what the DEIS contemplates is that the Karuk Tribe would be forced to lay off a substantial percentage of the Rain Rock work force and otherwise drastically reduce operating expenses, just to keep Rain Rock's doors open for no other purpose than servicing its debt. Moreover, this statement implies that intrusion into the Karuk Tribe's sovereign functioning and how it operates its business is of no concern to the Department and The Coquille Tribe.

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Indirect effects are defined in the NEPA regulations as those "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. 40 CFR 1508.1 (g). The DEIS limits indirect effects analysis from the Medford alternative to offsite traffic impacts, summarily dismissing any other indirect effects. It makes no attempt at analyzing the effect on the I-5 corridor economies, including the City of Yreka and the Karuk facility. This is not a hard look at the socioeconomic impacts of the Department's proposed action.

Environmental Justice Concerns Were Improperly Scoped and Failed to Involve Affected Communities

The extremely limited environmental justice analysis contained in the DEIS looks only to the very limited census tracts surrounding the Medford property. There was no attempt to investigate, disclose or address disproportionate impacts to other disadvantaged communities that would be impacted by the project. NEPA guidance regarding environmental justice considerations direct a NEPA analyst to approach the analysis of environmental justice from three vantage points: 1) whether there exists a potential for disproportionate risk to a protected community; 2) whether communities have been sufficiently involved in the decision-making process; and 3) whether communities currently suffer, or have historically suffered, from environmental and health risks or hazards. Despite all of these elements being applicable to the Karuk Tribe, none of these factors have been implemented relative to the Karuk Tribe.

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On February 11, 1994, President Clinton issued Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations." Included in this directive was an increased emphasis and identification of American Indian

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communities as environmental justice concerns. Consistent with this directive and later developed guidelines, where proposed federal actions may affect tribal lands or resources (e.g., treaty-protected resources, cultural resources and/or sacred sites) lead agencies are directed to request that the affected Indian Tribe participate as a cooperating agency (40 CFR 1508.5). An environmental justice impact indicator is a disproportionately high and adverse human health or environmental effects on a protected community, including tribal communities, including a loss of income and a loss of governmental services that is different and distinct from the surrounding population. Given the Karuk Tribe's reliance on income from the Rain Rock facility to fund its governmental services, impacts to the Rain Rock facility raise environmental justice impacts that are not addressed in the DEIS. By favoring economic advantage of the Coquille Tribe over Yreka, and the Karuk Tribe and nearby tribes, the Department is relegating Karuk and surrounding communities to more hazardous conditions and fewer tribal government services.

Despite the affects that the Medford project would have on the Karuk Tribal lands and government, the Department has failed to even inquire to the Tribe about its interest in acting as a cooperating agency in this matter. Where differences occur regarding the preferred alternative or mitigation measures that will affect tribal lands or resources, the affected Indian Tribe should also be able to request that a dispute resolution process be initiated to resolve the conflict between the Tribe and the Department. Such a process has not provided, and the Department has this far refused to consult with the Karuk Tribe regarding these matters. In addition to these issues being environmental justice concerns, NEPA guidance acknowledges that potential effects to on- or off-reservation tribal resources that may disproportionately affect the local Native American community will implicate the federal trust responsibility to that Tribe to address that issue.

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These issues could and should have been addressed, had the DEIS been properly scoped. NEPA guidance provides that the identification of environmental justice concerns and the incorporation of these concerns should be incorporated into the scoping analysis, as they can have implications for the nature and extent of the scoping analysis in the DEIS. Indian Tribe representation in the process should be sought in a manner that is consistent with the government-to-government relationship between the United States and tribal governments, the federal government's trust responsibility to federally-recognized tribes, and treaty rights. This will help to ensure that the NEPA process is fully utilized to address concerns identified by tribes and to enhance protection of tribal environments and resources. Inclusion of all potentially affected tribes would assist in the protection of tribal sovereignty, tribal properties, natural and cultural resources, and tribal cultural practices. Sadly, this was not done with the DEIS.

Local Government Concerns

As you are no doubt aware, municipalities in California work closely with federally recognized Indian tribes in their jurisdiction to amicably provide support for municipalities affected by Indian gaming facilities. The City of Yreka ("City") benefits from such a relationship with the Karuk Tribe's Rain Rock Casino, which we fear could be forced to close its doors as a result of the reasonably foreseeable outcome from your decision. The City is

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approximately 50 miles south of Medford. The proposed Medford Project would cause direct and indirect fiscal impacts on the City, due to its impact on the Rain Rock facility, reduced employment opportunities in the City, reduced support to businesses in the City, and the reduced municipal benefits that the City would receive. Since its development, the City has also benefitted greatly from Rain Rock through its 2014 Intergovernmental Agreement (“IGA”) with the Karuk Tribe. The DEIS has made no mention and provided no consideration of these impacts, which cannot be ignored in your decision-making.

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Cultural impacts

The DEIS includes reference to the 2015 and 2022 cultural resource impacts which are, appropriately, kept confidential from the general public. However, in January of 2023, the Karuk Bank requested consultation with the Department to discuss impacts associated with the project upon the Karuk Tribe and its tribal business as well as seeking information relative to the cultural impacts to the site arising from the project and the basis for any restored lands determination. In fact, the Karuk Tribe has submitted a FOIA request seeking such information similar to that requested by other tribes in the region. Unfortunately, the Department has elected instead to provide a completely redacted memorandum regarding the restored lands exception, keeping from the general public and from neighboring tribes any information regarding the basis for the restored lands determination being made by the Department.

The Karuk Tribe’s historic range includes the areas surrounding the California and Oregon border. We know of no information that would support the Coquille Tribe in claiming restored lands exceptions at the Medford location. We are also unaware of any information that the Karuk Tribe ancestors and Coquille Tribe ancestors ever co-located and cohabited within the areas of either Alternative A or Alternative B. Absent providing information supporting the historic use of the areas, which could be provided through the consultation processes to maintain confidentiality, the Department cannot support the restored lands determination for either property. The Karuk Tribe has submitted to the Department a Freedom of Information Act (“FOIA”) requesting information related to the Department’s determination of the Alternative A and Alternative B sites as “restored lands” for the Coquille Tribe, but have received no response to date. Requests for similar information by interested tribes regarding previous restored lands determinations regarding the sites have been responded to with a fully redacted (blacked out) 11-page restored lands memorandum. This type of response lacks transparency and public disclosure of the Department’s bases for finding the appropriateness of the Alternative A and Alternative B sites. Absent full disclosure of its determination regarding the bases for offering these alternative sites for the federal actions, the DEIS fails to support its determinations with substantial evidence.

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The onsite cultural analysis of the bowling alley and surrounding locations are similarly kept from the public. With the inability to review the cultural reports it is impossible for other tribes to determine whether or not there could be cultural impacts arising from the redevelopment of the bowling alley property, adjacent parking areas, or adjacent golf course area which would be reasonably foreseeable given the area of the land held by the Coquille Tribe. Lacking the

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disclosure of any cultural resources in the location, cultural monitoring would be required onsite. The bowling alley was constructed in 1959, well before it was common place to have cultural impacts assessments done prior to development activities. As a result, and given the proximity of the 2.4-acre property to natural systems remaining in place, it is possible that there are cultural resources that would be affected by the larger development that are reasonably foreseeable from this project. The Karuk Tribe urges the Department to follow its trust responsibility honoring Karuk's request for consultation (and other affected tribes) to determine the nature of the cultural impacts of this project as well as basis for the determination that the Medford site and the Phoenix site could be considered restored lands as historic lands. To our knowledge there is no known reasonable explanation that would support such a determination.

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Cumulative and Growth Inducing impacts

Cumulative effects 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. 40 CFR 1508.1 (g) A meaningful cumulative impact analysis identifies: (1) the area in which the effects of the proposed project will be felt; (2) the impacts that are expected in that area from the proposed project; (3) other actions—past, present, proposed, and reasonably foreseeable—that have had or are expected to have impacts in the same area; (4) the impacts or expected impacts from these other actions; and (5) the overall impact that can be expected if the individual impacts are allowed to accumulate. *TOMAC v. Norton*, 433 F.3d 852, 864 (D.C. Cir. 2006); *La. Crawfish Producers Ass'n v. Rowan*, 463 F.3d 352, 357-58 (5th Cir. 2006).

Several courts have adopted a similar framework for considering cumulative impacts: “[A] meaningful cumulative impact analysis must identify: (1) the area in which the effects of the proposed project will be felt; (2) the impacts that are expected in that area from the proposed project; (3) other actions—past, present, and proposed, and reasonably foreseeable—that have had or are expected to have impacts in the same area; (4) the impacts or expected impacts from these other actions; and (5) the overall impact that can be expected if the individual impacts are allowed to accumulate.” (*Fritiofson v. Alexander*, 772 F.2d 1225, 1245 (5th Cir. 1985), abrogated in part on other grounds by *Sabine River Auth. v. U.S. Dep’t of Interior*, 951 F.2d 669, 677 (9th Cir. 1992); see also *Grand Canyon Trust v. FAA*, 290 F.3d 339 (D.C. Cir. 2002)).

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The CEQ Guidebook on Cumulative Impacts suggests that the appropriate scope should be defined by determining the largest geographic area that is occupied by the resources that could be affected by the proposed action. CEQ Guidebook, *supra* note 81, at 15., noting also that cumulative impact analysis should range beyond the project area and “should be conducted on the scale of human communities, landscapes, watersheds, or airsheds”); *Kern v. Bureau of Land Mgmt.*, 284 F.3d 1062, 1075 (9th Cir. 2002). Where an agency has taken concrete steps to evaluate or publicize a project, it will generally be a reasonably foreseeable action that must be included in the cumulative impacts analysis (see *Western Land Exchange Project v. U.S. Bureau of Land Mgmt.*, 315 F. Supp. 2d 1068 (D. Nev. 2004)).

In considering cumulative impacts, an agency must provide “some quantified or detailed information; . . . [g]eneral statements about possible effects and some risk do not constitute a hard look absent a justification regarding why more definitive information could not be provided *Ocean Advocates v. U.S. Army Corps of Eng’rs*, 402 F.3d 846, 864 (9th Cir. 2005) (agency finding that dock extension at refinery would not increase oil tanker traffic did not constitute hard look required by NEPA where it relied exclusively on unsubstantiated letter from project applicant) (citing *Neighbors of Cuddy Mountain v. U. S. Forest Serv.*, 137 F.3d 1372, 1379 (9th Cir. 1998)).

The CEQ Guidance on cumulative impacts notes that “[d]escribing the affected environment when considering cumulative effects does not differ greatly from describing the affected environment as part of project-specific analyses[.]” though the cumulative analysis is more expansive in geography and time.

In the instance of the impacts from Coquille’s proposed Medford/Phoenix area gaming facility on the Karuk Tribe’s governmental resources, the Department must consider not just the proximity of the Medford Project to the Karuk Tribe’s gaming facility, but also the lifeline that both facilities would share—the Interstate 5 corridor. The use and siphoning of traffic from the Interstate 5 corridor are stated as one of the purposes of the Medford alternative in the DEIS. Given that the Karuk Tribe relies on this very same resource, the relative proximity of the two facilities is much closer than mere geography indicates, rendering them operationally adjacent to each other. Failing to include an extensive analysis of the proposed project in the direct analysis is egregious and fails to take a hard look at the impacts from the Department’s decision. Moreover, those impacts are amplified when considering the more significant siphon effect that a reasonably foreseeable Class III facility could cause and which must be considered a cumulative impact. This analysis is completely missing from the DEIS.

Growth inducing impacts include those where a proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. The DEIS disingenuously provides that the proposed action will only cause growth-inducing impacts of a one-time construction activity and employment opportunities, not directly tying these opportunities to the development of a relatively large class II facility comparable to the Coquille Tribe’s Mill Casino, which operates 600 slot machines. The proposed action—bringing land into trust for gaming purposes—would reasonably lead to Coquille’s development of a large Class III casino and hotel complex at the site. This is made even more likely by the recent acquisition of multiple parcels of property surrounding the 2.4-acre application site, and Coquille’s development of a 111-room hotel immediately adjacent to the 2.4 acres. In acquiring the surrounding land and the development of the adjacent hotel, the Coquille tribe has “taken concrete steps to evaluate . . . a project” and as a result “it will generally be a reasonably foreseeable action that must be included in the cumulative impacts analysis (see *Western Land Exchange Project v. U.S. Bureau of Land Mgmt*,

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315 F. Supp. 2d 1068 (D. Nev. 2004). In addition, because it is reasonably foreseeable to cause economic growth in the area, and siphon economic opportunities from surrounding areas such as Yreka, the proposed action will have growth inducing impacts which are not addressed in the DEIS. Again, the DEIS fails to take a hard look at such impacts.

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Conclusion

The DEIS fails to completely disclose and analyze the impacts to the Karuk Tribe and its community. The Department should honor the Tribe's request for consultation, allow the Tribe to inform the Department of the ramifications of the project to the Karuk Tribe, and then reconduct the analysis with appropriate information and scope of impacts identified. Alternatively, there are options available that would avoid all of these impacts and concerns. According to the DEIS, Coquille has approximately 1,100 enrolled members. *See* DEIS, Sec. 3.7.2. Coquille has operated its successful Mill Casino, hotel and RV park on the water in Coos Bay, Oregon, since 1995, and the DEIS has identified as one of Coquille's alternatives (Alternative C) adding 650 slot machines in an expanded 5,000 s/f gaming floor at the Mill Casino. DEIS, p. ii. The DEIS provides that expanding the Mill Casino would generate more than \$4 million/year in additional revenues with far less capital cost (DEIS App. E), have *de minimis* environmental impacts, and would have only a relatively minor (0.6%) impact on Rain Rock's gross gaming revenues. DEIS, Table 4.7-6, p. 4-23, all without requiring the Department of the Interior to take an action. This is the action which should be chosen to meet Coquille's purpose and need.

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We look forward to your response to our consultation request and your careful consideration of these comments, consistent with your trust responsibility to the Karuk Tribe.

Very truly yours,



Russell Atteberry
Tribal Chairperson

Attachment A: Petition for Consultation re: Coquille Indian Tribe's gaming fee-to-trust application.

Attachment B: The Competitive Impact of Proposed Medford Casino on Rain Rock Casino, Meister Economic Consulting, 2023.

Attachment A

**Petition for Consultation re: Coquille Indian Tribe's
gaming fee-to-trust application.**

Karuk Community Health Clinic

64236 Second Avenue
Post Office Box 316
Happy Camp, CA 96039
Phone: (530) 493-5257
Fax: (530) 493-5270

Karuk Tribe



Karuk Dental Clinic

64236 Second Avenue
Post Office Box 1016
Happy Camp, CA 96039
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Fax: (530) 493-5364

Administrative Office

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January 13, 2023

Hon. Bryan Newland
Assistant Secretary – Indian Affairs
Department of the Interior
1849 C Street, N.W.
MS-4660-MIB
Washington, DC 20240

Bryan K. Mercier, Director
Northwest Region
Bureau of Indian Affairs
911 NE 11th Avenue
Portland, OR 97232-4169

Re: Petition for consultation re: Coquille Indian Tribe’s gaming fee-to-trust application

Dear AS-IA Newland and Regional Director Mercier:

As Chairman of the federally-recognized Karuk Tribe, I am writing on the Karuk Tribe’s behalf to object to the Coquille Indian Tribe’s (“Coquille”) application to have off-Reservation land within the city limits of Medford, Oregon taken into federal trust for the purpose of operating gaming activities pursuant to 25 U.S.C. § 2719(b)(1)(A), and to petition pursuant to 25 CFR Part 292.2 that the Bureau of Indian Affairs and the Assistant Secretary – Indian Affairs, as the Karuk Tribe’s trustee, consult with the Karuk Tribe concerning the proposed acquisition, notwithstanding that the Karuk Tribe is located more than 25 miles from the site that Coquille seeks to have placed into federal trust for gaming purposes.¹ The bases for this petition for consultation are set forth below.

For millennia, the Karuk people sustained themselves on the bounty of its vast (>1 million acres) traditional territory,² including the Klamath River region’s fish, wildlife, and other

¹ Rain Rock is located about 50 highway miles from Coquille’s proposed acquisition. Until the BIA shrank the radius for mandatory consultation from 50 miles to 25 miles in 2008 (73 F.R. 29354), this petition would not have been necessary.

² 97% of which was converted to public lands and lost to the Tribal community.

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resources. No longer. Past (and some current) Federal and state policies and actions, such as permitting (and in some instances encouraging) over-fishing by the non-Indian ocean troll fishery while prohibiting traditional Native fishing practices, vastly reducing salmon spawning habitat and in-river flows through dam construction, forced fee-patenting of trust allotments, destructive logging practices, and in recent years, a succession of devastating wildfires have reduced or eliminated much of the natural abundance that once sustained the people of the Karuk Tribe and the other Tribes of the Klamath River Basin and watershed.

The Karuk Tribe, with 3,700 enrolled citizens, numerically is one of California's largest federally-recognized Tribes, but has only a small tribal trust land base. The Tribe is headquartered at Happy Camp, in an extremely remote area of northern California. The Tribe had no feasible opportunity to benefit under the Indian Gaming Regulatory Act ("IGRA") until the Tribe was able to acquire and convey into trust for gaming a small parcel of land near Yreka, California, within the Tribe's traditional territory and close to the Interstate 5 highway a few miles south of the California-Oregon border.

Some Karuk citizens residing in the Tribe's traditional territory continue to have individual allotments held in trust for them by the United States, but in the early 20th century, many Karuk citizens lost their trust allotments as the result of the BIA's policy of forcing the issuance of fee patents in the interest of opening lands to logging and other forms of destructive exploitation. Due to the remoteness of the Tribe's territory, and especially in light of the decline in the logging industry and a recent history of catastrophic wildfires (in just the past few years, wildfires such as the 2020 Slater Fire have destroyed hundreds of tribal citizens' homes in the Karuk Tribe's traditional territory, and the unavailability or increased cost of fire insurance has hampered efforts to rebuild), there are limited opportunities for the Tribe's citizens to obtain and maintain gainful employment. Consequently, the unemployment rate among the Tribe's citizens consistently exceeds 25 %.

The Tribe has tried hard to adapt to changing circumstances by pursuing various forms of economic development to generate revenues for its government and employment and income for its citizens. Among its most recent projects was the establishment and operation of the Rain Rock Casino ("Rain Rock") near Yreka, California, which opened for business in April, 2018. Rain Rock was built with borrowed money, and the Tribe's lenders have first priority on Rain Rock's net revenues until the loan has been repaid in full, with interest. Thus, any substantial decrease in Rain Rock's revenues would have a disproportionately adverse impact on the availability of funds to the Tribe after debt service.

According to the DEIS for the proposed Coquille acquisition ("Coquille DEIS"), Coquille has approximately 1,100 enrolled members. *See* DEIS, Sec. 3.7.2. Coquille has operated its successful Mill Casino, hotel and RV park on the water in Coos Bay, Oregon, since 1995, and the DEIS has identified as one of Coquille's alternatives (Alternative C) adding 650 slot machines in an expanded 5,000 s/f gaming floor at the Mill Casino. DEIS, p. ii. According to the DEIS, expanding the Mill Casino would generate more than \$4 million/year in additional revenues (DEIS App. E, have *de minimis* environmental impacts, and would have only a minor

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(0.6%) impact on Rain Rock's gross gaming revenues. DEIS, Table 4.7-6, p. 4-23, all without requiring the Department of the Interior to take an action. Closer inspection of the DEIS supporting documents reveals that the proposed project will wreak economic devastation on the Karuk Tribe, with a 27% decrease in gross revenue at Karuk's Rain Rock Casino. We are researching this decrease and it's very likely this is an under-estimate of the negative impact.

Rain Rock has 145 employees, of which 35 are Karuk citizens. A reduction of >27% in Rain Rock's gross gaming revenues for the next 28+ years would directly result in the loss of at least 45 jobs at Rain Rock, including those held by Karuk citizens, and potentially 25-35 jobs in the Karuk tribal government. In the short time that Rain Rock has been open, it has become an important source of employment and income for Karuk citizens and others in the surrounding area, but according to the Coquille DEIS, if the Department of the Interior facilitates Coquille's cannibalization of Rain Rock's already limited market, it will cease to be a viable source of vital ongoing revenue to fund the tribal government's programs and services for most of the next 30 years.

According to the Coquille DEIS, the proposed Coquille casino in Medford, operating only with class II games, would have both short- and long-term catastrophic impacts on Rain Rock's gross gaming revenue: *i.e.*, a 27.2% decline in GGR (DEIS, Table 4.7-6, p. 4-23), from which Rain Rock would need more than 28 years to recover just to the level anticipated for 2023. DEIS, p. 4-30. Once the property is taken into trust for gaming, nothing would prevent Coquille from obtaining either a compact or Secretarial Procedures allowing Coquille to install class III games and further expand that facility. However, the DEIS is completely silent about the impacts to Rain Rock and thus to the Karuk Tribe from the operation of a class III casino on either Alternative A or B.

According to the DEIS, "With appropriate management practices, the Tribe should have the ability to streamline operations at its facility to absorb this level of impact and remain operational." *Id.* The DEIS does not define or describe "appropriate management practices" or what would be needed to "streamline operations", but it is obvious that what the DEIS contemplates is that the Karuk Tribe would be forced to lay off a substantial percentage of the Rain Rock work force and otherwise drastically reduce operating expenses, just to keep Rain Rock's doors open to service its debt.

Although the DEIS projects a substantial reduction in Rain Rock's gross gaming revenues, that projection is based solely on an estimate of those revenues, not on actual data. DEIS App. E, pp. 68-70. Thus, the DEIS is devoid of any estimates about Rain Rock's profit margin, indebtedness, net gaming revenues actually available to the Karuk Tribe. Moreover, and perhaps most significantly, the DEIS is devoid of any information or analysis about the Karuk Tribe's current and future resources and needs, and how the projected drastic and long-term reduction in Rain Rock's revenues will impair the Karuk Tribe's ability to respond to the needs of its citizens.

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The DEIS uses as its standard for measuring the adverse impact on Rain Rock whether development of Coquille's project under either Alternative A, B or C would put Rain Rock out of business. Given the Karuk government's extreme reliance on revenue from the Rain Rock casino, the predicted impacts to the Rain Rock casino are a direct threat to the viability of the Karuk Tribal government itself. Putting Rain Rock out of business, or even reducing revenues to a level barely able to service debt, would largely render the tribal government unable to function.

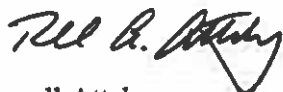
Under IGRA, the Karuk Tribe should be able to operate Rain Rock at a level that will generate revenues to fund the tribal government and gainfully employ its citizens, not just to service the debt incurred in its construction. Rain Rock does not and will not pose a threat to the Coquille Tribe's existing Mill Casino or to the Coquille Tribe, nor does the Mill Casino pose any threat to Rain Rock or the Karuk Tribe. The Coquille Tribe's proposed Medford casino would pose an existential threat to both Rain Rock and the Karuk Tribe, something that the Department of the Interior, as the Karuk Tribe's trustee, should not facilitate.

If only based on the projected severe impact on the Karuk Tribe of either Alternative A or B as described in the DEIS, the Karuk Tribe is entitled to be consulted about the proposed project. However, the federal government owes a trust responsibility to the Karuk Tribe even when it also owes a trust responsibility to another tribe. *See, Nance v. EPA*, 645 F.2d 701 (9th Cir. 1981); 25 U.S.C. § 2719(b)(1)(A); 25 C.F.R. Part 292, § 292.13(b). Only in consultation would the Karuk Tribe be able to share detailed confidential information about the likely extent to which approval of either Alternative A or B would adversely impact the Karuk Tribe's ability and resources to meet the current and future needs of its citizens and government for the next three decades, and the extent to which the lives of Karuk citizens would be impacted.

In summary, the DEIS projects an impact on the Karuk Tribe and its citizens every bit as destructive to the Karuk Tribe's ability to attain economic self-sufficiency as what more than a century of federal and State land and resource management activities and policies have done to the Klamath River's anadromous fishery and other natural resources on which the Karuk people so long depended. Consultation with the Karuk Tribe is essential to avoiding the compounding of these obstacles.

We look forward to your positive response to this request.

Very truly yours,



Russell Atteberry
Tribal Chairperson

cc: Reg. Director Amy Dutschke

Attachment B

**The Competitive Impact of Proposed Medford Casino
on Rain Rock Casino, Meister Economic Consulting, 2023**

The Competitive Impact of Proposed Medford Casino on Rain Rock Casino

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Submitted to:
Karuk Tribe



Submitted by:
Meister Economic Consulting, LLC



February 2023

Executive Summary

Meister Economic Consulting, LLC was commissioned by the Karuk Tribe to analyze the potential competitive impact of a proposed Medford, Oregon casino on its nearby existing casino, Rain Rock Casino, in Yreka, California.

PROPOSED MEDFORD CASINO

The Coquille Indian Tribe, which owns and operates the Mill Casino Hotel & RV Park in North Bend, Oregon, is proposing to open a 30,300 square foot gaming facility with 650 Class II gaming machines, a deli/bar, and parking for 520 vehicles at the site of Roxy Ann Lanes bowling alley,¹ which is located at 2375 South Pacific Highway in Medford, Oregon, just off Interstate 5 (“Proposed Medford Casino”), approximately 59 minutes from Rain Rock Casino in Yreka, California.² The Coquille Tribe has obtained rights to Kim’s Restaurant, which is located next door to Roxy Ann Lanes, and agreed to lease Bear Creek Golf Course, which is adjacent to the two buildings.³ The Coquille Indian Tribe has also opened a 111-room Compass by Margaritaville Hotel directly adjacent to the site of the Proposed Medford Casino, which is not technically part of their land-in-trust application, but nevertheless should be considered part of the project when estimating the market and competitive effects of the proposed casino.⁴

RAIN ROCK CASINO

Rain Rock Casino is owned and operated by the Karuk Tribe in Yreka, California. Given its location along Interstate 5 in Northern California, only 22 miles from the Oregon border, the casino draws a significant portion of its customers from the nearby Oregon cities of Ashland and Medford. The 36,000 square foot facility includes:⁵

- Approximately 14,000 square feet of gaming space, with 349 Class III slot machines and 8 table games;
- An 80-seat restaurant; and

¹ U.S. Department of the Interior Bureau of Indian Affairs, Draft Environmental Impact Statement (DEIS), Coquille Indian Tribe Fee-to-Trust and Gaming Facility Project, July 2022, p. 2-10. Although the DEIS for the Coquille Tribe’s Proposed Medford Casino describes the project as a Class II gaming facility, the DEIS states that the casino will operate “slot machines,” which by definition are Class III gaming devices. In any event, once the property has been taken into trust for gaming purposes, nothing would preclude the Coquille Tribe from seeking a compact with the State of Oregon that would authorize the operation of Class III gaming.

² Bing Maps.

³ Coquille Indian Tribe (2013), pp. 3-4, 8.

⁴ “[T]he adjacent hotel would be available to serve patrons of the proposed class II gaming facility.” U.S. Department of the Interior Bureau of Indian Affairs, *Draft Environmental Impact Statement, Coquille Indian Tribe Fee-to-Trust and Gaming Facility Project*, July 2022, p. 2-29.

⁵ Source: Rain Rock Casino.

- A 20-seat bar.

There is also a smoke shop adjacent to the existing casino.

Rain Rock Casino is currently expanding with the following :⁶

- Addition of an 80-room hotel;
- Addition of a 20-seat Grab and Go food outlet;
- Conversion of the existing bar to a full sports bar with the same number of seats;
- Addition of 4,500 square feet of events/banquet space; and
- Addition of a gift shop.

This expansion is due to open in in the first quarter of 2024, before the Proposed Medford Casino's estimated opening date of 2025 and first stabilized year of operations in 2026.⁷

Rain Rock Casino is a critical source of funding for the Karuk Tribe. Currently, the Tribe is using all casino profits to pay off the casino debt and to reinvest in the expansion of the casino. Starting in 2024, once the Tribe has paid off all its casino debt and completed construction of the expansion, in accordance with the Indian Gaming Regulatory Act (IGRA),⁸ the Karuk Tribe will use profits from its gaming operations to:

- 1) Fund tribal government operations, programs, and services, such as health care, housing, education, and fuel reduction;
- 2) Provide for the general welfare of its members; and
- 3) Promote tribal economic development.

COMPETITIVE IMPACT OF PROPOSED MEDFORD CASINO ON RAIN ROCK CASINO

The Proposed Medford Casino would be a direct competitor to Rain Rock Casino. Moreover, the proposed casino would be located much closer to Rain Rock Casino's primary feeder market—the Medford/Ashland area—while offering nearly twice as many slot machines. The Proposed Medford Casino would also be well located to intercept business traffic (e.g., business travelers and long-haul trucks) and leisure travelers, who stop temporarily on their way to other destinations.

Our gravity model predicts that by calendar year 2026, the first stabilized year of the Proposed Medford Casino's operations:

⁶ Source: Rain Rock Casino.

⁷ For the purposes of this report, the Proposed Medford Casino is estimated to open January 1, 2025. The first year will be an initial ramp-up period. Thus, we consider 2026 to be the first stabilized year of operations.

⁸ Indian Gaming Regulatory Act, 25 U.S.C. § 2710(b)(2)(B).

- Rain Rock Casino would lose approximately 25.9% of its annual visits to the Proposed Medford Casino, but these visitors – mostly from the Medford area – spend nearly twice as much per visit as customers who originate from the local Yreka area.
- Rain Rock Casino would lose approximately 37.0% of its annual gross gaming revenues to the Proposed Medford Casino mainly due to the loss of its Oregon customer base, but also due to the loss of some of its pass-through traffic (i.e., tourists, business travelers, and long-haul trucks).
- Rain Rock Casino would lose approximately 51.7% of its annual food and beverage revenues to the Proposed Medford Casino when losing the aforementioned gross gaming revenue.
- Rain Rock Casino will not lose all of its Oregon customers because Rain Rock Casino offers a limited number of Class III table games that are not at this time included as part of the Medford Casino project. However, table games account for a comparatively small percentage of Rain Rock Casino's gross gaming revenues (9.4%) and this competitive advantage will be offset by the loss of additional customers residing in far northern California, who have a much closer drive-time to Medford than to Yreka.
- If the Proposed Medford Casino adds table games to its mix of gaming options in the future, Rain Rock Casino will lose its small competitive advantage in this gaming niche, and Rain Rock's estimated gaming revenue loss to the Proposed Medford Casino could be slightly higher than otherwise estimated in this report.

Losses of this magnitude would inevitably result in significant employment reductions in every department of Rain Rock Casino's operations, including gaming, food and beverage, and general administration.

Overall, these losses may threaten the viability of Rain Rock Casino.

Furthermore, and more importantly, the aforementioned annual gaming and non-gaming revenue losses at Rain Rock Casino resulting from the introduction of the Proposed Medford Casino would cause detriment to the Karuk Tribe. A reduction in casino revenue, and the corresponding reduction in casino profit, will result in a direct loss of governmental revenue to the Karuk Tribe. The loss of governmental revenue would eliminate or drastically reduce funds available to the Karuk Tribe to fund essential government programs and services for their tribal membership.

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1. Assignment

Meister Economic Consulting, LLC was commissioned by the Karuk Tribe to analyze the potential competitive impact of a proposed Medford casino ("Proposed Medford Casino") on its nearby existing casino, Rain Rock Casino, in Yreka, California. To quantify this impact, we conducted a market impact analysis utilizing a custom designed gravity model.

The report is organized as follows. Section 2 of the report provides background on the Karuk Tribe, Rain Rock Casino, and the Proposed Medford Casino. Section 3 explains the methodology used to analyze the potential competitive impact of Proposed Medford Casino on Rain Rock Casino. The results of our analyses are set forth in Section 4. References to publications relied upon in this report are set forth in Section 5. Background on the authors of this report and Meister Economic Consulting is set forth in Appendices A and B, respectively.

2. Background

This section of the report provides background on the Karuk Tribe, Rain Rock Casino, and the Proposed Medford Casino.

2.1 KARUK TRIBE⁹



The Karuk Tribe is a federally recognized Indian tribe indigenous to Northwestern California. While the Karuk Tribe does not have a legally designated reservation, it does have a number of small tracts held in trust by the federal government, as well as tracts owned by the Tribe in fee-simple status. These small non-contiguous parcels of land are primarily located along the Klamath River in western Siskiyou County and northeastern Humboldt County. There are also a number of tracts of land located within the City of Yreka. The total land area of these parcels is 1.123 square miles (719 acres).

The Karuk Tribe is headquartered in Happy Camp, California. It is the second largest Indian tribe in California, with 3,686 tribal members.

2.2 RAIN ROCK CASINO

Rain Rock Casino is owned and operated by the Karuk Tribe in Yreka, California. Given its location along Interstate 5 in Northern California, only 22 miles from the Oregon border, the casino draws a significant portion of its customers from the nearby Oregon cities of Ashland and Medford. The 36,000 square foot facility includes:¹⁰

- Approximately 14,000 square feet of gaming space, with 349 Class III slot machines and 8 table games;
- An 80-seat restaurant; and
- A 20-seat bar.

There is also a smoke shop adjacent to the existing casino.

Rain Rock Casino is currently expanding with the following:¹¹

- Addition of an 80-room hotel;
- Addition of a 20-seat Grab and Go food outlet;
- Conversion of the existing bar to a full sports bar with the same number of seats;

⁹ Source: Karuk Tribe.

¹⁰ Source: Rain Rock Casino.

¹¹ Source: Rain Rock Casino.

- Addition of 4,500 square feet of events/banquet space; and
- Addition of a gift shop.

This expansion is due to open in in the first quarter of 2024, before the Proposed Medford Casino's first stabilized year of operations in 2026.¹²

Figure 1
Rain Rock Casino



Rain Rock Casino is a critical source of funding for the Karuk Tribe. Currently, the Tribe is using all casino profits to pay off the casino debt and to reinvest in the expansion of the casino. Starting in 2024, once the Tribe has paid off all its casino debt and completed construction of the expansion, in accordance with the Indian Gaming Regulatory Act (IGRA),¹³ the Karuk Tribe will use profits from its gaming operations to:

- 1) Fund tribal government operations, programs, and services, such as health care, housing, and fuel reduction;
- 2) Provide for the general welfare of its members; and
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2.3 PROPOSED MEDFORD CASINO

The Coquille Indian Tribe, which owns and operates the Mill Casino Hotel & RV Park in North Bend, Oregon, is proposing to open a 30,300 square foot gaming facility with 650 Class II gaming

¹² As discussed in Section 2.4 below, for the purposes of this report, the Proposed Medford Casino is estimated to open January 1, 2025. The first year will be an initial ramp-up period. Thus, we consider 2026 to be the first stabilized year of operations.

¹³ Indian Gaming Regulatory Act, 25 U.S.C. § 2710(b)(2)(B).

machines, a deli/bar, and parking for 520 vehicles at the site of Roxy Ann Lanes bowling alley,¹⁴ which is located at 2375 South Pacific Highway in Medford, Oregon, just off Interstate 5 (“Proposed Medford Casino”), approximately 59 minutes from Rain Rock Casino in Yreka, California.¹⁵ The Coquille Tribe has obtained rights to Kim’s Restaurant, which is located next door to Roxy Ann Lanes, and agreed to lease Bear Creek Golf Course, which is adjacent to the two buildings.¹⁶ The Coquille Indian Tribe has also opened a 111-room Compass by Margaritaville Hotel directly adjacent to the site of the Proposed Medford Casino, which is not technically part of their land-in-trust application, but nevertheless should be considered part of the project when estimating the market and competitive effects of the proposed casino.¹⁷

The Proposed Medford Casino will be strategically positioned to capture a significant percentage of Rain Rock Casino’s local customer base. The Coquille Indian Tribe’s Business Plan for the proposed casino observes that the site is “conveniently accessible to potential customers.”¹⁸ In 2022, residents of Oregon accounted for 40.6% of Rain Rock Casino’s known customer base and 42.7% of the casino’s annual gross gaming revenues (see Table 1).¹⁹

As shown in Table 1, the City of Medford alone accounts for more than one-quarter of Rain Rock Casino’s annual gross gaming revenues. Other Oregon communities, such as Ashland and Eagle Point, which are much closer to Medford than to Yreka (see Figure 2), also account for a significant percentage of Rain Rock Casino’s annual gross gaming revenue. These local area customers in Oregon are primarily convenience gamblers who are highly sensitive to drive-times, convenience, and the proximity to a gaming facility.²⁰ The residents of these Oregon municipalities are currently in Rain Rock Casino’s secondary (30 to 60 miles) and tertiary (60 to 90 miles) market areas (see Figure 2), but most of them would be in the Proposed Medford Casino’s primary market area (0 to 30 miles) (see Figure 3) and would therefore shift their patronage to the more convenient facility almost instantly for purposes of gaming machine play.

¹⁴ U.S. Department of the Interior Bureau of Indian Affairs, Draft Environmental Impact Statement, Coquille Indian Tribe Fee-to-Trust and Gaming Facility Project, July 2022, p. 2-10. Although the DEIS for the Coquille Tribe’s Proposed Medford Casino describes the project as a Class II gaming facility, the DEIS states that the casino will operate “slot machines,” which by definition are Class III gaming devices. In any event, once the property has been taken into trust for gaming purposes, nothing would preclude the Coquille Tribe from seeking a compact with the State of Oregon that would authorize the operation of Class III gaming.

¹⁵ Bing Maps.

¹⁶ Coquille Indian Tribe (2013), pp. 3-4, 8.

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¹⁸ Coquille Indian Tribe (2013), p. 6.

¹⁹ Rain Rock Casino players club data (2022).

²⁰ Coquille Indian Tribe (2013), p. 6.

Table 1

Percentage of Rain Rock Casino GGR Originating From Oregon Residents, 2022	
Medford CCD	25.7%
Ashland CCD	6.8%
Eagle Point CCD	5.4%
Klamath Falls CCD	2.2%
Grants Pass CCD	1.4%
Northwest Josephine CCD	0.3%
Sams Valley CCD	0.3%
Chiloquin CCD	0.2%
Merrill CCD	0.1%
Wilderville CCD	0.1%
Keno CCD	0.1%
Cave Junction CCD	0.1%
Other	0.1%
GGR from Oregon Residents	42.7%

Source: Rain Rock Casino Players Club data (2022).

Figure 2
Rain Rock Casino Designated Market Area

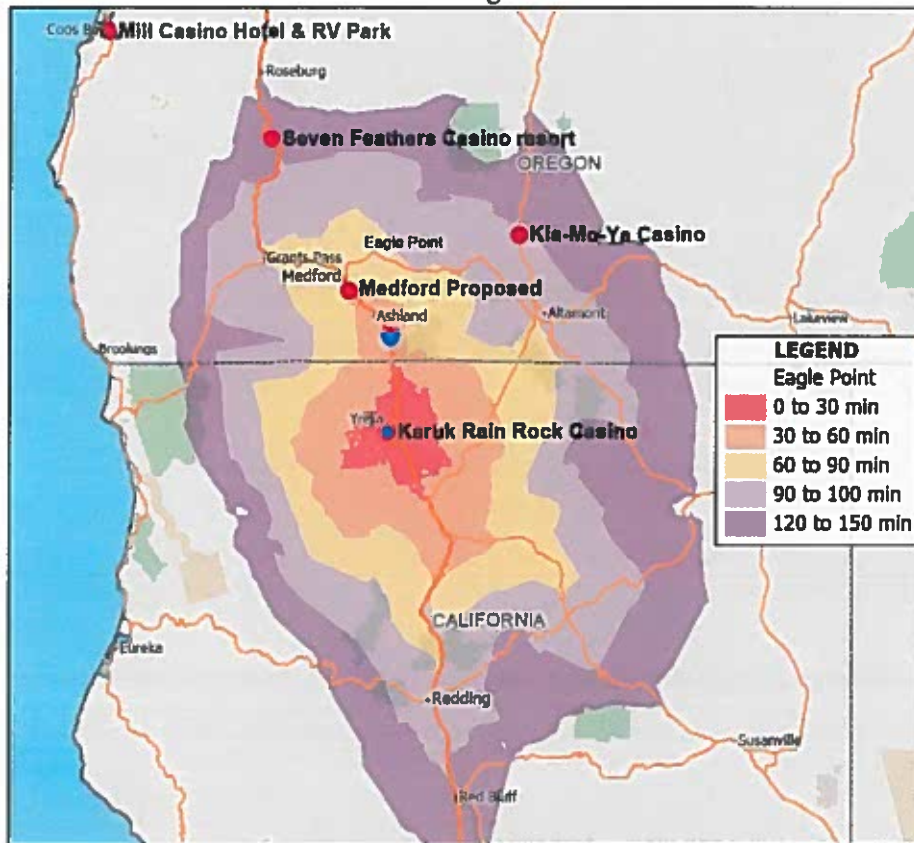
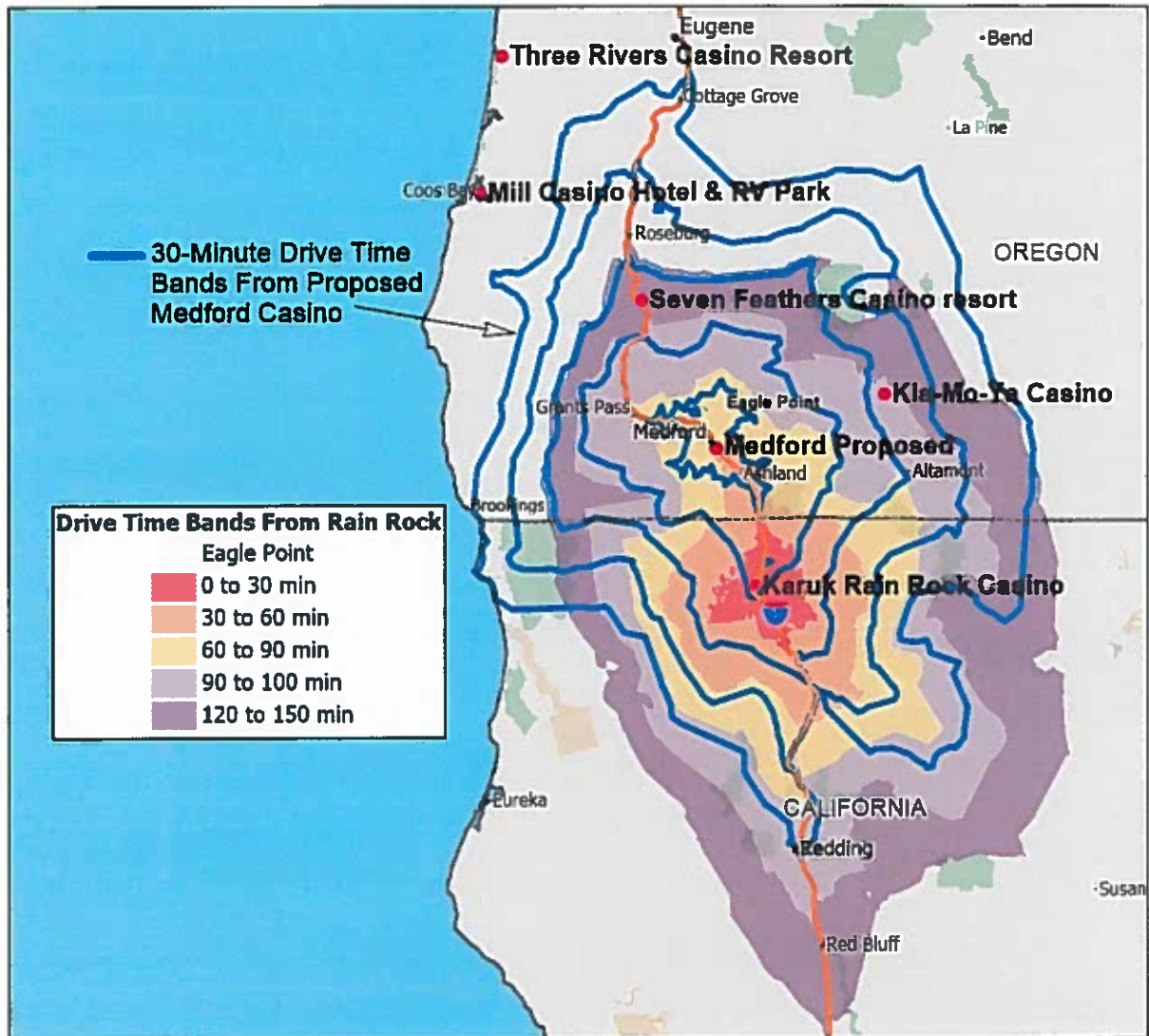


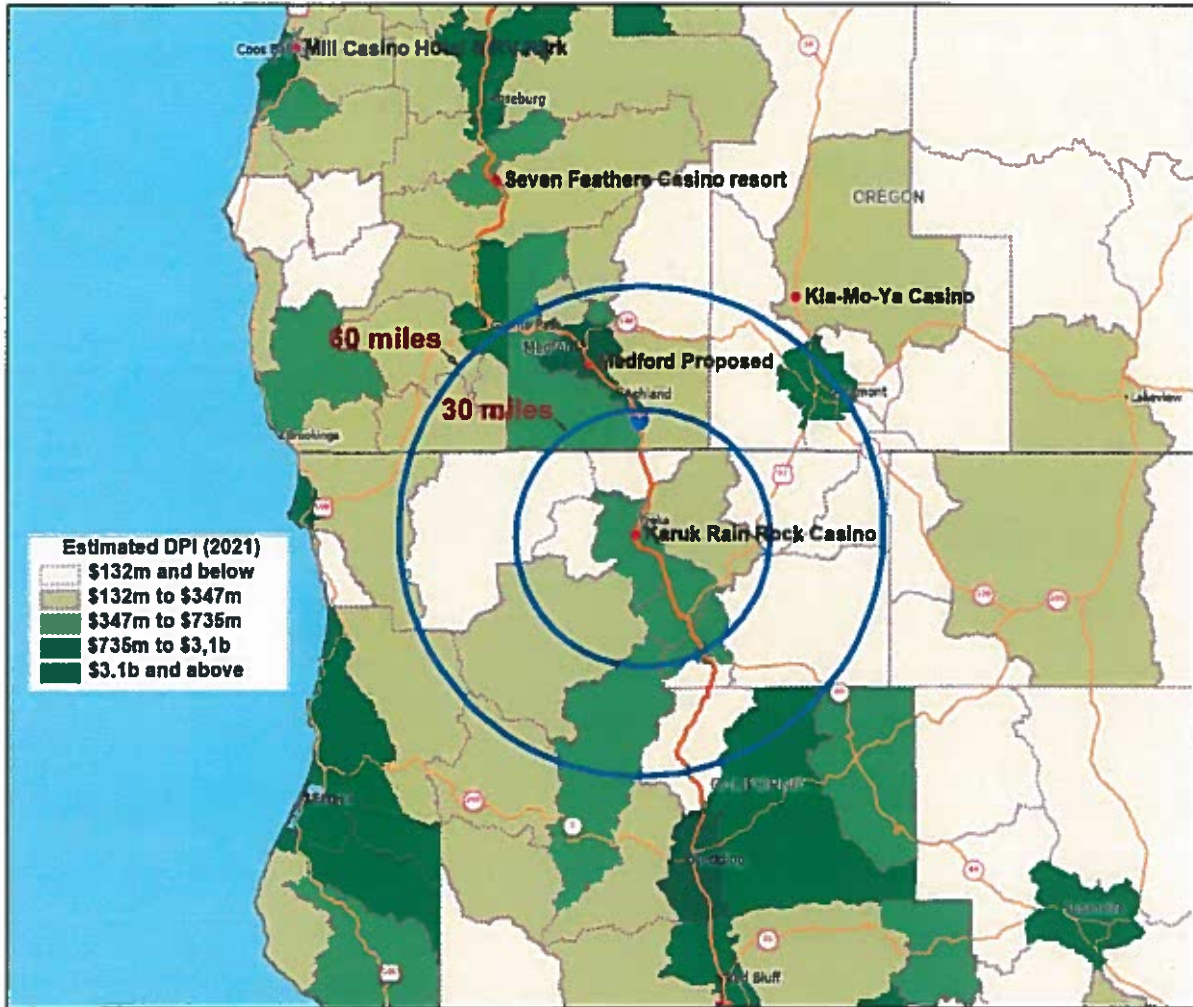
Figure 3

Designated Market Areas for Rain Rock Casino and Proposed Medford Casino Market Area



Moreover, as documented in Figure 4, the residents of these municipalities have the highest levels of disposable personal income in Rain Rock Casino's primary Designated Market Area, and therefore, the long-term revenue loss from the Proposed Medford Casino on Rain Rock Casino will be larger than its loss in terms of the raw number of customers.

Figure 4
Geographic Distribution of Disposable Personal Income
in Rain Rock Casino Primary Market Area



2.4 COMPETITIVE IMPACT OF PROPOSED MEDFORD CASINO ON RAIN ROCK CASINO

For the purposes of this report, we have assumed that the Coquille Indian Tribe would gain land-in-trust approval by January 1, 2024 (per direction from the Karuk Tribe). With a 12-month construction period,²¹ we estimate that the Proposed Medford Casino would open January 1, 2025, with the first stabilized year of operations in calendar year 2026. As documented above, Rain Rock Casino relies heavily on the Medford area as a market feeder, thus a new gaming facility in Medford will have a negative impact on Rain Rock Casino’s gaming and non-gaming revenues.

²¹ U.S. Department of the Interior Bureau of Indian Affairs, Draft Environmental Impact Statement, Coquille Indian Tribe Fee-to-Trust and Gaming Facility Project, July 2022, p. 2-19.

Table 2 shows that there are 552,400 adults (age 21+) living in Rain Rock Casino’s Designated Market Area (DMA), which consists of a 2.5-hour drive-time radius shown in Figure 2. The casino’s Designated Market Area accounts for 88% of the casino’s annual gross gaming revenue, while the remaining 12% of its GGR is generated primarily by out-of-market drive-through and pass-by traffic (e.g., tourists, business travelers, and long-haul trucks). The individuals living within Designated Market Area have \$21.2 billion in total income, although most of that income is concentrated in the casino’s tertiary market area (91-120 minutes).

Table 2

Rain Rock Casino: Demographic and Market Summary								
Drive Time	Total Population (2021)	Adult Population (Age 21+) (2021)	Total Income (2021)	Annual Visits (2022)	Percent of Annual Visits (2022)	Average Visits Per Year (2022)	Avg. Spend Per Visit (2022)	Percent of GGR by Functional Distance
0 - 30 Min.	26,291	19,895	\$659,086,390	136,307	37%	49	\$ 63.05	27%
31 - 60 Min.	181,329	136,678	\$4,485,338,070	118,385	32%	24	\$ 116.26	43%
61 - 90 Min.	37,807	29,567	\$1,005,775,308	28,564	8%	20	\$ 99.13	9%
91-120 Min.	369,502	278,383	\$12,622,614,969	34,784	9%	16	\$ 89.30	10%
121-150 Min.	112,713	87,877	\$2,473,800,944	1,891	1%	5	\$ 80.05	0%
Out-of-Market	N/A	N/A	N/A	49,068	13%	15	\$ 77.51	12%
Total	727,642	552,400	\$21,246,615,681	368,999	100%		\$ 87.40	100%

Sources: U.S. Census (2022); U.S. Bureau of Economic Analysis (2022); Meister Economic Consulting (2023).
Note: 2022 dollars.

Rain Rock Casino is highly dependent on Medford, and surrounding towns in Oregon, for its gross gaming revenues. Notably, Table 2 shows that Rain Rock Casino generates approximately 43% of its annual gross gaming revenue from customers who live at a drive-time distance of 31-60 minutes, and these customers mostly reside in Oregon. Rain Rock Casino also generates a significant share of its gross gaming revenue from drive-through and pass-by traffic, so the presence of an adjacent hotel at the Proposed Medford Casino will be an attractive amenity that will draw away some of this customer traffic.

As shown in Figure 3, the Designated Market Area for the Proposed Medford Casino significantly overlaps with Rain Rock Casino’s Designated Market Area, and importantly, the Proposed Medford Casino’s primary market area consists of those Oregon residents who account for 42.7% of Rain Rock Casino’s annual gross gaming revenues.

3. Methodology

To quantify the potential competitive impact of the Proposed Medford Casino on Rain Rock Casino, we conducted a market impact analysis. The impact estimates are based on well-established demand analysis techniques that incorporate standard assumptions about the gaming market and the proposed gaming facilities. The analysis and conclusions are derived from a custom designed gravity model (see Section 3.3), which is a modeling technique commonly utilized for forecasting visits and revenues at casinos. Inputs to the model consist of secondary public data sources for population (U.S. Census), disposable personal income (U.S. Bureau of Economic Analysis), and drive times between different locations (Bing Maps). The model was further refined using players club data from Rain Rock Casino, which was confidentially made available by the Karuk Tribe.

3.1 DEFINITIONS

There are many specialized terms and concepts that are unique to the gaming industry. These terms include:

- **Handle** – The total amount of money wagered in a day, month, or year. It does not measure the amount of money won or lost by a patron, but measures the velocity of money.
- **Drop** – The total amount of cash and other negotiable instruments that are taken by the dealer at a table game and placed into the drop box in exchange for chips or the actual amount of cash inserted into a slot machine. Drop is different from handle since it is the initial stake put at risk by a player and not the total amount wagered by a patron (and a patron may “cash out” and not wager the total drop).
- **Payout** – The amount of money returned to casino gamblers from the amount wagered (i.e., handle).
- **Win or Hold** – The amount of money retained by a casino from the handle wagered by patrons.
- **Gross Gaming Revenue (GGR)** – The total amount of gaming revenue (win) retained by the casino during a day, month, or year, including the value of gaming promotional allowances (see below). GGR is the most common figure used to determine what a casino, racetrack, lottery, or other gaming operation earns before taxes and expenses are paid. GGR is the equivalent of “sales” in other retail and service industries and should not be confused with “profit.”
- **Non-Gaming Revenue (NGR)** – The total amount of sales by non-gaming operations, such as a hotel, food and beverage establishments, retail outlets, and entertainment, including the value of promotional allowances (see below).

- **Gross Revenue** – The total revenue retained by a casino from both its gaming (GGR) and non-gaming (NGR) operations.
- **Promotional Allowances** – Complimentary food and beverage, hotel, retail, entertainment, and other services provided to casino patrons. The retail value of these complimentary items is included in gross revenue and then deducted as promotional allowances to arrive at net or operating revenue.
- **Net Revenue or Operating Revenue** – Gross revenue minus promotional allowances.
- **Earnings Before Interest, Taxes, Depreciation, and Amortization (EBITDA)** – Net revenue minus operating expenses. EBITDA does not deduct interest expense, taxes or revenue sharing, depreciation, amortization, or management and development fees paid to third parties.
- **Propensity to Gamble** – The percentage of the adult population that gambles at least once per year. The propensity to gamble can also be measured as a percent of disposable personal income spent on gambling in a specific year.

3.2 MARKET & FACILITY ASSUMPTIONS

The potential market impact of the Proposed Medford Casino on Rain Rock Casino will depend on a variety of factors beyond the market area's demographic characteristics, including but not limited to:

- The quality of the Medford gaming facility;
- The quantity and types of gaming available at the Medford gaming facility;
- The location and accessibility of the property;
- Proximity to a major population center;
- Levels of disposable personal income in the Designated Market Area;
- The quality and range of non-gaming amenities offered on site;
- Customer service levels, including the quality and generosity of the players club and other comps;
- Marketing programs and promotions to attract customers to the gaming facility;
- The regional population's propensity to gamble; and
- Existing and future competition in the Designated Market Area.

The market impact analysis makes several basic assumptions about the Proposed Medford Casino. These assumptions are as follows:

- All things being equal, proximity to a casino is a major factor in choosing to patronize a specific gaming venue. Given the choice between comparable facilities, casino patrons will normally visit the nearest comparable casino.

- If the option of casino gambling is made available, then a known average percentage of the population will patronize casinos as a form of entertainment. Therefore, absent local opportunities, some residents will opt not to gamble, while others will travel further to locations that offer casino gaming.
- Substantial numbers of Oregon residents already gamble at casinos in Oregon and California, and the average propensity to gamble will increase as new facilities are added in the region until the market reaches saturation.²²

3.2.1 Proposed Medford Casino

It is assumed that the Proposed Medford Casino will:

- be well-designed and attractive to potential customers;
- open January 1, 2025 with 650 Class II gaming machines;
- operate at 85% of its full potential in CY 2025 and 100% of its full potential in CY 2026 as it ramps up operations and marketing;
- include one adjacent hotel with a total of 111 rooms, with a fitness center, gift shop, outdoor pool, 1 restaurant, and 1 snack shop;
- include surface parking with 520 parking spaces;
- be aggressively marketed within its Designated Market Area and beyond; and
- be well managed and operated by its owners.

A casino with these characteristics and amenities will exert considerable gravity on the regional gaming market and it will be strategically positioned to capture a significant percentage of Rain Rock Casino's existing gaming revenues (and that of other existing casinos as well).

3.3 GRAVITY MODEL

Gravity modeling is the most reliable and commonly used method for estimating the demand for proposed casinos and the potential competitive impact of new casinos on existing casinos in a specific market area. Gravity modeling is based on a modified version of Sir Isaac Newton's Law of Gravitation, which has been in use since 1931 when Professor William J. Reilly of the University of Texas introduced his Law of Retail Gravitation to predict the movement of people, commodities, and sales (money) between competing commercial centers. Newton's Law of Gravitation states that the gravitational force between two objects is proportional to the product of their masses and inversely proportional to the square of the distance between the two objects. William J. Reilly's

²² Shim and Seigel (1995, p.306) define market saturation as "the point of a product life cycle where the market has been completely filled so that no more sales for goods and services can be taken up," (i.e., as the point where supply and demand are in equilibrium).

restatement of this principle as the Law of Retail Gravitation states that larger retail facilities (i.e., those with greater mass) will have larger spheres of attraction -- or a greater gravitational force -- than smaller facilities of a comparable type. The Law of Retail Gravitation states that the "Break Point" (BP) at which a consumer will choose one comparable facility over another is equal to the distance (d) between the two facilities, divided by 1 (a constant) plus the square root of the size of place one (p1) divided by the size of place two (p2) (see Equation 1):

$$\text{Equation 1}$$
$$BP = \frac{d}{1 + \sqrt{p1/p2}}$$

Reilly's Law assumes that the geography of an area is flat without any rivers, roads, or mountains that would alter a consumer's decision about where to purchase a particular good or service. However, since Reilly first introduced the Law of Retail Gravitation, it has been recognized that geography, road quality, and accessibility (i.e., convenience) do affect a consumer's decision about what facilities to patronize, especially when they are comparable in scale, quality, and product offerings. Consequently, many gravity models, including the one utilized in this report, use functional distance by substituting estimated drive times for mileage. This is an important modification because casino patrons in local and regional markets are highly sensitive to drive time, as well as position availability and the range of gaming and non-gaming amenities offered by a casino.^{23,24}

In addition, since 1931, the basic gravity model has been modified by researchers in many ways with specific adaptations to account for the levels of retail gravitation attributable to different types of facilities (e.g., regional malls, theme parks, casinos) and to incorporate empirical behavioral research that specifies this relationship with greater precision for different types of facilities and for different geographic jurisdictions (e.g., behavioral surveys of the propensity to gamble or the use of players club data). With these modifications to the gravity model, a casino's ability to attract patrons and spending can be reliably estimated by incorporating data on the number of adults (age 21+) living at

²³ Position availability refers to a patron's ability to find a place at their preferred game. Thus, if a slot machine player repeatedly finds that a local casino's gaming devices are occupied, or that there is a long wait time to find a position at their preferred device, they will often be willing to travel a longer distance to another facility to ensure that a position is available to them, since the "time to position" (i.e., drive time plus wait time) is essentially the same or shorter, despite the longer initial drive-time.

²⁴ Many casino patrons are attracted to the general atmosphere and physical attractiveness of gaming facilities, as well as the presence of non-gaming amenities (e.g., gourmet dining, concerts, spas, golf, cabarets, night clubs, etc.). It is estimated that up to 27% of a resort casino's customers never or rarely gamble when visiting a casino, but visit the facility for its other forms of entertainment and recreation (American Gaming Association 2013, p. 3; Barrow and Borges 2011, 2013).

different distances from the casino, their estimated propensity to gamble at various distances, and the percentage of disposable personal income that will be allocated for casino spending by different households.

All things being equal, the gravitational force of a casino is in inverse proportion to its functional distance from population (i.e., potential customers). In other words, if one doubles the distance of an individual's residence from a casino, visitations to the casino decline in inverse proportion to that distance, although this mathematical relationship can be modified in gravity models by incorporating empirically based behavioral data, or players club data (Cummings 2006). Normally, however, the further the distance from a casino, the less likely residents are to visit it (unless there is no alternative), and those who do visit it will visit it less frequently. It has generally been found that while patrons who live further away from a casino will visit it less often, they are likely to spend more per visit, given they will generally stay longer and spend on a wider range of amenities. As competing casinos get closer to residents, one eventually reaches a Break Point, where the retail gravitation of the competing facility exerts greater force over potential patrons with the result that customer visits and revenues shift toward the competing facility.

The size (mass) of a gaming facility is a critical element in any casino's ability to attract customers in a competitive environment. Most gravity models measure a casino's mass exclusively in terms of gaming positions.²⁵ However, it is known that customer decisions about competing facilities are also influenced by the types of gaming options available (i.e., video lottery terminals, slot machines, table games, poker, bingo, keno), parking availability, and the availability of non-gaming amenities, such as a hotel, food and beverage offerings, spa, entertainment venues, retail outlets, a golf course, etc. Non-gaming entertainment and resort amenities are not usually incorporated into most gravity models, although our model explicitly and transparently incorporates these amenities into its calculation of gravity factors.

For our gravity model, we built a Master Database consisting of all ZIP Codes in the State of Oregon and northern California to analyze the impact of the Proposed Medford Casino on Rain Rock Casino. For each zip code, the Master Database includes data on total population, the adult population (age 21+), per capita income, total income, disposable personal income (DPI), and drive times from each zip code to Rain Rock Casino and the Proposed Medford Casino. Drive times are based on geocodes for the addresses of each facility. The Master Database contains 20,416 discrete data points that form the basis of the gravity model.

The initial gravity model developed from this database relies on empirically based assumptions about the propensity to gamble at different functional distances, as well as gaming expenditures as a ratio of DPI at different functional distances, consistent with comparable facilities in the United States. For purposes of this study, Rain Rock Casino provided its players club database, which

²⁵ One slot machine equals one gaming position, while one table game is normally six positions.

makes it possible to perfectly model its existing market. The players club database includes data on the total number of annual visitors to the casino, the total number of annual visits to the casino, and total gaming spend – all by ZIP Code. Also provided for Rain Rock Casino were detailed annual financial reports, as well as revenue and expense reports. These data significantly increase the reliability and accuracy of this report’s estimates of the financial impact of proposed gaming facilities on Rain Rock Casino’s ongoing operations.

3.3.1 Gravity Factors & Market Break Points

For purposes of estimating the market impact of the Proposed Medford Casino on Rain Rock Casino, the two casinos’ competing and overlapping Designated Market Areas were analyzed by calculating “break points” between them. The two casinos’ Designated Market Areas will overlap, and the two gaming facilities will therefore be competing for many of the same customers, as discussed earlier.

The Market Break Point (MBP) is the point at which a casino’s ability to attract customers either ends because a comparable facility is closer, or its ability to attract customers begins to decline exponentially because a farther competing facility exerts an attraction on customers due to its larger size and range of offerings. To calculate the actual MBPs, it is necessary to estimate the comparative size or retail mass of each gaming facility, which is called its Gravity Factor (GF). Gravity Factors establish the drive times at which two casinos equally compete for customers, as well as the probability that a casino will capture those customers in defined drive-time bands. This calculation is based on the number of slot machines, number of table games, number of hotel rooms, and the availability of other non-gaming amenities, such as restaurants and bars, entertainment venues, and retail outlets. In our model, each factor is weighted proportionate to its average contribution to the percentage of total casino revenue for a destination resort casino.²⁶

The gravity factors in this report are calibrated against Rain Rock Casino’s specifications (Gravity Factor = 1.0), so if a competing gaming facility has a gravity factor of more than 1.0, it signals that the gaming facility should capture a greater proportion of the two casino’s overlapping customer base, while a gravity factor of less than 1.0 signals that a facility should capture a smaller proportion of the

²⁶ For example, the formula for computing the gravity factor for the Proposed Medford casino (where RRC = Rain Rock Casino, and Facility B = the proposed casino being analyzed): $GF = \left[\frac{\text{Number of Gaming Machines (Facility B)}}{\text{Number of Gaming Machines (RRC)}} * \text{Weight for Gaming Machines of 0.46} \right] + \left[\frac{\text{Number of Table Games (Facility B)}}{\text{Number of Table Games (RRC)}} * \text{Weight for Table Games of 0.12} \right] + \left[\frac{\text{Number of Bingo Seats (Facility B)}}{\text{Number of Bingo Seats (RRC)}} * \text{Weight for Bingo Seats of 0.01} \right] + [\text{Race \& Sports Book or Keno (Facility B) Yes} = 1 \text{ No} = 0 * \text{Weight for Race \& Sports Book or Keno of 0.01}] + \left[\frac{\text{Number of Hotel Rooms (Facility B)}}{\text{Number of Hotel Rooms (RRC)}} * \text{Weight for Hotel Rooms of 0.15} \right] + \left[\frac{\text{Number of Bars \& Restaurants (Facility B)}}{\text{Number of Bars \& Restaurants (RRC)}} * \text{Weight for Number of Bars \& Restaurants of 0.05} \right] + \left[\frac{\text{Number of Live Entertainment Venue/Spa/Retail (Facility B)}}{\text{Number of Live Entertainment Venue/Spa/Retail (RRC)}} * \text{Weight for Live Entertainment Venue of 0.04} \right] + [\text{RV Park (Facility B) Yes} = 1 \text{ No} = 0 * \text{Weight for RV Park of 0.01}] + \left[\frac{\text{Square Feet of Meeting Space (Facility B)}}{\text{Square Feet of Meeting Space (RCC)}} * \text{Weight for Meeting Space of 0.10} \right] + \left[\frac{\text{Number of Parking Spaces (Facility B)}}{\text{Number of Parking Spaces (RCC)}} * \text{Weight for Parking of 0.05} \right].$

two casino’s overlapping customer base, although relative drive times to the competing facilities alter this equation for customers in different drive-time bands.

Proposed Medford Casino

As computed in Table 3 (sum of the values in the Gravity Factor row), the Proposed Medford Casino will have a Gravity Factor of 1.10 when compared to Rain Rock Casino, which means that it will have a greater attraction to customers residing within the two casinos’ overlapping market areas and it has a similarly greater capacity to attract customers from further distances.

As shown in Equation 2, the MBP for the Proposed Medford Casino was calculated as 29 minutes using Reilly’s Law of Retail Gravitation. The Proposed Medford Casino is 59 minutes from Rain Rock Casino, but it will be competing for customers throughout virtually the entirety of Rain Rock Casino’s primary and secondary DMAs (see Figure 3 in which the DMA for the Proposed Medford Casino almost entirely encompasses that of Rain Rock Casino). It will potentially begin capturing as much as half of Rain Rock Casino’s customers at a functional distance of 29 minutes from Rain Rock Casino and that ratio will steadily increase to approximately 95% (or higher) for those customers who live closest to the Proposed Medford Casino.

Table 3

Gravity Factor: Ratio of Proposed Medford Casino to Rain Rock Casino											
	No. Slots	Tables	Bingo Seats	Sports/Race Book/Keno	Hotel Rooms	Restaurants & Bars	Entertainment Venues + Spa/Retail	RV Park	Meeting Space	Parking	Gravity Factor
Proposed Medford Casino	650	0	0	0	111	2	0	0	0	520	-
Rain Rock Casino	349	8	0	0	80	3	2	0	4,500	200	-
Ratio	1.86	0.00	1.00	1.00	1.39	0.67	1.00	1.00	1.00	2.60	-
Weight	0.46	0.12	0.01	0.01	0.15	0.05	0.04	0.01	0.10	0.05	1.00
Gravity Factor	0.86	-0.06	0.00	0.00	0.21	0.03	-0.02	0.00	-0.05	0.13	1.10

Sources: Rain Rock Casino (2023); BIA, Draft BR (2022); Meister Economic Consulting (2023).

Equation 2 (Market Break Point)

$$BP = \frac{59 \text{ minutes}}{1 + \sqrt{1.10}} = 29 \text{ minutes}$$

4. Results and Findings

This section of the report describes the results of the competitive impact analysis set forth in Section 3 above.

4.1 ESTIMATED COMPETITIVE IMPACT & REVENUE DISPLACEMENT

The Proposed Medford Casino will be a direct competitor with Rain Rock Casino because its primary market area encompasses the entirety of Rain Rock Casino's main customer catchment area. Rain Rock Casino also generates a significant share of its gross gaming revenue from drive-through and pass-by traffic, so the presence of an adjacent hotel at the Proposed Medford Casino will be an attractive amenity that will draw away some of this customer traffic. Thus, the Proposed Medford Casino is well positioned to compete for customers throughout the majority of Rain Rock Casino's established market area.

The gravity model predicts that the market impact of the Proposed Medford Casino would be catastrophic for Rain Rock Casino. Our gravity model predicts that by calendar year 2026, the first stabilized year of operations:

- Rain Rock Casino would lose **approximately 25.9% of its annual visits** to the Proposed Medford Casino, but these visitors – mostly from the Medford area – spend nearly twice as much per visit (see Table 2) as customers who originate in the local Yreka area.
- Rain Rock Casino would lose **approximately 37.0.0% of its annual gross gaming revenues** to the Proposed Medford Casino mainly due to the loss of its Oregon customer base, but also due to the loss of some of its pass-through traffic (i.e., tourists, business travelers, and long-haul trucks).
- Rain Rock Casino would lose **approximately 51.7% of its annual food and beverage revenues** to the Proposed Medford Casino when losing the aforementioned gross gaming revenue.
- Rain Rock Casino will not lose all of its Oregon customers because Rain Rock Casino offers a limited number of Class III table games that are not at this time included as part of the Medford Casino project. However, table games account for a comparatively small percentage of Rain Rock Casino's gross gaming revenues (9.4%) and this competitive advantage will be offset by the loss of additional customers residing in far northern California, who have a much closer drive-time to Medford than to Yreka.

- If the Proposed Medford Casino adds table games to its mix of gaming options in the future, Rain Rock Casino will lose its small competitive advantage in this gaming niche, and Rain Rock Casino's estimated revenue loss to the Proposed Medford Casino could be slightly higher than otherwise estimated in this report.

Losses of this magnitude would inevitably result in significant employment reductions in every department of Rain Rock Casino's operations, including gaming, food and beverages, and general administration.

Overall, these losses may threaten the viability of Rain Rock Casino.

Furthermore, and more importantly, the aforementioned annual gaming and non-gaming revenue losses at Rain Rock Casino resulting from the introduction of the Proposed Medford Casino would cause detriment to the Karuk Tribe. A reduction in casino revenue, and the corresponding reduction in casino profit, will result in a direct loss of governmental revenue to the Karuk Tribe. The loss of governmental revenue would eliminate or drastically reduce funds available to the Karuk Tribe to fund essential government programs and services for their tribal membership.

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Appendix A: About the Authors

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Affiliate, Meister Economic Consulting, LLC

**Professor of Public Policy & Chair of Department of Political Science,
University of Texas, Rio Grande Valley**

Dr. Barrow is a Professor of Public Policy and Chair of the Department of Political Science at the University of Texas Rio Grande Valley (2014 – present). He was formerly a Chancellor Professor of Public Policy and Director of the Center for Policy Analysis at the University of Massachusetts, Dartmouth (1987-2014). In addition to teaching and conducting research at the University of Texas, he has served as a consultant to state, federal, and local government agencies, tribal governments, private companies, business and trade associations, non-profit organizations, and educational institutions across the United States.

Dr. Barrow specializes in public policy research and analysis. His areas of expertise include market feasibility analysis, economic impact analysis, industry analysis, regional economic development, survey research, and policy analysis. While Dr. Barrow is a recognized expert on the gaming industry, his work has involved a wide variety of industries, including the broader tourism, leisure and hospitality industry, retail trade, science and technology, textiles and apparel, health care, national defense, education, arts and crafts as cultural economic development, and public infrastructure development (e.g., airports, seaports, industrial).

For more than three decades, Dr. Barrow has been studying the economic, fiscal, and social impacts of casino gaming, including commercial casinos, racetrack casinos, and Indian gaming. He has studied existing and proposed gaming facilities throughout the United States, including California, Connecticut, Illinois, Maine, Massachusetts, New Hampshire, Nevada, New York, Oklahoma, Oregon, Pennsylvania, Rhode Island, Texas, Washington, and Wisconsin. He was project manager for the Northeastern Gaming Research Project, which conducted research and analysis of the New England and Mid-Atlantic casino gaming industry.

Dr. Barrow's research has been published in various scholarly journals, including *Gaming Law Review and Economics*, *Gaming Research & Review Journal*, *Casino Enterprise Management*, *Journal of Travel Research*, *Massachusetts Benchmarks*, and the *Journal of Economic Issues*. He has also authored or supervised more than 350 applied policy monographs and consultant reports, as well as dozens of articles and opinion pieces in trade publications, magazines, and newspapers. He has delivered invited talks to more than 200 business and community groups and delivered expert testimony to numerous state legislatures, as well as other state and federal agencies. His research and expert commentary have been cited in more than 3,200 newspaper and magazine articles, including the

Wall Street Journal, New York Times, Financial Times, Washington Post, Christian Science Monitor, USA Today, Forbes, and Time.

Alan P. Meister, Ph.D.
CEO & Principal Economist
Meister Economic Consulting, LLC

Dr. Meister is an economist specializing in the application of economic analysis to public policy, litigation, regulatory, and business planning and operations matters. He has extensive experience analyzing economic issues related to the gaming industry, including Indian gaming, commercial casinos, racinos, card rooms, and online gaming. His consulting work has included economic and fiscal impact studies, industry and market analyses, public policy analysis, feasibility analysis, evaluations of regulations, analyses of land-in-trust gaming applications, economic assessments of tribal-state gaming compacts and revenue sharing, tribal socioeconomic needs assessments, surveys, damage analysis, and economic research, analysis, and expert testimony in litigation and regulatory matters. His clients have included gaming facility operators, industry suppliers, investors, gaming associations, Native American tribes, and federal, state, and local governments. Of particular note, he was previously commissioned by the National Indian Gaming Commission to independently analyze the economic effects of proposed regulatory changes. Dr. Meister has also conducted years of independent, scholarly research on the gaming industry and authored a number of publications, most notably his annual study, the *Indian Gaming Industry Report*, which has been cited by the United States Supreme Court. He has presented his work at various academic, professional, and industry conferences and testified before the California State Senate on gaming issues. Furthermore, his consulting and scholarly work have been used in matters before the U.S. Department of the Interior, United States Supreme Court, and World Trade Organization.

In his public policy work, Dr. Meister has conducted economic analysis to identify and measure the effects of: construction, expansion, and operation of various types of businesses; regulations; legislation; taxation; the passage of ballot initiatives; government programs and services; publicly funded projects; sporting and entertainment events; commercial and mixed-use developments; and medical research. His work has included economic and fiscal impact analyses, assessments of the contribution of businesses and industries to the economy, cost-benefit analyses, and surveys.

Dr. Meister holds a Ph.D., M.A., and B.A. in Economics from the University of California, Irvine.

Appendix B: About Meister Economic Consulting, LLC

Meister Economic Consulting is an economic consulting firm that specializes in the application of economic research and analysis to litigation, regulatory, public policy, business development and operations, and economic development matters. We have a reputation for objective, insightful, comprehensive, high-quality research and analysis. Our work is grounded in sound economic and financial theory, guided by extensive industry knowledge, supported by relevant data and market research, and customized to the circumstances of each matter. Despite the complexity of our work, we convey data, analyses, and results in straightforward, simplified terms so that they can be easily understood. For these reasons, we are routinely called upon to analyze complex issues and assist clients in high-stakes and controversial matters, and our work is widely accepted and well respected by governments, regulators, courts, the media, and the public.

We have conducted research and analysis in a variety of contexts, including:

- Business planning and operations
- Economic development
- Public and government relations
- Public policy matters
- Regulatory proceedings
- Litigation, arbitration, and mediation

We provide a wide range of consulting services, including:

- Economic impact analysis
- Public policy analysis
- Market research
- Industry and market studies
- Statistical analysis
- Survey research, design, and analysis
- Strategic advisory services
- Damage analysis
- Expert testimony in litigation and regulatory matters
- Assistance with public relations and government relations efforts

Meister Economic Consulting also brings significant industry experience and expertise to cases, projects, and studies. We have particular expertise with the gaming industry, especially Indian gaming.

Gaming Industry

Meister Economic Consulting has extensive experience analyzing the gaming industry. We have conducted economic and financial research and analysis to help gaming operators, suppliers, developers, investors, associations, governments, and regulatory agencies assess business and market opportunities and navigate economic, regulatory, legal, and legislative challenges.

Meister Economic Consulting provides a variety of services to the gaming industry, including:

- Market assessments
- Feasibility studies
- Gaming facility performance assessments

- Analysis of market entry and competition
- Public policy analysis
- Economic and fiscal impact studies to quantify the effects of existing and planned gaming facilities on competitors, surrounding communities, and the economy
- Evaluations of game performance
- Skill vs. chance game assessments
- Survey design, implementation, and data analysis
- Expert research and analysis in litigation matters, including cases involving claims of alleged breach of contract, breach of fiduciary duty, breach of good faith and fair dealing, anticompetitive conduct, unfair competition, and tortious interference with current and prospective business
- Analysis of competition, market power, and harm to competition in antitrust litigation matters

We have conducted research and analysis of all segments of the gaming industry:

- Indian gaming
- Commercial casinos
- Racetrack casinos
- Lotteries
- Pari-mutuel wagering
- Charitable gaming
- Card rooms
- Convenience gambling
- Internet gaming

We have studied the gaming industry at national, state, regional, and local levels and in all 48 U.S. states in which it exists. We have analyzed the introduction of planned gaming facilities, as well as the development and operation of existing gaming facilities. This includes the integration and development of non-gaming amenities at gaming facilities. Our experience and expertise transcend the U.S. gaming market, as we also research and analyze international gaming.

In addition to consulting, we regularly conduct independent scholarly research and analysis of the gaming industry, publishing articles and studies, and presenting at academic, professional, and industry conferences. Our consulting and scholarly research and analyses have been relied on by the gaming industry, tribal and non-tribal governments, the investment community, academics, and our competitors.

Indian Gaming

Meister Economic Consulting conducts research and analysis to assess the economic and fiscal impacts of Indian gaming on tribes, competitors, surrounding communities, and the economy. We also evaluate the impacts of outside forces — such as the economic climate, competition, public policy, and alleged unlawful conduct — on Indian gaming facilities and tribes.

We have researched and analyzed many facets of Indian gaming:

- All 29 states in which Indian gaming exists
- Existing and proposed gaming facilities

- Introduction, development, and operation of gaming facilities
- National, state, regional, and local markets
- Class II and III gaming
- Non-gaming amenities at gaming facilities, including hotels, restaurants, retail, entertainment, spas, meeting space, and convention centers

We have examined a wide array of issues related to Indian gaming:

- Impacts of planned and existing gaming facilities on tribes and surrounding communities
- Gaming facility performance
- Public policies, including legislation, regulations, and ballot propositions
- Land-in-trust gaming applications, including for off-reservation casinos
- Gaming-related agreements, such as compacts, amendments to compacts, and agreements with local governments
- Revenue sharing
- Game performance
- Impacts from and to other segments of the gaming industry and associated industries
- Damages resulting from alleged unlawful conduct, including breach of contract, breach of fiduciary duty, breach of good faith and fair dealing, anticompetitive conduct, unfair competition, and tortious interference with current and prospective business

Of particular note is our consultants' previous experience conducting independent economic analysis of proposed regulatory changes on behalf of the National Indian Gaming Commission.

In addition to consulting, we regularly conduct independent scholarly research and analysis of Indian gaming, publishing articles and studies, and presenting at academic, professional, and industry conferences. Most notable is the annual *Indian Gaming Industry Report*, a nationally recognized report that provides nationwide and state-by-state Indian gaming data and analyses. The report is widely cited, including by the U.S. Supreme Court.

Our consulting and scholarly gaming research and analyses have been used in matters before the

- U.S. Supreme Court
- National Indian Gaming Commission
- U.S. Department of the Interior, Bureau of Indian Affairs
- World Trade Organization

Public Policy Analysis

Meister Economic Consulting assists businesses, industry associations, and governments in understanding the economic impacts of proposed public policies and policy reforms. Our analyses help government clients formulate sound policy and help businesses and associations influence policy, respond to changes in policy, and propose new policies.

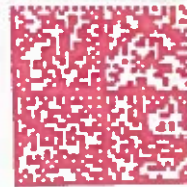
Our public policy work includes:

- Policy studies
- Economic assessment of regulations
- Economic impact analysis
- Assistance with economic policy formulation
- Cost-benefit analysis
- Market and industry research
- Survey research, design, and analysis
- Evaluation of other experts' public policy studies and analysis
- Public testimony before legislative bodies and government agencies
- Expert witness testimony in regulatory proceedings

Meister Economic Consulting researches and analyzes the introduction of and changes in various types of public policies, including:

- | | |
|------------------------------------|------------------------------|
| ▪ Legislation | ▪ Investment |
| ▪ Regulations | ▪ Subsidies |
| ▪ Taxes | ▪ Infrastructure development |
| ▪ Ballot propositions | ▪ Trade |
| ▪ Government programs and services | ▪ Policing practices |
| ▪ Budget management | |

Meister Economic Consulting's clients employ our research, analysis, and testimony in a variety of contexts, including legislative hearings, regulatory proceedings, public hearings, public relations, government relations, and political and media campaigns. Our experts have provided public policy research, analysis, and testimony to various government bodies and agencies.



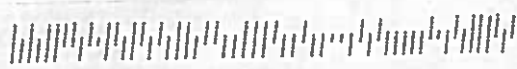
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Copio. Cory, Hargreaves & Savitch LLP
B Street, Suite 2200
Diego, CA 92010

Bryan K. Mercier, Director
Northwest Region
Bureau of Indian Affairs
911 NE 11th Avenue
Portland, OR 97232-4169

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

23ED-0022

GALANDA BROADMAN

February 23, 2023

VIA E-MAIL AND U.S. CERTIFIED MAIL TO:

Mr. Bryan Mercier
Northwest Regional Director
Bureau of Indian Affairs, Northwest Region
911 Northeast 11th Avenue
Portland, Oregon 97232-4169
Bryan.Mercier@bia.gov

AND VIA E-MAIL TO:

Mr. Tobiah Mogavero
Regional NEPA Coordinator
Bureau of Indian Affairs
CoquilleCasinoEIS@bia.gov

Re: DEIS Comments, Coquille Indian Tribe Fee-to-Trust and Gaming Facility Project

Dear Director Mercier and Regional NEPA Coordinator Mogavero:

The Cow Creek Band of Umpqua Tribe of Indians ("Cow Creek Tribe") submits these comments on the Draft Environmental Impact Statement ("DEIS") that the Bureau of Indian Affairs ("BIA") has prepared to assess the environmental impacts of the Coquille Indian Tribe's ("Coquille") proposed 2.4 acre fee-to-trust transfer and subsequent remodel of an existing bowling alley into a 30,300 square foot gaming facility in the City of Medford, Oregon ("Coquille Casino").

The DEIS fails to recognize the near universal opposition to the Coquille Casino. It minimizes or completely ignores many of the impacts highlighted in the letters sent from the officials noted below. The DEIS should be modified to recognize the widespread opposition and the numerous concerns and impacts identified by the surrounding community members.

Numerous federal, state, local and tribal government officials oppose the Coquille Casino. Below is a list of officials that have expressed opposition to the Coquille Project. The opposition letters are catalogued into an index and attached to this letter. These letters are all letters that were submitted

T11-1

prior to November 25, 2022, when the DEIS was published. We are forwarding these in order to ensure the letters are included in the administrative record and that the issues raised in the letters are added to the DEIS. These include letters from:

Congress:

- U.S. Senator Ron Wyden (Co-Author of the Coquille Restoration Act)
- Former U.S. Congressman Peter DeFazio (Co-Author of the Coquille Restoration Act)
- U.S. Senator Dianne Feinstein
- U.S. Senator Jeffrey Merkley
- U.S. Senator Alex Padilla
- U.S. Congressman Earl Blumenauer
- U.S. Congresswoman Suzanne Bonamici
- U.S. Congressman Jared Huffman
- Former U.S. Congressman Paul Cook
- Former U.S. Congressman Kurt Schrader

State of Oregon:

- Kate Brown, Immediate Past Governor of the State of Oregon
- John A. Kitzhaber, Former Governor of the State of Oregon
- Barbara Roberts, Former Governor of the State of Oregon
- Dennis Richardson, Former Oregon Secretary of State
- Val Hoyle, Former Majority Leader of the Oregon House of Representatives
- Diane Rosenbaum, Former Majority Leader of the Oregon State Senate
- Christine Drazan, Former Oregon House Republican Leader
- Rep. Mike McLane, Former Oregon House Republican Leader
- Jackie Winters, Former Oregon Senate Republican Leader
- Sen. Dallas Heard, Member of the Oregon State Senate
- Herman Baertschiger, Former Member of the Oregon State Senate
- Alan Bates, Former Member of the Oregon State Senate
- Jeff Kruse, Former Member of the Oregon State Senate
- Doug Whitsett, Former Member of the Oregon State Senate
- Rep. Cedric Hayden, Member of the Oregon House of Representatives
- Peter Buckley, Former Member of the Oregon House of Representatives
- Sal Esquivel, Former Member of the Oregon House of Representatives
- Tim Freeman, Former Member of the Oregon House of Representatives

T11-1
cont.

- Bruce Hanna, Former Member of the Oregon House of Representatives
- Wayne Krieger, Former Member of the Oregon House of Representatives
- Gary Leif, Former Member of the Oregon House of Representatives
- Carl Wilson, Former Member of the Oregon House of Representatives

Local Governments:

- City of Medford
- City of Ashland
- Jackson County, Board of Commissioners
- Douglas County, Board of Commissioners

Tribal Governments:

- Cow Creek Band of Umpqua Tribe of Indians, Oregon
- Elk Valley Rancheria, California
- Karuk Tribe, California
- Saginaw Chippewa Indian Tribe of Michigan
- Shingle Springs Band of Miwok Indians, California

Please ensure that these letters are incorporated into the administrative record for the DEIS and that the concerns highlighted are adequately analyzed in the DEIS.

Very truly yours,



Anthony S. Broadman

Attorney at Law

Admitted to practice law in Washington and Oregon

Enclosures

T11-1
cont.

INDEX OF OPPOSITION LETTERS

NO.	DATE	LETTER
1	4/30/13	Opposition Letter from Jackson County
2	5/3/13	Opposition Letter from the City of Medford
3	5/6/13	Opposition Letter from Oregon Governor John A. Kitzhaber
4	5/6/13	Opposition Letter from Office of Oregon Governor John A. Kitzhaber
5	5/8/13	Opposition Letter from Oregon Legislators Esquivel, Baertschiger, Whitsett, Kruse, Bates, McLane, Kreiger, Hanna, Buckley, Richardson, and Freeman
6	5/13/13	Opposition Letter from Karuk Tribe
7	9/11/13	Opposition Letter from U.S. Congressperson Blumenauer
8	10/21/13	Opposition Letter from U.S. Senators Wyden and Merkley
9	11/19/13	Opposition Letter from Oregon Senate and House Majority Leaders Rosenbaum and Hoyle
10	2/3/15	Opposition Letter from Douglas County Board of Commissioners
11	8/4/15	Opposition Letter from Elk Valley Rancheria
12	8/6/15	Opposition Letter from Saginaw Chippewa Indian Tribe
13	11/19/15	Opposition Letter from the Shingle Springs Band of Miwok Indians
14	1/25/16	Opposition Letter from U.S. Senator Wyden and U.S. Congressperson DeFazio (Co-Authors of the Coquille Restoration Act)
15	4/13/16	Opposition Letter from Oregon Governor Kate Brown
16	4/14/16	Second Opposition Letter from Karuk Tribe
17	5/12/16	Opposition Letter from U.S. Congresspersons Bonamici, Blumenauer, and Schrader

18	5/20/16	Opposition Letter from Former Oregon Governor Barbara Roberts
19	5/24/17	Second Opposition from Oregon Governor Kate Brown
20	6/18/18	Opposition Letter from City of Ashland, Oregon
21	9/21/18	Opposition Letter from Oregon Senate and House Republican Leaders Winters and McLane
22	11/1/18	Opposition Letter from Oregon Legislators Heard, Baertschiger, Wilson, Leif, and Hayden
23	3/25/19	Opposition Letter from U.S. Congressperson Cook
24	8/7/19	Opposition Letter from Oregon House Republican Leader Wilson
25	2/14/20	Opposition Letter from Oregon House Republican Leader Drazan
26	11/2/22	Opposition Letter from U.S. Senators Wyden, Merkley, Feinstein, and Padilla
27	11/3/22	Opposition Letter from U.S. Congressperson Huffman

LETTER 1



JACKSON COUNTY

Oregon

Board of Commissioners

Don Skundrick (541) 774-6118
John Racher (541) 774-6117
Doug Breidenhal (541) 774-6119
Fax: (541) 774-6705

10 South Oakdale, Room 214
Medford, Oregon 97501

April 30, 2013

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MAY 3 2013

BUREAU OF INDIAN AFFAIRS
NORTHWEST REGIONAL DIRECTOR
OFFICE OF INDIAN AFFAIRS

Mr. Stan Speaks
Northwest Regional Director
Bureau of Indian Affairs
911 Northeast 11th Avenue
Portland, Oregon 97232-4169

RE: Coquille Indian Tribe Application for Acquisition of Trust Property
Jackson County Comments

Dear Director Speaks:

Thank you for granting a 60-day extension for the Jackson County Board of Commissioners ("Board") to submit comments on the application of the Coquille Indian Tribe for acquisition of property to be held in trust by the Bureau of Indian Affairs for Class II gaming. The extension allowed the Board to meet with representatives from the Coquille Tribe and the Cow Creek Band of the Umpqua Tribe in an effort to better understand the issues related to this application.

Although these meetings were helpful in providing the Board some limited, additional insight into the proposal, the Coquille Tribe has not, from the Board's perspective, meaningfully or satisfactorily responded to the many concerns Jackson County raised in its letter requesting an extension or to the questions raised during the meeting. The Coquille Tribe has not adequately identified or quantified the scope of potential adverse effects this proposal may have on law enforcement services, regional infrastructure, and various community social and mental health services. The Coquille Tribe has also not directly addressed the financial and administrative concerns raised by the Board, and has not proposed any specific measures to mitigate the adverse community impacts which are certain to accompany the casino operations.

The Board also has concerns about the legal issues related to this application. The Coquille Tribe claims it is entitled to approval of this application under §2719(b)(1)(B)(iii) of the Indian Gaming Regulatory Act ("IGRA") relating to "restored lands." However, Jackson County's legal advisors have concluded that this application should be processed as an off-reservation request under §2719(b)(1)(A), which requires the Governor of this State to concur with the Secretary's determination that this proposed gaming activity "would not be detrimental to the surrounding community . . ." and provides for the opportunity to mitigate those potential detriments through fee for service agreements. The application is not being processed in accordance with these provisions and clearly should be.

In addition to the foregoing concerns, a majority of the Board is philosophically opposed to any expansion of casino gaming in this community. Further, the Board believes it is inappropriate for casino gaming to be perpetuated throughout the State by individual tribes expanding into communities that were not part of the tribe's ancestral territory.

For a number of reasons, including, but not limited to the concerns noted in this letter, Jackson County is opposed to the application of the Coquille Indian Tribe for acquisition of a 2.42 acre parcel to be held in trust by the Bureau of Indian Affairs for Class II gaming. The Jackson County Board of Commissioners is further requesting that this application be processed under §2719(b)(1)(A) of the IGRA and, should the application not be immediately denied, that the Secretary postpone making a decision until the Environmental Impact Statement (EIS) is completed and all of the stakeholders, including Jackson County, are given an additional opportunity to provide comments in light of the EIS findings.

If you have any questions regarding this matter, please contact County Administrator Danny Jordan at (541)774-6035, or County Counsel Rick Whitlock at (541)774-6160.

Respectfully,

JACKSON COUNTY BOARD OF COMMISSIONERS



Don Skundrick, Chair



John Raehor, Commissioner



Doug Breidenthal, Commissioner

cc: Office of Indian Gaming, U.S. Department of the Interior
Coquille Indian Tribe
Cow Creek Band of Umpqua Tribe
Liani J. Reeves, Governor's General Counsel
Eric Swanson, Medford City Manager
Danny Jordan, County Administrator
Rick Whitlock, County Counsel

LETTER 2

EXHIBIT A



OFFICE OF THE
MAYOR & CITY COUNCIL
www.ci.medford.or.us

CITY OF MEDFORD
411 WEST 8TH STREET
MEDFORD, OREGON 97501

TELEPHONE
(541) 774-2000
FAX: (541) 818-1700

May 3, 2013

The Honorable Kevin K. Washburn
Assistant Secretary - Indian Affairs
Department of the Interior
MS-4141-MIB
1849 C Street, N.W.
Washington, D.C. 20240

Stanley Speaks, Regional Director
Bureau of Indian Affairs
Northwest Regional Office
911 Northeast 11th Avenue
Portland, Oregon 97232-4169

Re: Preliminary Response of the City of Medford, Oregon to Coquille Tribe's Proposed Trust Request for Gaming

Dear Mssrs. Washburn and Speaks:

Thank you for granting a 60-day extension for the City of Medford, Oregon to provide comments on the Coquille Indian Tribe's application to have 2.42 acres of land located in Medford acquired in trust for class II gaming. The City has a number of concerns regarding the proposed project. The City's concerns include its loss of regulatory jurisdiction over City land, the impacts a class II casino will have on the City, the potential for future casino expansion at the site and the introduction of class III games, the economic impacts related to substitution effects and problem gambling, and a number of similar issues.

Although it is difficult to see how the Tribe could address all of the City's concerns and mitigate the adverse impacts of its proposed project to the City's satisfaction, the City recognizes that it does not have sufficient information about the Tribe's proposal at this time to reach a final conclusion. Without such information, however, the City cannot take a position in support of the proposed development, and therefore opposes it.

The City is also not able to provide complete comments in response to the Bureau of Indian Affairs' ("BIA") February 1, 2013, letter requesting certain information regarding the impacts of the proposed project. The City therefore reserves the right to supplement these very preliminary comments, as it learns more about the Tribe's proposal and continues to meet with the community and nearby tribes to hear their views.

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These comments are divided into three sections. First, the City sets forth its concerns regarding the process that the Tribe has argued applies to the acquisition. It is the City's view that the land in Medford does not qualify for gaming and thus must be reviewed under the more rigorous two-part determination test set forth in Section 20 of the Indian Gaming Regulatory Act ("IGRA"), 25 U.S.C. § 2719(b)(1)(A). Second, the City provides preliminary responses to the questions BIA posed in its February 1, 2013, letter. Third, the City sets forth other concerns that it has regarding the proposed action.

1. BIA Must Apply the Two-Part Determination Test and Defer to the City's Views Regarding Detrimental Impacts on the Community

The City has been informed that the Tribe has requested a gaming eligibility determination from the Office of Indian Gaming ("OIG") under the restored lands exception to the general prohibition on gaming, 25 U.S.C. § 2719(b)(1)(B)(iii). Upon review of the Coquille Restoration Act, the legal cases concerning the restored lands exception, and the policies behind the equal footing exceptions, it is clear that the Medford Site does not qualify as restored lands.

First, the Coquille Restoration Act itself does not mandate or authorize this acquisition; the Secretary would instead be exercising her discretionary authority to acquire this land pursuant to the Indian Reorganization Act ("IRA"), 25 U.S.C. § 465. There is no basis for claiming that the Restoration Act automatically qualifies any land acquired in trust within the Tribe's service area as restored lands when such land is not acquired pursuant to the Restoration Act, but is instead acquired under the generally applicable IRA.

Second, the Tribe's argument would undermine the purpose of the equal footing exceptions, which embody a policy of promoting parity between restored and other tribes. Here, the Coquille Tribe already has a reservation 170 miles away and a casino, which it has been operating for 17 years. The Tribe's argument, if accepted, would unfairly advantage tribes with restoration act over virtually all other tribes, and particularly those where the restoration act defines the tribe's service area broadly. Such an interpretation is fundamentally inconsistent with the purpose of the equal footing exceptions.

Third, the City notes that the Tribe's proposal to develop a casino in Medford has been highly disruptive to the tribal community. Multiple tribes have contacted the City and have spoken out in public hearings objecting to the Tribe's proposal and claiming that the Coquille Tribe lacks a significant historical connection to Medford. Although the City has not reached a conclusion as to the Tribe's historical connection to Medford, if any, it does note that the City is clearly not within the area that federal courts have identified as the Tribe's territory. Thus, the Tribe's proposal places the City in a difficult position with respect to those Tribes who are already members of the Medford community and are strongly opposed to the Coquille Tribe's application to obtain land outside of its primary territory.

It is the City's view that the only way that gaming can be permitted at the Medford Site is through the two-part determination process, which requires the Secretary to determine that gaming in Medford – 170 miles away from the Tribe's current reservation, tribal offices, and existing casino – is in the best interests of the Tribe and will not be detrimental to the surrounding community *and* the Governor concurs in that determination. *See* 25 U.S.C. § 2719(b)(1)(A). The two-part determination process is critically important to state and local government because it gives local governments a far more significant role in any gaming-related trust request and gaming eligibility determination. *See generally* 25 C.F.R. §§ 292.13-25. To reach a no detriment finding requires the Secretary to conduct extensive consultation with governments within 25 miles of the proposed gaming and a strong, cooperative relationship between the host community and the applicant tribe. In addition, the two-part determination process gives the governor the authority not to concur in the Secretary's determination, thereby preventing gaming (and trust acquisition) for occurring when such proposals might disrupt state policies.

A finding that the Medford Site qualifies as restored lands would circumvent the two-part determination process and deprive the City of critical procedural and substantive rights to which it is entitled. It would also be inconsistent with the statute, the case law, and the policies behind the exceptions. The City therefore strongly opposes any effort to circumvent the procedural and substantial rights Congress granted it through Section 20 of IGRA and will soon be filing its legal analysis with the OIG to ensure that the proper processes are followed.

2. The City Provides the Following Preliminary Responses to BIA's February 1, 2013 Request for Information

As set forth above, the City does not have sufficient information to provide BIA anything other than preliminary responses. The City, therefore, anticipates supplementing these comments as more information is made available.

1) *The annual amount of property taxes currently levied on the property.*

See attached tax report. Ex. 1.

2) *Any special assessments, and amounts thereof, which are currently assessed against the property.*

See attached tax report. Ex. 1.

3) *Any governmental services which are currently provided to the property by your jurisdiction.*

- a. Development service: Planning including long-range regional planning, Engineering, Building including administration of building safety codes;
- b. Life and Property Safety service: Police and Fire Protection including Emergency Medical Service and administration of Fire codes;
- c. Special Event permitting service;
- d. Water service – not allowed outside city limits per City Charter;
- e. Sewer service;
- f. Roadway and Sidewalk Right-of-Way Management service;
- g. Parks and Recreation service;
- h. Licensing and other Financial Department service;
- i. Code Enforcement;
- j. Court service including offense prosecution;
- k. Emergency Management Disaster Response service;
- l. Tourism Promotion service; and
- m. Utility Management Franchise service.

4) *If subject to zoning, how the property is currently zoned:*

See attached. Ex. 2.

3. **Additional City Concerns**

It is the City's understanding is that the Coquille Tribe has been seeking the City's support for its gaming-related fee-to-trust application. The City has had the opportunity to meet with the Tribe to discuss the proposed facility. Unfortunately, those discussions have been preliminary only and did not occur until April 23, 2013. And although the Tribe provided the City a bit more detail about its business plan at that meeting, the City has not had sufficient time to consult with its various departments to identify areas of concern and potential impacts. Thus, the comments represent the City's initial effort to identify general areas of concern, each of which will require further development. In addition to the procedural questions and comments set forth above, the City provides the following information:

- 1) The City has been asked by the Coquille Indian Tribe to support its proposed fee-to-trust application for gaming purposes. The Tribe's proposed action would take property out of local control to establish an activity that is not allowed under State or local law. It will be difficult for the City to support such a proposition, regardless of who is proposing it.
- 2) The Coquille Tribe has stated that it would like to pay its fair share for services and impacts. The Tribe therefore understands that there will be adverse impacts from the proposed development. The Tribe appears to concede that gambling would create or foster addiction, and it has stated that it would pay for programs to rehabilitate the addict. From the testimony the City has heard to date, such rehabilitation does not fully address the damage that takes place. Therefore, it will be difficult for the City to support such an application, regardless of who is proposing it.
- 3) The Coquille Tribe has explained that that their proposed casino would provide 223 full-time jobs. The City, however, was presented with evidence that suggests that not all jobs would be new jobs. Instead, it is highly likely that some of the jobs would be from existing establishments that would lose customers and employees to the Tribe's proposed Medford casino. Although the City is not against fair competition, when an establishment can have a monopoly, the City does not consider that fair competition. Therefore, it will be difficult for the City to support such an application, regardless of who is proposing it.
- 4) The Tribe states that its proposed operation would generate revenues which would benefit the community. The City, however, has been presented with a study that indicates that a tribal casino in Medford would reduce the revenues generated by the state lottery. The City is a beneficiary of state lottery revenues, and the local schools are beneficiaries of state lottery revenues. The City would be adversely impacted if state lottery revenues to schools and City programs were diminished.
- 5) The Tribe has explained that it needs to locate a casino in Medford because its current casino in North Bend will be destroyed by the inevitable Cascadia event. The Tribe provided maps, charts and graphs to show where its current casino is located and what lands would be inundated by Cascadia. The City was provided with additional maps that showed that lands already held in trust for the Tribe within blocks of its existing casino would survive a Cascadia event. Further, in a Cascadia event, there is no guarantee that Medford would be better off than the Coos Bay North Bend area. It will be difficult for the City to support the Tribe's application with the asserted need to game in Medford based on the Cascadia event.
- 6) The Tribe provided the City with a copy of its trust application for 2.42 acres of land to develop a Class II gaming facility. When questioned about whether the Tribe's leasing of the neighboring 7+

acres of golf course land was for a Class III establishment, the Tribe represented that it did not now have plans for a Class III establishment, but that things may change in the future. The City has received testimony that it is common for Class III establishments to begin as Class II facilities. Based on that testimony, it is likely that the Tribe will eventually offer Class III games at the Medford Site. Not only is it difficult for the City to support Class II gaming in Medford, the strong likelihood that the Medford Site will ultimately have Class III gaming is a major concern for the City.

- 7) The Tribe has not provided the City with any evidence that it has any historical or aboriginal connection to Medford. The Tribe's Restoration Act establishes Jackson County as part of its service area where tribal members are allowed to receive federal benefits. Service areas, however, are designated on the basis of where Tribal members live today, not their historical locations. The City was also presented with evidence from other Tribes that the Coquille Tribe does not have aboriginal ties to the area. Other Tribes and tribal groups that are part of our community attended the City's public hearing town hall meeting and explained their heritage. People identifying themselves as Shasta Indians and the Cow Creek Band of the Umpqua explained that their ancestors fought and died and were buried in Medford and Jackson County. Those Tribes and tribal groups stated that permitting the Coquille Indian Tribe to obtain trust land and operate a casino in Medford would be an affront to their ancestors and to tribal sovereignty and traditions that exist within and without federal government recognition. It will be difficult for the City to support a casino, when the Tribes that have long been members of the Medford community are so strongly opposed to such development.
- 8) The City has been asked to address the impacts and costs from the proposed development. When asked what the impacts will be, the Tribe has stated that impacts and costs will be addressed in the environmental review process. The City cannot presently address the impacts based on information that will be developed in some yet-to-occur process. The Tribe also states that it will spend \$26 million on improvements. If this project were permitted to go forward under the City's jurisdiction, the City would realize approximately \$150,000 in building permits and inspection fees alone. The Tribe has also stated that its North Bend facility generated 89 calls for service last year. Research conducted by the Medford Police Department indicates the number is up to four times that many calls, suggesting that the impact on City services may be great. The Tribe submitted its business plan one week prior to the due date for these comments. That is not enough time to determine the scope of the proposed project's impacts. The City cannot currently support the Tribe's application based on the limited information available, some of which appears to be inaccurate, and the short period it has been given to review information.
- 9) The City has information that approval of the Tribe's proposed project will establish precedent in the State that would encourage other tribes to seek additional trust land for gaming and allow other such facilities to be placed in major metropolitan areas. Such action will disrupt the equilibrium in the State and will have impacts on other cities, counties and the State. For this reason, the City must oppose the proposed project and the process at least until such impacts are taken into account.
- 10) The Tribe's trust request asks the Secretary to take a parcel of land out from under City, County and State jurisdiction. However, the Federal government currently owns approximately 48% of the land in Jackson County. We cannot support the federal removal of lands from the State, City and County on this basis.
- 11) Finally, the Tribe has represented to the City that the BIA will be preparing an environmental impact statement, as is required under the National Environmental Policy Act. The City, of course, has valuable expertise on environmental, land use, and jurisdictional issues within City limits and accordingly, should participate extensively in the review process as a cooperating agency. The City

hereby formally requests designation as a cooperating agency and that it be provided the opportunity to work with BIA to develop the proper scope of the environmental review.

Thank you for the opportunity to provide comments, which the City will develop in greater detail in the coming months. Should you have any questions regarding this matter, please contact John Huttli, our City Attorney, at (541) 774-2020.

Very truly yours,



Gary H. Wheeler
Mayor of the City of Medford, Oregon

Enclosures

cc: Governor John Kitzhaber
Attorney General Ellen F. Rosenblum
U.S. Senator Jeff Merkley
U.S. Senator Ron Wyden
U.S. Representative Greg Walden

RESOLUTION NO. 2013-68

A RESOLUTION adopting comments for consideration by the Northwest Director of the Bureau of Indian Affairs on the Coquille Tribe's fee-to-trust application to the United States Department of the Interior.

WHEREAS, on February 4, 2013, the City received a letter from Stan Speaks, Northwest Regional Director of the U.S. Department of Interior (DOI) Bureau of Indian Affairs (BIA) giving notice that the Coquille Tribe was applying to the DOI for an order taking property into federal trust for the benefit of the tribe; and

WHEREAS, after receiving the notice from the Director, the City attempted to gather information responsive to the application's impacts, however, due to delays in receiving the tribe's business plan and difficulties scheduling a meeting with the tribe, the City requested and received two successive 30-day extensions of time, making the City's response due on May 6, 2013; and

WHEREAS, on March 7, 2013, staff gave Council a progress report that identified certain legal issues with respect to the fee-to-trust authority and gaming activities and Council encouraged the City Attorney to retain outside counsel to obtain a second opinion; and

WHEREAS, on April 23, 2013, Council had a public meeting work session with the Coquille Tribe at which time the tribe indicated it would be investing \$26 million into the projected casino structure, expand the existing bowling alley building by 200 square feet, install approximately 600 (or more) Type II bingo-logic video slot machines and employ approximately 200 people with an annual payroll of \$9.65 million; and

WHEREAS, when asked to address provision of services and mitigation of adverse impacts, the Tribe explained that services and impacts would be more completely identified through an Environmental Impact Statement and paid for through a fee-for-services intergovernmental agreement, which would be negotiated subsequently; a copy of the business plan was provided to City staff at the end of the meeting, and not having sufficient time to fully analyze the casino's impacts prior to the deadline for comments; and

WHEREAS, on April 25, 2013, the City Council held a public hearing town hall meeting to receive input from the local community at which time the Cow Creek Band of the Umpqua Tribe presented information counter to that presented by the Coquilles; and

WHEREAS, on advice of legal counsel we have been advised that the land in Medford does not qualify for gaming and thus must be reviewed under the more rigorous two-part determination test set forth in Section 20 of the Indian Gaming Regulatory Act ("IGRA"), 25 U.S.C. § 2719(b)(1)(A); now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MEDFORD, OREGON, that because we cannot support the tribe's application, we oppose it; and comments for consideration by the Northwest Director of the Bureau of Indian Affairs on the Coquille Tribe's fee-to-trust application to the United States Department of the Interior, attached as Exhibit A and incorporated herein, are hereby adopted.

PASSED by the Council and signed by me in authentication of its passage this 3 day of May, 2013.

ATTEST: Glenda Wilson
City Recorder

[Signature]
Mayor

LETTER 3



JOHN A. KOUBEK AND
GOVERNOR

May 6, 2013

VIA HAND DELIVERY

Stan Speaks, Northwest Regional Director
Bureau of Indian Affairs – Division of Realty
911 NE 11th Avenue
Portland, Oregon 97232-4169

RE: Notice of Application of a 2.42-acre tract of land for Class II gaming purposes

Dear Director Speaks:

Thank you for the opportunity to provide comments on the proposed acquisition of land to be held in trust for the use and benefit of the Coquille Indian Tribe to operate a Class II gaming facility in Jackson County. As Governor of the State of Oregon, I take the government-to-government relationship with Oregon's sovereign nations very seriously. I also support and respect the need for the Coquille Indian Tribe and all tribes to pursue opportunities that allow for self-sufficiency and self-determination. As governments, we are all looking for ways to create jobs, expand economic growth and provide essential governmental services to our people. But as governments, the pursuit of economic gain cannot be at any cost. It must be weighed against our other responsibilities as governments which include protecting our people and our natural resources.

Although the current proposed project of the Coquille is a Class II casino over which the State's oversight of operations may be limited, the significance to the State and local communities is great. While I have concerns about the potential impacts and legal process relating to this particular casino, my most significant concerns are about the broader policy implications and the potential for expansion of casinos and gaming throughout the state.

I have long supported each of the nine sovereign tribes' pursuit of a single Class III casino with wide latitude on the types of gaming allowed and the proposed size of the casinos. At the same time, I have consistently opposed other expansion of gaming by both tribes and private parties. My "one casino per tribe" policy direction and the gaming compacts entered into between the State and the tribes provide support for the notion that, as a State, we have consistently attempted to strike a balance between tribal pursuit of economic enterprise and a check on the expansion of gambling in our State. This is a policy that has been well known and well enforced; and I have been vocal in opposing the expansion of casinos in Oregon.


Stan Speaks, Northwest Regional Director
Bureau of Indian Affairs – Division of Realty
May 6, 2013
Page 2

I understand that we are talking about one project of one tribe today and that the proposed project is a Class II casino. The larger policy issue is that casinos – whether Class III or Class II and whether tribal or private – impact our state, and as Governor, I have a responsibility to take reasoned actions considering potential future impacts. I do not believe that expansion of casinos is good for Oregon and to safeguard against an unprecedented expansion of gambling in this state, it should be of no surprise that I oppose this application.

For these reasons and other reasons articulated in the accompanying letter from my General Counsel, I urge the Secretary to exercise her discretion to deny the Coquille's application to take the land into trust for gaming purposes.

Please do not hesitate to contact me if I can be of further assistance in this application. My designated contact on this issue is my General Counsel Liani Reeves who can be reached at (503) 378-8636 or liani.reeves@state.or.us.

Sincerely,



John A. Kitzhaber, M.D.
Governor

cc: Sherry Johns (sherry.johns@bia.gov)

LJR/jja

LETTER 4

JOHN A. KITZHABER, MD
GOVERNOR



May 6, 2013

VIA HAND DELIVERY

Stan Speaks, Northwest Regional Director
Bureau of Indian Affairs – Division of Realty
911 NE 11th Avenue
Portland, Oregon 97232-4169

RE: Notice of Application of a 2.42-acre tract of land for Class II gaming purposes

Dear Director Speaks:

On behalf of Governor Kitzhaber, I am outlining legal and policy concerns about the proposed acquisition of land to be held in trust for the use and benefit of the Coquille Indian Tribe to operate a Class II gaming facility in Jackson County. This letter further explains the Governor's policy concerns about the expansion of gaming and raises additional concerns about the impact to state and local communities and legal questions surrounding this particular casino proposal.

I. Opening the door to more casinos throughout the State conflicts with longstanding state policy.

As stated in his letter, the Governor has significant concerns about the policy implications and potential for expansion of gaming that are presented by this application. The Governor has long supported each of the nine sovereign tribes' pursuit of a single Class III casino with wide latitude on the types of gaming allowed and the proposed size of the casinos. At the same time, he has consistently opposed other expansion of gaming.

Governor Kitzhaber's position paper on gambling adopted in 1997 gave the following policy direction for tribal-sponsored gambling that included the following: "Agree with each Oregon tribe on one gambling site per tribe. The current compacts are site-specific. In other words, the tribes are limited to offering gambling only at specified sites. The Governor favors explicit agreement on this point in subsequent compacts." *Gambling in Oregon. A Position Paper.* Governor John A. Kitzhaber, M.D., September 24, 1997 (a copy of which is attached). Consistent with that policy direction, each of the tribal-state compacts with Oregon's nine federally recognized tribes is site-specific to a particular location and specifically contains language limiting the circumstances under which a tribe may seek to negotiate regarding another Class III casino.

The Coquille's Compact contains the following language:

Only Compact between the Tribe and the State. This Compact shall be the only Compact between the Tribe and State pursuant to IGRA and any and all Class III gaming conducted in the Gaming Facility shall be pursuant to this Compact. Section 4.A.

Gaming Location. The Gaming Facility authorized by this Compact shall be located on the Tribe's trust land at North Bend, Oregon. Section 4.C.

Gaming at Another Location or Facility. For a period of five (5) years, the Tribe hereby waives any right it may have under IGRA to negotiate a Compact for Class III gaming at any other location or facility, unless another Tribe that is operating a gaming facility in this State as of December 31, 1997, signs a Compact that authorizes that Tribe to operate more than one gaming facility simultaneously, or unless a physical calamity occurs that makes operation at the existing location unfeasible. Section 13.A.

The context of the remaining compacts – each limiting the right to a casino at an additional location unless another tribe is authorized to do so – along with the State's long time stated policy of "one casino per tribe" provide support for the notion that, as a State, we have consistently attempted to strike a balance between tribal pursuit of economic enterprise and a check on the expansion of casinos in our State. This is a policy that has been well known and well enforced; and the Governor has been vocal in opposing the expansion of casinos in Oregon.

It is important to note that the Governor understands the distinction between Class III and Class II gaming and that the State has no regulatory role in Class II gaming. The State also understands that the restrictions in the Compacts only apply to Class III gaming. The larger policy issue is that casinos – whether Class III or Class II and whether tribal or private – impact our state, and as Governor, he opposes a project that could pave the way to an unprecedented expansion of gambling in casinos throughout the state.

The Coquille's argument that its Reauthorization Act authorizes land to be taken into trust for gaming purposes anywhere within its service area opens up a large geographical area in which the Tribe could open a casino anywhere from Brookings to Newport, from Ashland to Eugene, or anywhere within Coos, Curry, Douglas, Jackson or Lane Counties. In addition, other tribes may follow pursuit of Class II gaming casinos, a trend that would be bad for Oregon.

II. Allowing this Class II casino opens the possibility for conversion to a Class III casino.

An equally problematic aspect of this application is the possibility it provides for conversion to a Class III casino. While the Tribe currently proposes to only engage in Class II gaming at the Jackson County location, once the land is taken into trust for Class II gaming, we understand that the Tribe's position is that the land is then eligible for Class III gaming without additional fee-to-trust processes.

Representatives of the Tribe also have stated that they believe the Tribe is entitled to a second Class III casino, a position with which the State does not agree. The Coquille Compact explicitly prohibits the Tribe from pursuing another casino within five years of the original compact. Although the five years have passed, there is nothing in the Compact that automatically *entitles* the Coquille to a compact for a different or additional site. If this land is taken into trust for gaming, the State will face future conflict with the Tribe regarding this issue if the Tribe later decides it wants to pursue a Class III casino at that site.

We understand that the State has a role in Class III gaming because of the need for an approved tribal-state compact. However, the State's, local communities' and other stakeholder's only meaningful opportunity to object to whether Class III gaming should even occur on this particular land is now.

III. The Secretary has discretion to deny the Coquille's application to take the land into trust for the purposes of gambling.

In addition to policy concerns about the expansion of gaming generally, the Governor also has concerns about this particular proposed casino project. In evaluating the Coquille's application, the Secretary has *discretion* whether to take land into trust in this case. 25 CFR 151.11 states the Secretary shall consider a number of requirements in evaluating tribal requests for the acquisition of lands in trust status when the land is located out of and noncontiguous to the tribe's reservation, and the acquisition is not mandated—as is the case here. Among others, those requirements include:

- The purposes for which the land will be used [25 CFR 151.11(a) and 25 CFR 151.10(c)];
- Input from state and local governments on the potential impacts on regulatory jurisdiction, real property taxes and special assessments [25 CFR 151.11(d)]; and
- The distance between the tribe's reservation and the land to be acquired, giving greater scrutiny to the tribe's justification and giving greater weight to concerns of state and local governments as the distance between the tribe's reservation and the land to be acquired increases [25 CFR 151.11(b)].

Consistent with the requirements in 25 CFR 151.11, the Secretary should consider the following factors in exercising discretion in evaluating the current application. First, the Tribe is not seeking to take the land into trust for the provision of governmental services, such as to provide a health care clinic or housing for members in the Jackson County area; the explicit and primary purpose of the land is to conduct gaming. While the casino could provide economic benefits to the Tribe, this is not a case of a tribe that has no casino; the Coquille already operates a Class III casino in North Bend. The purpose for which the land will be used and the value added (or detracted) should be considered when exercising discretion.

Second, the proposed casino raises regulatory, fiscal, social and public safety concerns including potential for increased crime and the corresponding need for increased public safety resources; traffic congestion and the corresponding need for additional transportation and traffic control;

and drug and alcohol abuse and gambling addiction and the corresponding need for additional social services. The proposed casino could lead not only to increased burden on social services but also environmental impacts such as pollution and increased demand on local infrastructures including water, sewer and power. Additional concerns may be identified through the NEPA process. Because the facility would be a Class II casino, the State would not have the opportunity to address such impacts to the community in a gaming compact. For instance, under a Class III compact, the State and local governments have an opportunity to negotiate memoranda of understanding and other agreements to help address concerns about law enforcement resources, traffic mitigation and other burdens on the community and local infrastructure. No such opportunity is afforded here.

Although the Coquille have offered to discuss such issues, other than in a very general fashion, the Tribe has not outlined how it intends to mitigate these types of burdens to the local area and that the State is not convinced that the level of engagement with local partners has been sufficient to adequately address these concerns. The Governor also considers the City of Medford's and Jackson County's concerns a significant factor and would encourage the Secretary to do the same, especially considering the significant distance between the Tribe's current tribal headquarters and the proposed casino site in Medford.

IV. It is questionable whether the land meets the "restored lands" exception of IGRA.

Finally, there is also a question about whether the land in question is even eligible for gaming. As a general matter, gambling is prohibited on land taken into trust after the Indian Gaming Regulatory Act (IGRA) was enacted (October 17, 1988) unless it meets some exception under IGRA.

In its application, the Coquille asserts that it qualifies under the "restored lands" exception of IGRA. Under the "restored lands" regulations, a tribe may demonstrate that its restoration legislation either: 1. "requires or authorizes the Secretary to take land into trust for the benefit of the tribe within a specific geographic area and the lands are within the specific geographic area" (25 CFR 292.11); or 2. show that the tribe can demonstrate "modern connections to the land," "significant historical connection to the land," and a "temporal connection between the date of the acquisition of the land the date of the tribe's restoration" (25 CFR 292.12). The Coquille has not demonstrated that it meets the requirements to be considered as "restored lands."

A. It is questionable that the Coquille Restoration Act automatically qualifies the land as "restored lands" under 25 CFR 292.11.

The Coquille asserts that it meets the exception in 25 CFR 292.11 by contending that the Coquille Restoration Act "authorizes the Secretary to take land into trust for the benefit of the tribe within a specific geographic area and the lands are within the specific geographic area" and therefore meets the definition of "restored lands" under 25 CFR 292.11. While the Coquille Restoration Act required the Secretary to take 1000 acres of land into trust in Coos and Curry Counties at the time of restoration, the question is whether the Act's authorization that the Secretary "may" take additional land into trust in the future within a five-county service area automatically qualifies additional land taken into trust as "restored lands."

The Coquille Restoration Act, enacted in 1989, provides:

"The Secretary shall accept any real property located in Coos and Curry Counties not to exceed one thousand acres for the benefit of the Tribe if conveyed or otherwise transferred to the Secretary; Provided, That, at the time of such acceptance, there are no adverse legal claims on such property including outstanding liens, mortgages, or taxes owed. The Secretary may accept any additional acreage in the Tribe's service area pursuant to his authority under the Act of June 18, 1934 (48 Stat. 984) [25 U.S.C.A. S 461 et seq.]." 25 USC Sec. 715c(a).

The Act provides that the Tribe's "service area" "means the area composed of Coos, Curry, Douglas, Jackson, and Lane Counties in the State of Oregon[.]" 25 USC Sec. 715 (5). The Coquille appear to be concluding that since Jackson County is located within the Tribe's "service area," that the land taken into trust automatically qualifies as "restored lands."

This is not a foregone conclusion, however. The Coquille Restoration Act does two specific things with respect to land acquisition. First, it states that the Secretary is required to take into trust for the benefit of the Tribe up to 1000 acres of land in Coos and Curry Counties. Second, it states that the Secretary "may"—but is not required to—acquire additional land in the Tribe's service area. The Act dictates that any additional land beyond the 1000 acres taken into trust at the time of restoration may be taken into trust not under the terms of the Coquille Restoration Act itself, but pursuant to "the Act of June 18, 1934" which is the Indian Reorganization Act (IRA). The Act further states that the Indian Reorganization Act, "[t]he Act of June 18, 1934 (48 Stat. 984), as amended [25 U.S.C.A. S 461 et seq.], shall be applicable to the Tribe and its Members." 25 USC Sec. 715a.(e). These provisions provide that land is not being taken into trust pursuant to the restoration act itself but through the IRA, reasonably implying that the IRA governs (and limits) the process through which land is taken into trust.

Unlike the land that was mandated to be taken into trust in the Coquille Restoration Act itself, it is questionable whether land taken into trust pursuant to the discretionary authority under the IRA automatically qualifies the land as "restored lands" that would be eligible for gaming under IGRA pursuant to 25 CFR 292.11.

Even if 25 CFR 292.11 was interpreted to apply here, it is not clear that meeting that regulatory standard – standing alone – would be consistent with the intent of IGRA. IGRA's "restored lands" provision, and the caselaw interpreting it, may require a greater showing, such as that required by 25 CFR 292.12, especially where the Restoration Act refers to lands encompassing as broad an area as does the Coquille's Act.

B. The Coquille has submitted no information to demonstrate that the land qualifies under 25 CFR 292.12.

Absent restoration legislation that requires or authorizes the Secretary to take land into trust as restored lands, under the regulations a tribe can meet the "restored lands" exception if it demonstrates "modern connections to the land," "significant historical connection to the land,"

and a "temporal connection between the date of the acquisition of the land the date of the tribe's restoration" as required under 25 CFR 292.12. Caselaw interpreting IGRA suggests that such showings may be required regardless of restoration legislation. In any event, the Tribe has submitted no information that suggests it would meet the requirements under 25 CFR 292.12.

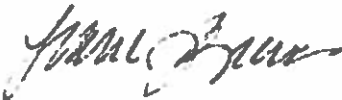
V. Conclusion

For the reasons articulated in this letter, the Governor adamantly opposes any casinos – Class II or Class III – cropping up all throughout our state and encourages the Secretary to consider this risk in evaluating the Coquille's application. The Governor urges the Secretary to use her discretion to deny the Coquille's application to take the land into trust for the purposes of conducting gaming.

Thank you for the opportunity for the Governor to comment on this application. I am also including a copy of a letter from the Oregon Department of Transportation (ODOT) dated February 25, 2013, noting transportation and traffic mitigation concerns. ODOT's February 25, 2013 letter, the Governor's May 6, 2013 letter and this letter should all be considered as the State's response to BIA's request for comments on the Coquille's application.

Please do not hesitate to contact me if I can be of further assistance.

Sincerely,



Liani J. Reeves
General Counsel

cc: Sherry Johns (sherry.johns@bia.gov)

LJR/jja

LETTER 5

SAL ESQUIVEL
STATE REPRESENTATIVE
DISTRICT 6



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HOUSE OF REPRESENTATIVES 2013 MAY 20 PM 4:47
900 COURT ST NE
SALEM, OR 97301
OFFICE OF THE
EXECUTIVE SECRETARIAT

May 8, 2013

The Honorable Kevin K. Washburn
Assistant Secretary – Indian Affairs
Department of the Interior
MS-4141-MIB
1849 C Street, N.W.
Washington D.C. 20240

Stanley Speaks, Regional Director
Bureau of Indian Affairs
Northwest Regional Office
911 Northeast 11th Avenue
Portland, OR 97232-4169

Re: Preliminary Response of the Southern Oregon Legislative Delegation to Coquille Tribe's Proposed Trust Request for Gaming

Honorable Washburn and Director Speaks,

We, the members of the Southern Oregon Legislative Delegation, would like to go on the record as opposing the Coquille Indian Tribe's application to have 2.42 acres of land located in Medford, Oregon to be acquired in trust for the purpose of Class II gaming.

This proposal is also being opposed by the Jackson County Board of Commissioners and multiple other Indian tribes. Furthermore, officials from the City of Medford have stated publicly that they cannot support the proposal and therefore oppose it.

A number of concerns have been brought forth by the City of Medford with regards to this proposal. They include the loss of regulatory jurisdiction over city land, impacts on the city, the potential for future casino expansion and the economic impacts of problem gambling.

The City of Medford has been contacted by representatives from multiple tribes, who have also spoken out against this proposal in public hearings. Their objections include the fact that the Coquille Tribe lacks a significant historical connection to Medford and the city is not within the area that federal courts have identified as the tribe's territory.

Although the tribe's restoration act establishes Jackson County as part of its service area where members are allowed to receive federal benefits, those designations are based on where tribal members live today, not historical locations.

Members of the Shasta and Cow Creek band of the Umpqua Indian Tribe have presented evidence to the Medford City Council that the Coquille Tribe does not have aboriginal ties to the area. They also stated that their ancestors fought, died and were buried in Medford and Jackson County, and that permitting the Coquille Tribe to pursue this proposal would be an affront to their ancestors and to the tribal sovereignty and traditions that exist within and without federal government recognition. It is also feared that approval of this proposal would establish a precedent that would encourage other tribes to seek additional trust land for gaming.

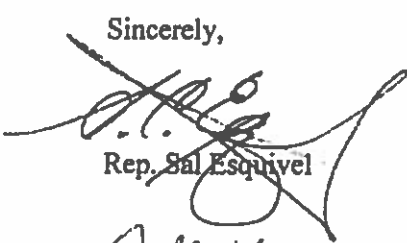
Some of the concerns raised by the City of Medford and its officials are very specific. They include the fact that the land in question does not qualify for gaming. The proposed action would take the property out of local control to establish an activity that is not allowed under state or local law.

Another issue is that the federal government already owns 48 percent of the land in Jackson County, and because of that, we cannot support the further removal of lands from the state, city or the county.

Overall, we object to this proposal on the aforementioned grounds. We do not feel that this proposal fits the community. It is on a piece of land 170 miles from the tribe's designated territory, and it also violates an agreement that each tribe should have only one casino.

Because of all these reasons, we want to state our objections on the record, and hope that you consider them when deliberating on this matter.

Sincerely,



Rep. Sal Esquivel



Sen. Herman Baertschiger



Sen. Doug Whitsett



Sen. Jeff Kruse



Sen. Alan Bates



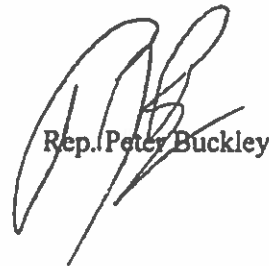
Rep. Mike McLane



Rep. Wayne Krieger



Rep. Bruce Hanna



Rep. Peter Buckley



Rep. Dennis Richardson



Rep. Tim Freeman

LETTER 6

243

Karuk Community Health Clinic
64236 Second Avenue
Post Office Box 316
Happy Camp, CA 96039
Phone: (530) 493-5257
Fax: (530) 493-5270

Karuk Tribe



Administrative Office
Phone: (530) 493-1600 • Fax: (530) 493-5322
64236 Second Avenue • Post Office Box 1016 • Happy Camp, CA 96039

Karuk Dental Clinic
64236 Second Avenue
Post Office Box 1016
Happy Camp, CA 96039
Phone: (530) 493-2201
Fax: (530) 493-5364

522880

Kevin K. Washburn
Assistant Secretary – Indian Affairs
Department of the Interior
1849 C. St. N.W.
Washington, D.C. 20240

Re: *Coquille Off-Reservation Trust Application for Land in Medford, OR.*

Dear Mr. Assistant Secretary:

On behalf of the Karuk Tribe, I am writing to express our Tribe's opposition to the referenced trust application. We are aware of parallel opposition already publicly announced by the Jackson County (OR) Board of Commissioners and the Cow Creek Band of Umpqua Indians, and are joining them in opposing a second casino (albeit Class II gaming only) that would have devastating impacts on the Indian gaming industry in Southwestern Oregon and Northern California.

As you probably know, the Karuk Tribe historically occupied a large area of Northern California encompassing a major section of the Klamath River as well as the Siskiyou Mountains into Southern Oregon all the way to the floor of the Rogue Valley in Jackson County. More enrolled Karuk Indians live in the Medford area than the 100 Coquille enrollees claimed by that tribe.

A year ago, we secured a land determination from the Department confirming that Karuk trust land in Yreka (CA) qualifies for gaming as restored land for a restored tribe. Since then, we have been working diligently to develop that casino project, including negotiations with the City of Yreka for local services and the State of California for a Class III Tribal State Compact. We recently selected a developer for the project and are currently discussing financing with professionals experienced in funding tribal casino projects. We have an economic interest in the Medford proposal since its commencement of gaming operations would likely have a major impact on our project revenue realization. As you know, the same concerns are shared by both the Cow Creek's Seven Feathers Casino and Resort, as well as the Three Rivers Casino operated in Florence (OR) by the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians.

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We do not believe that it was the intent of Congress in the Coquille Restoration Act to allow that tribe to build casinos in five Oregon counties without undergoing the same level of scrutiny that the professionals at the Department of Interior and NIGC gave our Yreka application over several years. Yet, that is the potential result of the Restoration Act when read *in pari materia* with the Gaming Regulations promulgated on May 20, 2008. Moreover, allowing a second casino for the Coquille would end the established one-casino-per-tribe policy in Oregon.

There are many other reasons to oppose the Coquille project, not the least of which is the tenuous historical connection the tribe is trying to establish to connect the Medford site to the tribe as it may have existed during the aboriginal epoch. Yet, the regulations would deem the site to be "restored lands" to Coquille once the land is accepted into trust, even in the face of evidence disproving any historical connection.

With all of this in mind, the Karuk Tribal Council requested the Tribe's outside legal counsel to examine the Coquille proposal as a matter of law and political policy. The result of that examination is published in a White Paper entitled "Preserving Oregon's 'One-Casino-Per-Tribe' Policy," and a copy of that document is enclosed for your consideration. We believe that it offers compelling reasons for you to exercise your discretion and deny the pending trust application. In this regard, we are available to respond to any comments or questions that may arise.

We appreciate your consideration and look forward to working with you on the many projects currently being developed by the Tribe.

Respectfully,



Russell Attebery
Chairman
Karuk Tribe

Enclosure

cc: (w/encl.)
Nancy J. Pierskalla, Office of Indian Gaming, Department of the Interior
Tracie Stevens, Chairwoman, National Indian Gaming Commission
Dan Courtney, Chairman, Cow Creek Band of Umpqua Tribe of Indians
Liani J. Reeves, Counsel to Oregon Governor Kitzhaber

LETTER 7

EARL BLUMENAUER
Third District, Oregon
COMMITTEE ON WAYS AND MEANS
COMMITTEE ON BUDGET



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526752

2013 SEP 12 PH 3:29

WASHINGTON OFFICE
1503 LONGWORTH BUILDING
WASHINGTON, DC 20518
(202) 225-4811
FAX: (202) 225-4841

PORTLAND OFFICE
720 N.E. Oregon Street
Suite 118
Portland, OR 97232
(503) 231-3000
Fax: (503) 230-5413

website: blumenauer.house.gov

Congress of the United States
House of Representatives
Washington, DC 20515

September 11, 2013

The Honorable Sally Jewell
Secretary
Department of the Interior
1849 C Street, NW
Washington D.C. 20240

Dear Secretary Jewell:

I write to express my opposition to the proposed acquisition of land to be taken into trust for the use and benefit of the Coquille Indian Tribe to operate a Class II gaming facility in Medford, Oregon. My understanding is that, in addition to significant legal questions remaining about the application, there are deep apprehensions about the proposed expansion of casino gaming in the community. I share these concerns and would also note that the City of Medford, the Jackson County Board of Commissioners, and Oregon Governor John Kitzhaber also oppose the proposal.

As you consider this decision, I urge you to closely evaluate the concerns raised by the local community, and ultimately reject this proposal.

Sincerely,

Earl Blumenauer
Member of Congress

*I look forward to
our next meeting!*

Post-It® Fax Note	7671	Date	9.12.13	Pages	1
To	Audrey Hoskins	From	Hilary Barbock		
Co./Dept.	Interior	Co. Rep.	Earl Blumenauer		
Phone #		Phone #	503-231-2500		
Fax #	202-205-5533	Fax #			

LETTER 8

United States Senate

WASHINGTON, DC 20510

October 21, 2013

Kevin K. Washburn
Assistant Secretary
Indian Affairs
U.S. Department of the Interior
1849 C Street, NW
Washington, DC 20240

Dear Assistant Secretary Washburn,

We are writing in regard to the Coquille Indian Tribe's application for land to be taken into trust by the Secretary of the Interior for the purposes of Class II gaming in Jackson County, Oregon. While we applaud the Coquille Indian Tribe in their efforts to build their economy and become ever more self-sufficient, and while we naturally respect the tribe's sovereignty and support the ideals of tribal self-determination, this application has far reaching effects for the State of Oregon.

In Oregon, we have a long history of striking a balance between the pursuit of gaming revenues, which benefits tribal members enormously, and the risks associated with a significant increase in the number of gaming facilities which would have negative consequences in many of our communities.


Before voters authorized a state-run lottery in 1984, the only gambling legally permitted in the state was in the form of well-controlled *pari-mutuel* (race track) gambling and occasional locally-permitted charity events. Oregon's Governor, John Kitzhaber, who has negotiated many of the current tribal compacts with federally-recognized tribes in order to support tribal self-sufficiency, has long adhered to the policy of "one casino per tribe." The precedent of a second significant gaming facility for any one tribe, whether it is a Class II or Class III, is a clear expansion of that policy and would have serious implications for further expansions to be made by other tribes. Oregon's careful balance between producing gambling revenues and a focus on the public good of our citizens could be seriously compromised.

In addition, the situation is greatly complicated by the evolving technology of gaming. In the past, a Class II gaming facility was essentially a bingo hall. Now, however, modern computer technology enables Class II facilities to include machines that do not have much distinction from those in Class III facilities. We are concerned that what the Coquille tribe is proposing would in reality turn out to be more akin to what is contemplated when establishing a Class III facility in Oregon, rather than a Class II facility.

Noting that you have already received communications regarding this issue from the Governor of Oregon, the Jackson County Board of Commissioners and the City of Medford, we join them in

opposing this application. If you have questions regarding this issue, please contact Cisco Minthorn at 202-224-4971 in Senator Wyden's office and Elizabeth Cooney at 202-224-7967 in Senator Merkley's office.

Sincerely,



Ron Wyden
U.S. Senator



Jeffrey Merkley
U.S. senator

cc: Sally Jewell, Secretary of the Interior
Stanley M. Speaks, Bureau of Indian Affairs Northwest Regional Director

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LETTER 9



OREGON LEGISLATIVE ASSEMBLY

638797
November 19, 2013

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OFFICE OF THE
EXECUTIVE SECRETARIAT

The Honorable Sally Jewell
U.S. Department of the Interior
1849 C Street, NW
Washington, DC 20240

Dear Secretary Jewell,

We write to express our opposition to allowing lands to be put into trust in Southern Oregon in order to facilitate construction and operation of a Class II casino. While we strongly support efforts to economically empower and diversify all of Oregon's tribes, allowing this exception would directly contradict longstanding policy between tribes and the State of Oregon.

Approval of the proposal currently before you from the Coquille Tribe of Oregon would disrupt this established policy, allowing one tribe to operate a second gaming facility in non-aboriginal lands in Medford, Oregon. Your approval of the trust request would allow construction and operation of a Class II gaming facility not subject to oversight or review by the Department or the Governor.

The Governor of Oregon, Senators Wyden and Merkley, Congressman Blumenauer, the Jackson County Commission, and the City of Medford have expressed their strong opposition to placing those lands into trust. We join them in urging you to deny the request. We further note that just one year ago, the voters in our state overwhelmingly rejected an effort to expand gaming by bringing a casino to an urban center. Should you approve the trust request, you will begin that process against the wishes of the state, as most or all of Oregon's tribes will quickly follow with their own trust land applications to seek entry into every urban center in the state. We seek your assistance in avoiding setting this precedent. We stand with the local community, region, and the Governor of our state, in asking you to reject the trust request.

Sincerely,

Diane Rosenbaum

Senator Diane Rosenbaum
Senate Majority Leader

Val Hoyle

Representative Val Hoyle
House Majority Leader

**Cc: The Honorable John A. Kitzhaber, MD
The Honorable Ron Wyden
The Honorable Jeff Merkley
The Honorable Earl Blumenauer
Commissioner Doug Breidenthal
Commissioner John Racht
Commissioner Don Skundrick
Mayor Gary Wheeler**

LETTER 10



DOUGLAS COUNTY BOARD OF COMMISSIONERS

CHRIS BOICE SUSAN MORGAN TIM FREEMAN

1036 SE Douglas Ave., Room 217 • Roseburg, Oregon 97470

February 3, 2015

RECEIVED

FEB 09 2015

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

Mr. Stanley Speaks
Northwest Region Director
Bureau of Indian Affairs
911 NE 11th Ave.
Portland OR 97504

RE: DEIS Scoping comments, Coquille Indian Tribe Fee-to-Trust and Gaming Facility Project

Dear Mr. Speaks,

We are writing to you to express our opposition to the siting of a gaming facility in Medford, Oregon, by the Coquille Tribe.

The Cow Creek Tribe's 7 Feathers Casino & Resort in Canyonville draws about half of its customers from the Medford area. Data shows that, if the Coquille Tribe builds a facility in Medford, citizens of that area will decide not to travel to Canyonville and the customer base for 7 Feathers will be significantly reduced. The Cow Creek Tribe has clearly indicated that they will need to respond by reducing staffing levels at the Canyonville facility. A large majority of the people that work at 7 Feathers are residents of Douglas County, especially south Douglas County.

The proposed Medford facility will have a serious negative economic and social impact on southern Douglas County residents. The jobs that will be lost at the 7 Feathers Canyonville operations will be a blow to an already very economic and socially vulnerable area.

As you know, the 7 Feathers Casino complex in Canyonville is a major employer in the south Douglas County region. This is a region where unemployment is currently at 9.3%, higher than Oregon's current 6.7% rate, the nation's current 5.8% rate, and Jackson County's current 8.4% rate.

To further illustrate the local poverty, just less than 70% of the students in the South Umpqua School District are eligible for free and reduced cost school lunches. The area suffers from high rates of crime, substance and physical abuse, and Douglas County has consistently ranked near the bottom in public health ranking for Oregon.

Jobs at the Casino have been a life line out of poverty for many residents. Over the history of the facility, thousands of our citizens have found gainful employment and a measure of stability and predictability for their families. The Tribe works hard to train these individuals in soft skills: showing up on time, having a business-like appearance, being customer service oriented. They also have worked hard to promote from within their operations, giving many local citizens the chance to get educated, to take on new challenges, increase their income, and move up in their organization.

The jobs that the Cow Creek Tribe provides are benefitted and have health care coverage. We cannot state strongly enough what a difference this has made to increase economic and social stability in our region, and the concern we have for the welfare of our citizens that will be impacted.

The Coquille's Mill Casino in North Bend will benefit from a significant increase in customers when the natural gas terminal is built at the Port of Coos Bay. The construction crews and the individuals holding the many jobs that will be permanent and on-going will frequent the Mill Casino for food and entertainment. The increase in jobs that will be realized at the Coquille's North Bend location will have clear and long-lasting benefit to the citizens of Coos County.

The opposite will occur for the Cow Creek Tribe and south Douglas County residents if the Coquille's Medford facility is permitted. We will see jobs at the Canyonville facility drop off as residents of Jackson County stay home. For our citizens, there will be no replacement jobs. The result for Douglas County will be more unemployment and less economic and social certainty for our citizens.

Again, we strongly and respectfully oppose the Coquille Tribe's proposal to establish a gaming facility in Medford because of the negative impacts it will have in our county.

Please do not hesitate to contact us if you have questions or require more information.

Sincerely,

DOUGLAS COUNTY BOARD OF COMMISSIONERS



Susan Morgan, Chair



Tim Freeman



Chris Boice

LETTER 11

Elk Valley
RANCHERIA
Crescent City, CA



2332 Howland Hill Road
Crescent City, CA 95531

Phone: 707.464.4680
Fax: 707.464.4519
rancheria@elk-valley.com

August 4, 2015

VIA POSTAL SERVICE

Honorable Kevin Washburn
Assistant Secretary – Indian Affairs
Department of the Interior
1849 C Street, NW
Washington, DC 20240

Re: Coquille Indian Tribe Gaming Application for Lands in Medford, Oregon

Dear Assistant Secretary Washburn:

The Elk Valley Rancheria, California, (the “Tribe”) writes to you with regard to the Coquille Indian Tribe (“Coquille”) application to take lands near Medford, Oregon, into trust for gaming purposes pursuant to 25 C.F.R. § 292.11(a) and the Coquille Restoration Act (the “Act”). The Tribe is concerned that the Act does not expressly authorize the Coquille to acquire in trust the land for gaming purposes in Medford pursuant to 25 C.F.R. § 292.11(a). Instead, the Tribe believes that the Coquille’s application must be considered under 25 C.F.R. § 292, Subpart C, if at all.

As you know, the Indian Gaming Regulatory Act (“IGRA”), 25 U.S.C. § 2719(a), prohibits gaming on land acquired after 1988, unless a tribe can meet one of four exceptions: (1) the two-part determination, found at 25 U.S.C. § 2719(b)(1)(A); (2) the “restored lands” exception, found at 25 C.F.R. § 292.11; (3) the “initial reservation” exception, found at 25 C.F.R. § 292.6; or (4) the settlement of a land claim exception, found at 25 C.F.R. § 292.5.

Importantly, the regulations addressing the restored lands exception, located at 25 C.F.R. §292.11, require that a tribe show a modern, historical, and temporal connection to the subject land, unless Congress recognized the tribe and designated a specific area for land acquisition. A tribe that cannot meet the requirements of the restored lands provisions of 25 C.F.R. §292.11, would have to meet the requirements of 25 C.F.R. Part 292, Subpart C, otherwise known as the “two-part determination,” to be able to game on newly acquired lands.

Here, the Coquille were recognized by Congress, and Congress designated a very specific area for Coquille mandatory land acquisition in Coos and Curry Counties. Land acquired in these counties, of course, would meet the requirements of 25 C.F.R. §292.11(a)(1).

Congress separately authorized the Secretary to acquire additional land in trust in the tribe's "service area" pursuant to authority granted by the Indian Reorganization Act. Land acquired under this provision must follow the regulatory provision outlined 25 C.F.R. §11(a)(2), or 25 C.F.R. Part 292, Subpart C.

If Congress intended to direct the Secretary to accept land within the Coquille's service area in trust as a mandatory acquisition, it would have done so explicitly and included the service area along with Coos and Curry Counties when it directed the acquisition of land pursuant to the Act. Instead, Congress declined to direct the Secretary to acquire land in the Coquille's service area.

The bill that became the Coquille Restoration Act, Pub. L. No. 101-42, originally contained the following provision: "The Secretary shall accept real property within the service area for the benefit of the Tribe . . ." H.R. 881, *as introduced*, 101st Cong. (emphasis added). But that the language was changed. The Act, as enacted, provides for the following:

(a) LANDS TO BE TAKEN IN TRUST- The Secretary shall accept any real property located in Coos and Curry Counties not to exceed one thousand acres for the benefit of the Tribe if conveyed or otherwise transferred to the Secretary: *Provided*, That, at the time of such acceptance, there are no adverse legal claims on such property including outstanding liens, mortgages, or taxes owed. **The Secretary may accept any additional acreage in the Tribe's service area pursuant to his authority under the Act of June 18, 1934 (48 Stat. 984).**

25 U.S.C. 715(c) (emphasis added).

The Department of Interior has also recognized, as a general matter, that service area has little to do with a tribe's historical territory when it adopted 25 C.F.R. Part 292. When adopting the regulation, the department explicitly declined to recognize service area as establishing a tribe's modern connection to a particular parcel of land and stated:

[S]ervice area is not necessarily defined by the DOI and would thus add complication to the analysis due to the added necessity of collaboration with other agencies. Furthermore, the tribe's service area is often based on factors not connected with the DOI's section 2719 analysis and is often ill-defined, overlapping and potentially inconsistent.

Gaming on Trust Lands Acquired After October 17, 1988, 73 Fed. Reg. 29354, 29365 (May 20, 2008) (emphasis added).

If the Act is read to require the Secretary to take land within a service area into trust for the benefit of Coquille, there is a threat that other similar restoration acts will be interpreted in this manner as well. This would mean that, for instance, a tribe with no aboriginal or historic

Kevin Washburn
Re: Coquille; Medford Land into Trust for Gaming
August 4, 2015
Page 3

connections to the subject land would be allowed to game in another tribe's aboriginal lands. *See e.g. Kickapoo Tribe of Oklahoma v. Superintendent, Shawnee Agency*, 13 IBIA 339 (1985). It would also mean that surrounding communities and governments would have no say in the matter. *Id.*

We recommend that you interpret the Act in a manner that is consistent with its plain language and legislative intent and that respects other tribes.

Sincerely,

A handwritten signature in black ink, appearing to read "Dale A. Miller". The signature is written in a cursive style with a large initial "D" and "M".

Dale A. Miller
Chairman

LETTER 12



The Saginaw Chippewa Indian Tribe Of Michigan

7070 EAST BROADWAY

MT. PLEASANT, MICHIGAN 48858

(989) 775-4005

FAX (989) 775-4131

Tribal Chief

August 06, 2015

Honorable Kevin Washburn
Assistant Secretary – Indian Affairs
Department of the Interior
1849 C Street, NW
Washington, DC 20240

Dear Secretary Washburn:

I write to you on behalf of the Saginaw Chippewa Indian Tribe of Michigan with regard to the Coquille Indian Tribe application to take lands near Medford, Oregon, into trust for gaming purposes as restored lands. We understand these lands are located far outside the aboriginal lands of the Coquille Tribe and are within the aboriginal lands of another Tribe. The Saginaw Chippewa Indian Tribe of Michigan opposes these type of trust applications and we urge you to interpret the Coquille Restoration Act in a manner that precludes the Coquille Tribe from acquiring lands outside their aboriginal the land in Medford as restored lands.

We believe that interpreting the Coquille Restoration Act to allow this acquisition to be deemed restored lands would create a precedent that would cause other similarly situated tribes, including some in Michigan, to pursue off-reservation gaming projects outside of their historical territories, and in the aboriginal territory of other tribes.

It is our understanding that in the Coquille Restoration Act, Congress designated a specific area in which the Coquille could secure land in trust as mandatory matter, and separately authorized the Secretary to acquire additional land in trust as a discretionary matter in the tribe's "service area," pursuant to his authority under the Indian Reorganization Act. It is also our understanding that the facility proposed by Coquille is more than 160 miles from the tribe's existing lands.

The Saginaw Chippewa believes the Coquille Restoration Act, and other similar restoration acts, should be interpreted narrowly, such that the acquisition of those lands fall under the purview of the Secretary's authority to take land into trust under the IRA. There are other tribes in the state of Michigan who have acts of restoration similar to the Coquille Restoration Act, and if that restoration act is read broadly, these tribes would

look to pursue the same course of action as Coquille; they would seek to go far outside their aboriginal lands to locations that are in another tribes aboriginal territory.

This would unsettle the current compact framework within the state of Michigan, and could cause unnecessary strife between the tribes in the state.

Accordingly, we recommend that you interpret the Coquille Restoration Act in a manner that is consistent with the legislative intent and respects other tribes.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven Pego". The signature is written in a cursive style with a large, sweeping initial "S".

Steven Pego

Chief

Saginaw Chippewa Indian Tribe of Michigan

LETTER 13



**SHINGLE SPRINGS BAND
OF MIWOK INDIANS**

**Shingle Springs Rancheria
(Verona Tract), California
5168 Honpie Road
Placerville, CA 95667
Phone: 530-698-1400
shinglespringsrancheria.com**

November 19, 2015

Honorable Kevin Washburn
Assistant Secretary - Indian Affairs
Department of the Interior
1849 C Street, NW
Washington, DC 20240

RE: Coquille Indian Tribe gaming application for lands in Medford,
Oregon

Dear Secretary Washburn:

I write to you on behalf of the Shingle Springs Band of Miwok Indians with regard to the Coquille Indian Tribe ("Coquille") application to take lands near Medford, Oregon, into trust for gaming purposes as restored lands, pursuant to 25 C.F.R. § 292.11(a). The Shingle Springs Band of Miwok Indians urges you to interpret the Coquille Restoration Act ("CRA") in a manner that precludes the Coquille from acquiring the land in Medford as restored lands. Instead, if the Coquille desires to operate a gaming facility in Medford, Oregon, it is our view that they should pursue the application as a two-part determination.

We believe that interpreting the Coquille Restoration Act otherwise would create a precedent that would cause other similarly situated tribes, including at least two tribes in California, to pursue off-reservation gaming projects outside of their historical territories, and in the aboriginal territory of other tribes in the state, including ours.

In the Coquille Restoration Act, Congress designated a specific area in which the Coquille could secure land in trust as mandatory matter, and separately authorized the Secretary to acquire additional land in trust as a discretionary matter in the tribe's "service area", pursuant to his/her authority under the Indian Reorganization Act.

We believe that if Congress wanted to direct the Secretary to accept land within the tribe's service area in trust as a mandatory acquisition, it would have done so explicitly. It is also our position that any land acquisitions made within the service area for gaming would be more properly handled as two-part determinations.

The Department of Interior has also recognized, as a general matter, that service area has little to with a tribe's historical territory when it adopted 25 C.F.R. Part 292. When adopting the regulation, the department explicitly

declined to recognize service area as establishing a tribe's modern connection to a particular parcel of land and stated,

"...service area is not necessarily defined by the DOI and would thus add complication to the analysis due to the added necessity of collaboration with other agencies. Furthermore, the tribe's service area is often based on factors not connected with the DOI's section 2719 analysis and is often ill-defined, overlapping and potentially inconsistent." (Emphasis added), *Gaming on Trust Lands Acquired After October 17, 1988*, 73 Fed. Reg. 29354, 29365 (May 20, 2008).

It is also our view that if the CRA is read to require the Secretary to take land within the service area into trust for the benefit of Coquille, then there is a threat that other similar restoration acts will be interpreted in this manner as well. This would mean that, for instance, a tribe with no historical or aboriginal connections to the subject land would be allowed to game in another tribe's aboriginal lands, next to an already operating casino. See e.g. *Kickapoo Tribe of Oklahoma v. Superintendent, Shawnee Agency*, 13 IBIA 339 (1985). It would also mean that surrounding communities would have no say in the matter. *Id.*

The Shingle Springs band of Miwok Indians have a vested interest in having the Coquille Restoration Act ("CRA"), and other similar restoration acts, be interpreted narrowly, such that the acquisition of those lands fall under the purview of the Secretary's authority to take land into trust under the Indian Reorganization Act ("IRA"), because there are other tribes in the state of California who have acts of restoration similar to the CRA. If the CRA is read broadly, these tribes would look to pursue the same course of action as Coquille and seek to go outside their aboriginal lands to locations that are not only in another tribes aboriginal territory, but also directly compete with legitimate operations of other tribes.

This would unsettle the current framework within the state of California, and could cause unnecessary strife between the tribes in the state.

Accordingly, we recommend that you interpret the Coquille Restoration Act in a manner that is consistent with the legislative intent and respects the other tribes.

Sincerely,

A handwritten signature in blue ink that reads "Nicholas" followed by a stylized star and a long horizontal flourish.

Nicholas Fonseca, Chairman
Shingle Springs Band of Miwok Indians

LETTER 14

Congress of the United States

Washington, DC 20510

January 25, 2016

The Honorable Sally Jewell
Secretary
U.S. Department of the Interior
1849 C Street, NW
Washington, DC 20240

Dear Secretary Jewell,

We write concerning the legislative history of the land acquired by the Coquille Indian Tribe under the Coquille Restoration Act (CRA) of 1989. Some clarification of that legislative history may be relevant to current deliberations within the Department.

Currently, the Coquille Indian Tribe operates a Class III casino in North Bend, Oregon and has proposed to build a Class II casino in Medford, Oregon. The Coquille Indian Tribe is basing its decision to expand its casino operations on an authority given to the Secretary under the CRA. As two of the three original authors of the CRA, we wanted to clarify the history of the act as it relates to tribal gaming in Oregon.

When first introduced, the CRA authorized the blanket acquisition of land in trust for Coquille within its service area – which included Coos, Curry, Douglas, Jackson, and Lane Counties in Oregon, and it did not include a reference to Indian Reorganization Act (IRA) land acquisition. However, before the CRA passed, the House Natural Resources Committee amended the bill to clarify that the Secretary of the Interior “shall accept any real property located in Coos and Curry Counties not to exceed one thousand acres,” and “may accept any additional acreage in the Tribe’s service area pursuant to his authority under the [Indian Reorganization] Act of June 18, 1934 (48 Stat. 984).” (emphasis added). This discretionary language was added to ensure that the Secretary could use the authority under the IRA to take land into trust for the Coquille Indian Tribe, the same way it can for other Oregon tribes, to be in addition to the original one thousand acres of restored lands that were taken into trust under the CRA.

When it comes to gaming, tribes must follow the requirements of the Indian Gaming Regulatory Act (IGRA), which says that a casino can only be built on lands that are part of a settlement of a land claim, the initial reservation of the tribe, or the restoration of lands for a tribe restored to Federal recognition. This last requirement, the restored tribe and restored lands requirement, cannot be read to give an advantage to restored tribes to game on any lands within its service area, but rather it ensures that restored tribes are treated equally to tribes recognized earlier. According to IGRA, if the land to be taken into trust is not “restored land,” the tribe must get the

permission from the Secretary and the State where the lands are located in order to take land into trust for the purposes of gaming.

We understood the above to be the existing law, and did not intend the establishment of a multi-county service area for the Coquille Indian Tribe in the CRA to supersede the requirements of IGRA. The inclusion of Secretarial discretion for future expansions of the Coquille Indian Tribe reservation under the authority of the IRA, makes that clear.

As the authors of the CRA, we ask that you keep in mind the purpose and intent of our legislation as you work through the Coquille Indian Tribe trust application. Please do not hesitate to contact us if we can provide any further context for the passage of the CRA or answer any of your questions.

Sincerely,



Ron Wyden
United States Senator



Peter A. DeFazio
Member of Congress

Cc: Kevin Washburn
Assistant Secretary for Indian Affairs

LETTER 15



KATE BROWN
Governor

April 13, 2016

RECEIVED

APR 16 2016

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

Stan Speaks, Northwest Regional Director
Bureau of Indian Affairs
911 NE 11th Avenue
Portland Oregon 97232-4169

Dear Director Speaks:

I write to provide my views on a pending trust application submitted by the Coquille Indian Tribe concerning a 2.42 acre tract of land in Jackson County, Oregon. The Coquille seek to have the land taken into trust to operate a Class II gaming facility for the use and benefit of the Tribe. In a May 6, 2013, letter to you, then-Oregon Governor John A. Kitzhaber urged the Secretary of the Interior to exercise her discretion to deny the Coquille's application to take the subject land into trust for gaming purposes. I want to convey that the State of Oregon's position on this matter remains the same.

I admire and respect the Coquille Indian Tribe's dedication to serving those in need within its tribal service area. I value Oregon's government-to-government relationship with the Coquille, and I esteem the Coquille's candid and productive communications with me and with the State on these and on many other issues. I have no doubt that the Coquille would use the resources generated by the proposed Class II facility prudently and in service to those in need. Nonetheless, I do not believe that the opening of this facility would be in the best interests of the people of Oregon.

I continue to support each of Oregon's nine federally recognized tribes in establishing or maintaining a single Class III casino, and I support a policy authorizing wide latitude on the size of such casinos, as well as the types of gaming offered therein. Such ventures are an important tool for many of the tribes' economic and business development, and State support is a small step toward attempting to rectify the significant wrongs visited upon Oregon's native peoples.

However, I do not believe that an expansion in the number of casinos sited in Oregon is in the best interests of the State or her people. I know that this project is relatively modest in scale, and that it is proposed only as a Class II facility. But I believe that the State should as a matter of policy resist the building of additional casinos, because State support for even a single, modest, additional casino is likely to lead to significant efforts to expand gaming across Oregon, to the detriment of the public welfare. In essence, I believe it essential that the State "hold the line" on the number of casinos within her borders whenever possible.

Stan Speaks, Northwest Regional Director
Bureau of Indian Affairs
April 13, 2016
Page 2

For these reasons, I reiterate the State's request that the Secretary exercise her discretion to deny the Coquille's application to take the relevant tract of land into trust for gaming purposes.

Please let me know if I can be of further assistance or provide information with regard to this application. I have designated my General Counsel, Benjamin Souede, to be the Office of the Governor's contact on this issue. He may be reached at ben.souede@oregon.gov and at (503) 378-8636.

Sincerely,

A handwritten signature in blue ink that reads "Kate Brown". The signature is fluid and cursive, with a long horizontal line extending to the right from the end of the name.

Governor Kate Brown

LETTER 16

Karuk Community Health Clinic
64236 Second Avenue
Post Office Box 316
Happy Camp, CA 96039
Phone: (530) 493-5257
Fax: (530) 493-5270

Karuk Tribe



Karuk Dental Clinic
64236 Second Avenue
Post Office Box 1016
Happy Camp, CA 96039
Phone: (530) 493-2201
Fax: (530) 493-5364

Administrative Office
Phone: (530) 493-1600 • Fax: (530) 493-5322
64236 Second Avenue • Post Office Box 1016 • Happy Camp, CA 96039

April 14, 2016

Larry Roberts
Assistant Secretary - Indian Affairs
U.S. Department of the Interior
MS-3642-MIB
1849 C Street, N.W.
Washington, D.C. 20240
lawrence.roberts@bia.gov

VIA EMAIL AND U.S. MAIL

Re: Coquille Medford Casino

Dear Assistant Secretary Roberts:

In follow-up to our May 2013 letter to Assistant Secretary Kevin Washburn, I write to you as Chairman of the Karuk Tribal Council to express Karuk's continued opposition to the Coquille Tribe's planned casino in Medford, Oregon. While a state border separates us from Medford, these lines mean little to us because, as stated in our previous letter, the Karuk Tribe's ancestral territory extends into Jackson County in the Rogue Valley. Further, we have recently made a path toward economic sustainability via gaming and Coquille's efforts threaten to disastrously unravel this necessary development and thus obstruct our ability to provide for our tribal nation which is the second largest in California.

Medford, Oregon is only 50 miles from Yreka, California, where we are beginning construction, this year, on a Class III gaming facility. Our casino will open in early 2017. As you know, Karuk has weathered several legal challenges to our efforts over the last several years. Throughout the planning of our new facility, we relied on federal law and the interpretations of the IGRA that existed over that period of time.

Now, Coquille is urging your office to make a completely novel read of their restoration act, and of IGRA. They want you to decide that their federal restoration act allows them to put casinos anywhere in their "service area," meaning nearly every county on the western corridor of Southern Oregon. For established gaming facilities, this kind of saturation cuts governmental

revenue in half or more. *For the Karuk Tribe, which is on the very cusp of gaming, it would utterly devastate our opportunity to gain a foothold in our own market.* Surely such a consequence is contrary to the expressed goal of IGRA which was to regulate gaming to assist the federal policy of advancing “tribal economic development, tribal self-sufficiency, and strong tribal government.” See 25 U.S. Code § 2701(4).

A race to the gaming bottom, by tribes capable of funding numerous—second, third, fourth, and potentially fifth— intra state casinos was plainly never envisioned by IGRA since such a direction would contribute to tribal economic underdevelopment, tribal debt-dependency because tribes would not be able to pay off their millions of dollars of casino debt, and would impair the strength of tribal leadership to provide for their nation.

In summary, we urge you to preserve order among Karuk and our sister tribes when it comes to gaming. We ask that we be given the same opportunity for economic development that Coquille has seen with their successful “The Mill Casino” on prime real estate on the Oregon South Coast. Lastly, as you know, tribes in Michigan and the Sacramento, California areas are also watching this matter because it promises to jump-start a gaming implosion in Indian Country if Coquille’s request, and similar ones to follow, are given the green light. We urge you to follow all of the precedent that suggests what Coquille is requesting is incorrect. We urge you to stop Coquille now so that Karuk and all of Indian Country can rely on federal law being what it is.

If Karuk can answer any questions, please do not hesitate to contact me at (530) 493-1600. Thank you for considering these difficult issues.

Respectfully,

 FOR RUSSELL ATTEBERY

Chairman Russell Attebery
Karuk Tribal Council

cc:

Paula Hart, Esq., U.S. Department of the Interior, Office of Indian Gaming
Eric Shepard, Esq., U.S. Department of the Interior, Office of the Solicitor
Jennifer “Gigi” Christopher, Esq., U.S. Department of the Interior, Office of the Solicitor
Regional Director Stanley Speaks, Bureau of Indian Affairs, U.S. Department of the Interior

LETTER 17

Congress of the United States
Washington, DC 20515

May 12, 2016

The Honorable Sally Jewell
Secretary
U.S. Department of the Interior
1849 C St. NW
Washington, D.C. 20240

Dear Secretary Jewell:

This letter is to express our concerns about the proposed acquisition of land to be taken into trust for the use and benefit of the Coquille Indian Tribe, with the intention to operate a Class II gaming facility in Medford, Oregon. In addition to several of our Oregon congressional colleagues, the City of Medford, the Jackson County Board of Commissioners, and Oregon Governor Kate Brown oppose this proposal.

Many Oregonians have raised legitimate questions about the expansion of casino gaming in Oregon. The original authors of the law on which the Coquille tribe bases its application have raised significant questions as well. Opposition from the state, city, and county to a casino far-removed from the Coquille ancestral lands (and their restored lands reservations) should give the agency great pause about this application.

As you consider the application before you, we request that you carefully and thoughtfully study the concerns from the local community and state and federal officials.

Sincerely,


Suzanne Bonamici
Member of Congress


Earl Blumenauer
Member of Congress


Kurt Schrader
Member of Congress

LETTER 18

16RD-0462

RECEIVED

MAY 23 2016

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

May 20, 2016

Mr. Lawrence Roberts
Assistant Secretary - Indian Affairs
Indian Affairs
MS-3642-MIB
1849 C Street, N.W.
Washington, D.C. 20240

Bureau of Indian Affairs
Northwest Regional Office
Received

MAY 26 2016

Division of Forestry
Wildland Fire Mgt.

Mr. Stanley Speaks
Northwest Regional Director
Bureau of Indian Affairs, Northwest Region
U.S. Department of the Interior
911 Northeast 11th Avenue
Portland, OR 97232-4169

Re: Coquille Tribe's Medford Casino Project

Dear Assistant Secretary Roberts and Director Speaks:

I write to you regarding the Coquille Tribe's Medford Casino Project to provide my views and some context having served as Governor of Oregon during the early years of Indian gaming in our state. I am deeply concerned by the Coquille Tribe's attempt to open a casino in Medford and thereafter throughout southern Oregon, without any meaningful opportunity for formal input from the State of Oregon.

As you know, Oregon Governors have long pursued a One-Tribe, One-Casino policy. My approach to working with Oregon Tribes to establish their gaming facilities was based on the fundamental principle that tribal governments had an abiding interest in generating revenue to support essential services, but not at the expense of Oregonians' quality of life and community health. Governor Kate Brown's recent opposition letter and former Governor Kitzhaber's 1997 position paper and each of their comments in opposition to the Coquille Tribe's project are consistent with those goals. I too have been opposed, and I remain opposed, to recent tribal attempts to develop casinos off of tribal reservation lands in Oregon.

The Coquille Tribe's plans threaten to upend the balance that Oregon and our nine tribes have struck over the last 25 years. If the Coquille Tribe is allowed to build a casino in Medford—on lands which they did not historically own or occupy—it will mean that the Department of the Interior reads the Coquille Restoration Act to allow the Tribe to build casinos in Coos, Curry, Douglas, Jackson, and Lane Counties. I have seen Senator Ron Wyden and Congressman Peter DeFazio's recent letter to Interior Department Secretary Sally Jewell indicating that was not the intent of that federal law.

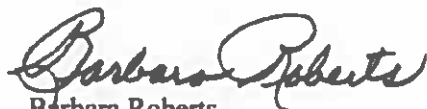
I agree with Senator Wyden and Congressman DeFazio's concerns. If the federal government accepts Coquille's position, there would be no limit on the number of casinos in those five Southern Oregon counties. Facilities in Eugene, Ashland, Medford, and all along I-5 would be limited only by the Coquille Tribe's ability to buy land and what the gaming market could bear.

On your watch, the single largest expansion of gaming in Oregon could occur—worst of all, without any real involvement by the State or its Governor. The Indian Gaming Regulatory Act and related federal law contemplates state and local involvement in whether the United States allows tribes to build new casinos, especially in lands that are not a tribe's ancestral lands. By perverting "restored lands" under federal law, Coquille is trying to carve state and local governments entirely out of the process.

I urge you to reject this reckless attempt to dramatically expand tribal gaming in Southern Oregon. It is bad for the State, bad for Oregonians, and bad for Oregon Tribes. I believe this project and this move are plainly illegal. Rather than taking a passive approach to this unlawful expansion of gaming, the Interior Department and BIA should stop this project without any further expense of federal and state taxpayer resources.

Thank you for considering my thoughts and opinions.

Best regards,



Barbara Roberts
Oregon Governor 1991-1995

CC: Governor Kate Brown
Sen. Ron Wyden
Sen. Jeff Merkley
Rep. Suzanne Bonamici
Rep. Greg Walden
Rep. Earl Blumenauer
Rep. Peter DeFazio
Rep. Kurt Schrader

KATE BROWN
GOVERNOR



October 24, 2017

Northwest Regional Director
Bureau of Indian Affairs
911 NE 11th Avenue
Portland, OR 97232-4169

Dear Director:

I am in receipt of your letter of September 26, 2017, to Governor Kate Brown, inviting comment on the application filed by the Coquille Indian Tribe to have real property located in Jackson County, Oregon, accepted "in trust" by the United States. Governor Brown sent the enclosed letter, dated April 13, 2016, to Regional Director Stan Speaks about the Coquille Indian Tribe's application. Her position on the application has not changed.

Thank you for the opportunity to provide further comment.

Sincerely,

Misha Isaak
General Counsel
Office of Governor Kate Brown

LETTER 19



KATE BROWN
Governor

April 13, 2016

Stan Speaks, Northwest Regional Director
Bureau of Indian Affairs
911 NE 11th Avenue
Portland, Oregon 97232-4169

Dear Director Speaks:

I write to provide my views on a pending trust application submitted by the Coquille Indian Tribe concerning a 2.42 acre tract of land in Jackson County, Oregon. The Coquille seek to have the land taken into trust to operate a Class II gaming facility for the use and benefit of the Tribe. In a May 6, 2013, letter to you, then-Oregon Governor John A. Kitzhaber urged the Secretary of the Interior to exercise her discretion to deny the Coquille's application to take the subject land into trust for gaming purposes. I want to convey that the State of Oregon's position on this matter remains the same.

I admire and respect the Coquille Indian Tribe's dedication to serving those in need within its tribal service area. I value Oregon's government-to-government relationship with the Coquille, and I esteem the Coquille's candid and productive communications with me and with the State on these and on many other issues. I have no doubt that the Coquille would use the resources generated by the proposed Class II facility prudently and in service to those in need. Nonetheless, I do not believe that the opening of this facility would be in the best interests of the people of Oregon.

I continue to support each of Oregon's nine federally recognized tribes in establishing or maintaining a single Class III casino, and I support a policy authorizing wide latitude on the size of such casinos, as well as the types of gaming offered therein. Such ventures are an important tool for many of the tribes' economic and business development, and State support is a small step toward attempting to rectify the significant wrongs visited upon Oregon's native peoples.

However, I do not believe that an expansion in the number of casinos sited in Oregon is in the best interests of the State or her people. I know that this project is relatively modest in scale, and that it is proposed only as a Class II facility. But I believe that the State should as a matter of policy resist the building of additional casinos, because State support for even a single, modest, additional casino is likely to lead to significant efforts to expand gaming across Oregon, to the detriment of the public welfare. In essence, I believe it essential that the State "hold the line" on the number of casinos within her borders whenever possible.

254 STATE CAPITOL, SALEM OR 97301-4047 (503) 378-3111 FAX (503) 378-8970
WWW.GOVERNOR.OREGON.GOV



Stan Speaks, Northwest Regional Director
Bureau of Indian Affairs
April 13, 2016
Page 2

For these reasons, I reiterate the State's request that the Secretary exercise her discretion to deny the Coquille's application to take the relevant tract of land into trust for gaming purposes.

Please let me know if I can be of further assistance or provide information with regard to this application. I have designated my General Counsel, Benjamin Souede, to be the Office of the Governor's contact on this issue. He may be reached at ben.souede@oregon.gov and at (503) 378-8636.

Sincerely,

A handwritten signature in black ink that reads "Kate Brown". The signature is written in a cursive style with a long horizontal line extending to the right from the end of the name.

Governor Kate Brown

LETTER 20

June 18, 2018

Secretary Ryan Zinke
U.S. Department of the Interior
1849 C Street NW
Washington, DC 20240

Re: Coquille Indian Off-Reservation Gaming in Western Oregon

Dear Secretary Zinke:

Ashland Mayor John Stromberg and its City Council recently formally requested that the City Administrator write to express its opposition to plans by any Tribe to build a casino in or near the City of Ashland.

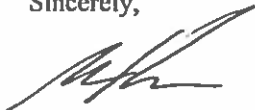
A current case in point is the Coquille Tribe's apparent interpretation of the federal Restoration Act as authority to allow it to open an Indian gaming facility in Ashland. A casino in or near Ashland would fundamentally alter the unique character of our city.

We share our fellow elected officials' concerns that the Coquille's proposal would violate states' rights in at least two major ways: first, by circumventing the federal legal requirement that the Oregon Governor concur with the project; and second, by ignoring the legal requirement to enter into a compact with the Governor on sharing any Class II gaming revenues with state or local governments and otherwise mitigating the impacts of a large-scale gaming facility.

We ask you to issue a determination that protects cities like ours from unplanned and unforeseen impacts from tribal gaming facilities.

Thank you for your consideration.

Sincerely,



Adam Hanks
Interim City Administrator

cc: Timothy Williams, Deputy Director
Office of Intergovernmental and External Affairs
U.S. Department of the Interior
1849 C Street NW, Room 6213
Washington, D.C. 20240

John Stromberg, Mayor
City of Ashland, Oregon



LETTER 21



OREGON LEGISLATIVE ASSEMBLY

Secretary Zinke
Department of the Interior
1849 C Street, N.W.
Washington DC, 20240

September 21, 2018

Dear Secretary Zinke,

We are writing in opposition of a proposed casino development in Medford, Oregon, based on our concern that approval may lead to significant increases in casinos in Oregon.

The proposal by the Coquille Tribe should not be approved. Oregon has a long-standing policy of permitting one casino per tribe on reservation land. The Coquille already has a casino on their reservation in Coos Bay. Their proposal before you for a second casino is on property that was a Chinese restaurant where they have no ancestral ties and is 180 miles away from its reservation.

Oregon voters have spoken on this topic more than once. Overwhelmingly, Oregonians have rejected any efforts to expand gaming beyond the current one casino per Tribe on reservation land. If you approve this application, that policy will be dismantled and disrupt the balance for gaming that the State of Oregon has strived for years to create.

As legislative leaders in Oregon, we respectfully ask you to deny this application.

Sincerely,

Senate Republican Leader Jackie Winters

House Republican Leader Mike McLane

LETTER 22

Dear Secretary Zinke,

November 1, 2018

As State Legislators that represent the Southern Oregon, we are writing in opposition of a proposed casino development in Medford, Oregon.

The proposal by the Coquille Tribe should not be approved. If it is, the implications go far beyond Southern Oregon and could open the door to the proliferation of casinos across Oregon without the approval of local communities or a compact with the state.

Oregon has a long-standing one-casino per tribe on reservation land policy. This policy has struck the right balance of providing economic opportunities to Oregon Tribes with limited gaming in our state. This proposal would disrupt that balance.

The Coquille already has a casino on their reservation in Coos Bay. This proposal for a second casino is on property that was a Chinese Restaurant, of which they have no ancestral ties to the land, and is 180 miles away from their reservation on the coast.

If your Administration supports the argument that service territory qualifies Tribes to site Class II casinos without any local input, a compact with the state, and without having to adhere to the Indian Gaming and Regulatory Act approval process, the Coquille Tribe will have the opportunity to open casinos throughout their service areas, which extends up into Lane County.

Without doubt, if approved, other Tribes will follow suit and the State of Oregon will forever change without any input from local residents, who have already spoken more than once at the ballot and rejected the expansion of gaming from any entity.

We urge you as representatives of Oregon to deny this application.

Sincerely,

Senator Dallas Heard



Senator Herman Baertschiger



Representative Carl Wilson



Representative Gary Leif



Representative Cedric Hayden



LETTER 23

Congress of the United States
Washington, DC 20515

March 25, 2019

Honorable David L. Bernhardt
Acting Secretary, Department of Interior
1849 C Street NW
Washington, DC 20241

Dear Acting Secretary Bernhardt,

I am writing to you to express strong opposition to the off-reservation casino proposed by the Coquille Tribe of Oregon in Medford, Oregon.

I believe this proposal is ill conceived as a matter of both law and policy, and there is no legal basis by which this fee-to-trust application for gaming lands should be accepted. The relevant legislation for consideration is the 1989 Coquille Restoration Act (CRA), which restored the Tribe's federal recognition and provided two specific areas where the Tribe could acquire land. Under the CRA and pursuant to the Indian Reorganization Act, the Secretary could obtain up to 2,000 acres in Coos and Curry Counties and additional land on a discretionary basis within the Tribe's five-county service area (Coos, Curry, Douglas, Jackson, and Lane Counties).

The Tribe seeks to establish a gaming site in Medford, Jackson County, Oregon, which is approximately 175 miles from the Tribe's headquarters. To justify this request, they cite the authority of the Secretary to acquire land under the Indian Reorganization Act, as outlined in the CRA. However, the language of the CRA restricted mandatory acquisitions to a maximum of 1,000 acres within a two-county area. According to the CRA's authors, the objective of these changes was to prevent the Tribe from gaming on lands acquired outside of Coos and Curry counties and the 1,000 acres—in other words, to prohibit gaming on lands in Medford, Jackson County. It is evident that the Coquille Tribe's gaming application simply does not conform to the intent of the law.

Not only does this proposition have a spurious legal basis, it is also flawed policy. Numerous governmental and tribal organizations oppose this application, including federally recognized tribes in the region, as well as the City of Medford, Oregon Governor Kate Brown, and several state representatives. If the Department of Interior grants this request by the Coquille Tribe, it will undermine the legal consistency and clarity of requirements for approval of gaming proposals, which will reduce the continued viability of tribal gaming as a whole.

For these reasons, I oppose this application request by the Coquille Tribe. Respectfully, I urge you to consider these arguments and avoid expanding the intended scope of the CRA.

Sincerely,

A handwritten signature in blue ink that reads "Paul Cook". The signature is stylized and cursive.

Col. Paul Cook (Ret.)
Member of Congress

LETTER 24

CARL WILSON
STATE REPRESENTATIVE
DISTRICT 3



HOUSE OF REPRESENTATIVES

Medford City Council
411 W. 8th Street
Medford, Oregon 97501

August 7, 2019

Dear Mayor Wheeler and Members of the City Council:

I am writing to reaffirm my opposition to a proposal by the Coquille Tribe to develop an off-reservation casino in Medford.

Consistently through this application process, state leadership representing the Southern Valley and Jackson County has opposed this proposal. I am pleased to be aligned with the City Council and Jackson County Commission in opposition and encourage you to remain strong in that opposition to protect the residents of Medford and our entire region.

As you may know, Oregon House and Senate leaders have encouraged the U.S. Department of Interior to deny Coquille's application because of the negative and irreversible impacts it will have on our local community and the entire state.

Oregon has allowed each Tribe to have one casino on reservation land. This proposal, if approved, not only unhinges that balance, but as has been communicated to DOI officials, it will also open the gates of proliferation of casinos across Oregon without any approval or oversight of the state or local communities.

We simply cannot allow this to happen. It would take valuable commercial property off the tax rolls, meaning less money for schools and public services, while the Coquille profits. It would mean unlimited gaming in this particular facility and pave the way for out of state interests to fund small and large casinos in every service area covered by the Coquille Tribe. Despite what is being promoted by the Coquille, it would also mean lost jobs from local companies and lottery retailers, further eroding revenue to support the local economy while also creating more demand on public services.

My opposition is strong and unwavering, and rooted in the values of Oregonians I represent in Southern Oregon. Please continue to stand with me in opposition and make it clear to the federal government that this is not the kind of development we want in our community.

Sincerely,

House Republican Leader Carl Wilson

LETTER 25



**CHRISTINE DRAZAN
HOUSE REPUBLICAN LEADER**

February 14, 2020

The Honorable David Bernhardt
Secretary
U.S. Department of Interior
1849 C Street, NW
Washington, D.C. 20240

Dear Secretary Bernhardt,

As Oregon's House Republican Leader and someone who grew up in Jackson County, in concert with those who have served before me, I am writing to share my concerns regarding the Coquille Tribe's application to build an off-reservation casino in Medford.

The existing range of tribal gaming has successfully provided economic opportunities to Oregon Tribes while creating a balance of gaming in the state. If this project proceeds, that balance will be disrupted. Without a requirement otherwise, the casino may move forward without adequate input from those who live here and who could be negatively impacted by this limited approval process. In addition to the local concern, if approved this casino represents an expansion of gaming which elevates this casino to a larger concern.

Please take into serious consideration the opinion of state and local leaders who have expressed concerns about this project.

Thank you,

A handwritten signature in cursive script that reads "Christine Drazan".

Christine Drazan
House Republican Leader

LETTER 26

United States Senate

WASHINGTON, DC 20510

November 2, 2022

Secretary Deb Haaland
United States Department of the Interior
1849 C Street, NW
Washington, D.C. 20240

Dear Secretary Haaland,

We write in opposition to the development of a new Class II casino in Jackson County, Oregon by the Coquille Indian Tribe. While we applaud the Coquille Indian Tribe in their efforts to build their economy and we respect the Tribe's sovereignty and the ideals of tribal self-determination, we believe this development would have significant, negative impacts on the surrounding community, undermine the self-sufficiency of neighboring Tribal governments, and would more closely resemble a Class III facility, not a Class II.

We believe that Tribal governments have a right to economic self-sufficiency and the pursuit of economic development initiatives, including through casinos on their reservations or land placed in trust through the Department's regulatory process. This is essential to Tribal sovereignty, which is why we have robust processes in place to consider these cases. We do not believe that anything in the Coquille Restoration Act (25 U.S.C. 715 et seq.) supersedes the requirements of the Indian Gaming Regulatory Act (IGRA) (25 U.S.C. ch. 29), so it is appropriate for Interior to evaluate the Tribe's casino application pursuant to IGRA, and apply a two part determination process. The CRA was not intended to create a situation that would unfairly benefit one tribe, to the detriment of all of the other tribes in the area. Allowing this case to supersede the established process defined by IGRA could destabilize the system and weaken public confidence in the framework that has helped so many tribes find economic independence.

Currently, the Coquille Indian Tribe operates a Class III casino in North Bend, Oregon and is proposing to build a Class II casino in Medford, Oregon. In Oregon and California, we have a long history of walking that fine line between the pursuit of gaming revenues, which benefits tribal members and tribal governance enormously, and the risks associated with a significant increase in the number of gaming facilities, including to other Tribal governments. The bottom line is if the Coquille Tribe is allowed to build another casino in Oregon, it will likely lead to all-out gaming conflicts between Oregon and California tribes. It would also have a detrimental impact on tribes in Oregon and California that rely on the income generated by their gaming facilities and utilize those funds to provide vital governmental services. This would have negative consequences in many of our communities if Oregon and California's carefully crafted balance between producing gambling revenues and an overall focus of public good for our citizens were seriously compromised by the Department of Interior approving a second casino for the Coquille Tribe, to operate both at once, outside of the standard IGRA processes.

In addition, the current situation is further complicated by significant advances in gaming technology. When the Indian Gaming Regulatory Act (IGRA) was passed in 1988, a Class II

gaming facility was a simple bingo hall. Now, however, computer-based gaming technology enables Class II facilities to include machines that are, for all visible purposes, the same as those in Class III facilities. We are concerned that this technological advancement makes the Coquille proposal more like a Class III facility than a Class II facility. If that is the case, various problems arise with, for instance, the EIS having been completed with a Class II facility in mind rather than a Class III.

We request that you honor the original intent of the CRA and process the Coquille Indian Tribe's fee-to-trust application in accordance with legislative intent and as required by IGRA. If you have any additional questions, please do not hesitate to contact our offices.

Sincerely,



Ron Wyden
United States Senator



Jeffrey A. Merkley
United States Senator



Dianne Feinstein
United States Senator



Alex Padilla
United States Senator

LETTER 27

JARED HUFFMAN
2ND DISTRICT, CALIFORNIA

WASHINGTON OFFICE
1527 LONGWORTH HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
PHONE: (202) 225-5161
FAX: (202) 225-5163
WEBSITE: huffman.house.gov

Congress of the United States
House of Representatives
Washington, DC 20515-0502

COMMITTEE ON
NATURAL RESOURCES
WATER, OCEANS, AND WILDLIFE – CHAIR
NATIONAL PARKS, FORESTS, AND PUBLIC LANDS
ENERGY AND MINERAL RESOURCES
COMMITTEE ON TRANSPORTATION
AND INFRASTRUCTURE
HIGHWAYS AND TRANSIT
WATER RESOURCES AND ENVIRONMENT
SELECT COMMITTEE ON THE
CLIMATE CRISIS

November 3, 2022

Secretary Deb Haaland
U.S. Department of the Interior
1849 C Street, NW
Washington, D.C. 20240

Sear Secretary Haaland:

We write to oppose the Coquille Indian Tribe's proposal to build a new Class II casino in Medford, Oregon. This casino would be the tribe's second in the state and would have significant impacts on nearby tribes, including the Tolowa Dee-ni' Nation, the Karuk Tribe, and Elk Valley Rancheria, undercutting their efforts to improve their own economies.

Tribal sovereignty allows tribes to pursue economic benefits through development of casinos on their reservations or tribal trust land. The Coquille Tribe currently operates a Class III gaming facility in North Bend, Oregon, but is now seeking to build a new casino in Medford though the Coquille Restoration Act (CRA) – a move that threatens to bring major gaming conflicts to Southern Oregon and Northern California.

We believe that the CRA was not meant to benefit one tribe over others, and it is critical that the requirements of the Indian Gaming Regulatory Act (IGRA) not be considered subservient to the newer legislation. Doing so would upend a system that for decades has allowed tribes to seek economic security. We also strongly urge the Interior Department to closely consider technological changes over the past forty years that effectively make new Class II casinos operate much more like Class III casinos, and this should be reflected in the required Environmental Impact Statement for Coquille's fee-to-trust application for the Medford land.

We ask that the Interior Department process the Coquille Indian Tribe's fee-to-trust application for its proposed Class II casino as required by the IGRA and in keeping with the original intent of the CRA. Please contact our offices if you have questions or need further information.

Sincerely,



JARED HUFFMAN
Member of Congress

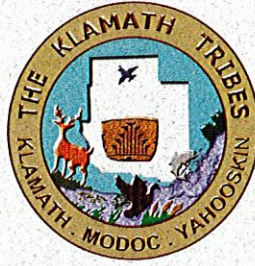
SAN RAFAEL
899 FIFTH AVENUE, SUITE 290
SAN RAFAEL, CA 94901
PHONE: (415) 258-9657
FAX: (415) 258-8913

PETALUMA
206 G STREET, #3
PETALUMA, CA 94962
PHONE: (707) 981-8967
FAX: (415) 258-8913

UKIAH
200 S. SCHOOL ST., SUITE 1
UKIAH, CA 95482
PHONE: (707) 671-7449
FAX: (707) 962-0905

FORT BRAGG
430 NORTH FRANKLIN STREET
P. O. BOX 2208
FORT BRAGG, CA 95437
PHONE: (707) 962-0933
FAX: (707) 962-0905

EUREKA
317 THIRD STREET, SUITE 1
EUREKA, CA 95501
PHONE: (707) 407-3585
FAX: (707) 407-3559



The Klamath Tribes Tribal Council

February 23, 2023

Bryan Mercier
Northwest Regional Director
Bureau of Indian Affairs, Northwest Region
911 Northeast 11th Avenue
Portland, Oregon 97232-4169

RE: DEIS Comments, Coquille Tribe Medford Gaming Facility Project

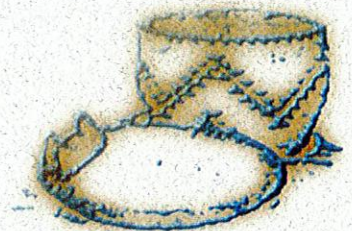
Dear Mr. Mercier:

On behalf of the Klamath Tribes (“Klamath” or “Tribe”), a federally recognized Indian tribe, I am writing to submit the following comments relating to Coquille Tribe’s request to have certain land in Medford, Oregon taken into trust and the draft Environmental Impact Statement (“EIS”) prepared by the Bureau of Indian Affairs (“BIA”) as required under the National Environmental Policy Act (“NEPA”).

By way of background, Klamath is located within Southern Oregon, near Upper Klamath Lake and Crater Lake National Park. We are comprised of approximately 5,000 members, formerly known as the Klamath and Modoc Tribe and Yahooskin Band of Snake Indians. In 1864, Klamath entered into a Treaty with the United States pursuant to which the Tribe ceded millions of acres of our ancestral homelands and were forced onto a much smaller reservation until the Klamath Termination Act was passed in 1954.¹ Klamath was successful in regaining federal recognition in 1986 when Congress passed the Klamath Restoration Act. Eventually, in 1997, in an effort to improve our struggling economy, the Tribe opened Kla-Mo-Ya Casino. Klamath’s Kla-Mo-Ya Casino has come to occupy a pivotal role in the economy of Klamath County, contributing \$50 million annually to the local economy in the form of payroll, direct expenses and goods and services.

T12-1

¹ Pub. Law. No. 587 (Aug. 13, 1954).



The proposed Medford Casino would be detrimental to Klamath, as our governmental functions and/or services will be directly, immediately, and severely impacted by the proposed gaming facility. Klamath believes the draft EIS fails to consider the full extent of the economic impacts which Klamath and other surrounding tribal governments are to experience, as required by NEPA's environmental review process.

COMMENTS

Klamath's existing gaming facility, Kla-Mo-Ya Casino, is located along U.S. Route 97 outside of Chiloquin, Oregon. The modest casino offers around 300 slot machines as well as a full-service restaurant and lounge. Due to the small size of the facility, Klamath's casino mainly serves the local population as well as the traffic intercept market.² Klamath depends on the revenue from our gaming operations for critical governmental services such as to fund governmental functions and programs, to provide for the general welfare of the Tribe and its members, to promote Tribal economic development, and to help fund operations of local (non-tribal) government agencies.³

The location of the proposed Medford Casino lies less than 90 miles from our existing gaming facility and will contain 650 Las Vegas style slot machines in addition to a bar and restaurant. Considering the proximity between the proposed Medford Casino and Klamath's existing gaming facility, the Medford Casino (if approved) will severely reduce Klamath's gaming revenue. In fact, the draft EIS projects Klamath's revenue to be reduced by at least 16.1%,⁴ though other evidence (including our own data) suggests the reduction would be much higher. The draft EIS further predicts it could take over twelve (12) years for Klamath's existing casino to recover to current revenue levels.⁵ Such a lengthy recovery would be devastating to Klamath, as current gaming revenue is used to support governmental functions and programs. These reduced levels of revenue projected by the draft EIS would likely be insufficient to properly fund the programs Klamath currently offers.

Additional research into potential effects of the proposed Medford Casino have found projected decreases in revenues as high as 50-75%. Indeed, if allowed to open, the Medford Casino would undoubtedly have severe impacts on Klamath's existing gaming operations. Such a drastic cut to tribal funds will greatly reduce the services the Tribe is able to provide its members. This reduction in tribal revenue could very well result in Klamath needing to cut particular programs and services altogether.

Klamath is deeply concerned about the economic impacts of the Medford Casino. Furthermore, Klamath is not the only tribe expected to suffer financial loss as result of the additional competition in an already saturated market. This is acknowledged in the EIS, which found at least ten (10) existing tribal gaming operations stand to lose business if the project is approved.⁶ While opening an additional gaming operation may permit Coquille to take in more

² GMA028-19 Impact Study for the Coquille Development Project at 73.

³ Klamath Tribal Code 7-45.32

⁴ Draft EIS at 4-22.

⁵ Draft EIS at 4-23.

⁶ Draft EIS at 4-23.

revenue, nearly a dozen tribes in the area are expected to lose revenue.⁷ The state of Oregon is also expected to suffer a loss of revenue, as the Medford Casino as proposed would be a class II gaming facility, and therefore the state would not receive any reimbursements for the state's regulatory expenses.

The long history of economic self-sufficiency which has enabled our self-governance and prosperity is threatened by the Medford Casino. Klamath opposes the draft EIS and the Medford Casino as proposed. In our view, the BIA should more thoroughly analyze the data and the real-world impact that the surrounding tribes, communities, and businesses would endure should the project be approved.

For the reasons discussed above, the BIA should take a hard look at these issues as required under federal law.

If you have any questions or concerns regarding these Comments please contact us at your earliest convenience.

Sincerely,



Gail Hatcher
Tribal Vice Chairwoman

T12-1
cont.

⁷ *Id.*

From: Roberta Frost <roberta.frost@klamathtribes.com>
Sent: Thursday, February 23, 2023 11:36 AM
To: FY22, BIA CoquilleCasinoEIS <CoquilleCasinoEIS@bia.gov>
Cc: _Council <Council@klamathtribes.com>; Jennifer Vigil <jennifer.vigil@klamathtribes.com>; Chase Goodnight <cgoodnight@rosettela.com>; Wyatt Rosette <wrosette@rosettela.com>; Brett Stavin <BStavin@rosettela.com>
Subject: [EXTERNAL] DEIS Comments, Coquille Tribe Medford Gaming Facility Project

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

Good Morning Mr. Mogavero,

Please accept the attached comment letter on behalf of the Tribal Council of the Klamath Tribes regarding the proposed Medford Gaming Facility of the Coquille Tribe.

Thank you for your attention to this matter.

Roberta Frost

Tribal Council Secretary

The Klamath Tribes

PO Box 436

Chiloquin, OR 97624

(541) 783-2219 ext 170

(541) 892-1458

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**COW CREEK BAND OF UMPQUA TRIBE OF INDIANS
GOVERNMENT OFFICES**

2371 NE STEPHENS STREET, SUITE 100
ROSEBURG, OR 97470-1399

Phone: 541-672-9405

Fax: 541-673-0432

RECEIVED

MAR 1 2023

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

23ED-0021

February 23, 2023

VIA U.S. MAIL TO:

Mr. Bryan Mercier
Northwest Regional Director
Bureau of Indian Affairs, Northwest Region
911 Northeast 11th Avenue
Portland, Oregon 97232-4169

AND VIA E-MAIL TO:

Mr. Tobiah Mogavero
Regional NEPA Coordinator
Bureau of Indian Affairs
CoquilleCasinoEIS@bia.gov

Re: DEIS Comments, Coquille Indian Tribe Fee-to-Trust and Gaming Facility Project

Dear Director Mercier and Regional NEPA Coordinator Mogavero:

The Cow Creek Band of Umpqua Tribe of Indians (“Cow Creek Tribe”) submits these comments on the Draft Environmental Impact Statement (“DEIS”) that the Bureau of Indian Affairs (“BIA”) has prepared to assess the environmental impacts of the Coquille Indian Tribe’s (“Coquille”) proposed 2.4 acre fee-to-trust transfer and subsequent remodel of an existing bowling alley into a 30,300 square foot gaming facility in the City of Medford, Oregon.

I. Meaningful Consultation.

As an initial matter, it is important to recognize that the BIA has a duty to engage the Cow Creek Tribe in meaningful consultation. Executive Order 13175, issued in 2000, directs federal agencies to engage in “regular and meaningful consultation and collaboration with tribal officials . . .” The Executive Order provides that consultation must ensure that tribal officials have the opportunity to provide “meaningful and timely” input.

In recognition and furtherance of this directive, on January 26, 2021, President Biden issued a Memorandum on Tribal Consultation and Strengthening Nation-to-Nation Relationships, recognizing that Tribal Nations are sovereign governments and that federal agencies are required

T13-1

to engage in “regular, meaningful, and robust consultation with Tribal officials . . .” The Memorandum provides that the federal government is dedicated to “honoring Tribal sovereignty and including Tribal voices . . .”

In November 2022, “[t]o advance [the Biden] Administration’s goal of improving Tribal consultation across the federal government,”¹ the Department of the Interior updated its Tribal consultation policy. According to DOI Secretary Deb Haaland, “Tribes deserve a seat at the decision-making table before policies are made that impact their communities.” This is because, as Assistant Secretary for Indian Affairs Bryan Newland puts it, “[c]onsultation is the cornerstone of the political relationship between the United State and Tribal Nations as we work to revitalize the way of life for Indian people.” The updates to the policy are meant, among other things, to “[c]larify that the Department’s decision-makers must invite Tribes to engage in consultation.”²

The updated policy “provides the requirements for the Department of the Interior (Department) government-to-government consultation between Tribal officials and Department officials. It expands and clarifies Department policy on consultation with Tribes and acknowledges the provision for conducting consultation in compliance with” EO 3175 and several statutes, including, specifically, the National Environmental Policy Act (“NEPA”). 512 DM 4, November 30, 2022, at § 4.1. The updated policy also includes a new defined term: “Departmental Action with Tribal Implications. Any Departmental . . . programmatic or operational activity . . . that may have a substantial direct effect on a Tribe in matters including, but not limited to: . . . (2) The ability of a Tribe to govern or provide services to its members; . . .” *Id.*, at § 4.3.B.

T13-1
cont.

Finally, the central statement of policy was updated:

Policy. It is the policy of the Department to recognize and fulfill its legal obligations to identify, protect, and conserve Tribal trust resources; carry out its trust relationship with Federally recognized Tribes and Tribal members; and invite Tribes to consult on a government-to-government basis whenever there is a Departmental Action with Tribal Implications. All Bureaus and Offices shall make good-faith efforts to invite Tribes to consult early in the planning process and throughout the decision-making process and engage in robust, interactive, pre-decisional, informative, and transparent consultation when planning actions with Tribal implications. It is the policy of the Department to seek consensus with impacted Tribes in accordance with the Consensus-Seeking Model.

Id., at § 4.4. Emphasis added. Moreover, in defining a Consensus-Seeking Model, the updated policy reaffirms that “[t]he basis of consultation is rooted in meaningful dialogue where the viewpoints of Tribes and the Department, including its Bureaus and Offices, are shared, discussed, and analyzed.” *Id.*, at § 4.6.

NEPA’s implementing regulations also specifically require federal agencies to “consult[] early with appropriate State, Tribal, and local governments[.]” 40 C.F.R. § 1501.2(b)(4)(ii). The Department of the Interior’s regulations require a lead agency to “whenever possible consult,

¹ White House Tribal Nations Summit Progress Report, November 23, 2022, at p. 5. [chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.whitehouse.gov/wp-content/uploads/2022/11/2022_11_23-WH-Tribal-Nations-Summit-Progress-Report-Final.pdf](https://www.whitehouse.gov/wp-content/uploads/2022/11/2022_11_23-WH-Tribal-Nations-Summit-Progress-Report-Final.pdf)

² December 1, 2022, Interior Department Press Release. <https://www.doi.gov/pressreleases/interior-department-strengthens-tribal-consultation-policies-and-procedures>

coordinate, and cooperate with relevant State, local, and tribal governments . . . concerning the environmental effects of any Federal action within the jurisdictions or related to the interests of these entities.” 43 C.F.R. § 46.155. The BIA’s NEPA Guidebook requires that “[t]ribal governments and their delegated tribal programs should not only be consulted, but should be partners with the BIA in the NEPA process, and invited to serve as cooperating agencies.” BIA’s NEPA Guidebook, § 2.3, 59 IAM 3-H (August 2012) (“BIA’s NEPA Guidebook”).

Unfortunately, to date, the BIA has not complied with the consultation policies and rationale outlined above. The Cow Creek Tribe has repeatedly sought information from its Trustee, including requesting information under the Freedom of Information Act (“FOIA”), to little avail. For instance, the BIA’s primary rationale for this process is outlined in a 13-page document. The Cow Creek Tribe has only been provided with a redacted version of this document, making it impossible for them to provide meaningful comment or feedback on it. Thus, the BIA has repeatedly refused to seek consensus with the Cow Creek Tribe by, among other things, refusing to provide the Cow Creek Tribe with the information necessary to explain why the BIA is moving forward with the proposed action, which would be the first Restored-lands acquisition of its kind in the Country.

T13-1
cont.

Accordingly, the BIA has clear legislative, executive, and regulatory directives to ensure it engages the Cow Creek Tribe in meaningful consultation during its environmental review process. Directives the BIA has, to date, failed to follow. It is therefore imperative to distinguish that the Cow Creek Tribe is commenting on the DEIS not as a member of “the public,” 87 Fed. Reg. 72505 (Nov. 25, 2022), but as a separate, sovereign Tribal Nation, and, as such, expects the BIA to “engage in robust, interactive, pre-decisional, informative, and transparent consultation,” with a goal of fulfilling “the policy of the Department to seek consensus with impacted Tribes in accordance with the Consensus-Seeking Model.” The Cow Creek Tribe’s comments on the DEIS are substantive and must be incorporated into the Final Environmental Impact Statement (“FEIS”).

II. Insufficient Notice of Intent and Scoping Report.

The DEIS is based on the Notice of Intent, dated January 15, 2015, and the Scoping Report, published in June 2015. These documents were based on a proposed action with a significantly smaller scope. A Notice of Intent shall be published only after “a proposal is sufficiently developed to allow for meaningful public comment[.]” 40 C.F.R. § 1501.9(d). The scoping process is intended to be an “open process to determine the scope of issues for analysis in an environmental impact statement” and may only begin “after the proposal for action is sufficiently developed for agency consideration.” 40 C.F.R. § 1501.9(a). The BIA is required to “revise the determinations made” during the scoping process where “substantial changes are made later in the proposed action, or if significant new circumstances or information arise which bear on the proposal or its impacts.” 40 C.F.R. § 1501.9(g).

T13-2

Here, the scoping process was initiated eight years ago, on January 15, 2015, when the Notice of Intent to Prepare an Environmental Impact Statement for the Proposed Coquille Indian Tribe Fee-to-Trust and Casino Project, City of Medford, Jackson County, Oregon (“Notice of Intent”) was published. 80 Fed. Reg. 2120 (Jan. 15, 2015). In the Notice of Intent, the proposed action was described as “approximately 2.4 acres of land be transferred from fee to trust status (Proposed Action), upon which the Tribe would renovate an existing bowling alley to convert it into a gaming facility.”

Following the 2015 scoping period, the Scoping Report was published in June of 2015. The Scoping Report is based on the BIA's understanding of the proposed action, at that time. However, there have been substantial changes to the proposed action since then. The proposed action now also includes a newly constructed 111-room hotel, which is operating as the Compass Hotel Medford by Margaritaville, featuring both a pool and a bar and grill. It is now clear that the hotel and gaming facility will exist as part of a 45-acre development. The current proposed action is a substantial departure from what was previously contemplated. Despite these substantial changes to the proposed action, the DEIS relies on the original scoping report from June 2015.

Reliance on an outdated and inaccurate Scoping Report violates NEPA and its regulations. 40 C.F.R. § 1501.9(g). The substantial changes to the proposed action require the BIA to revise the determinations made in the scoping process. Now that the full extent of the proposed action is better understood, the BIA should reissue the Notice of Intent and restart the scoping process in order to ensure that the environmental review process encompasses the complete scope of the proposed action. The reissued Notice of Intent must address the potential environmental consequences of the proposed action as it now exists, rather than the much smaller proposed action of eight years ago.

T13-2
cont.

The Cow Creek Tribe has repeatedly notified the BIA of its obligation to restart scoping. *See* Letter from Gabriel S. Galanda to Bryan Newland, dated January 19, 2022 (“the BIA should restart the scoping process . . .”); Letter from Anthony S. Broadman to Bryan Newland, dated May 5, 2022 (“There have been substantial changes to the proposed action, necessitating the restarting not resumption of the scoping process.”). The BIA has never responded.

III. Outdated Materials.

In addition to the outdated Scoping Report, the DEIS relies on outdated materials. As noted above, the Notice of Intent was issued in January of 2015 and the Scoping Report was completed in June of 2015, nearly eight years ago. These foundational documents are severely outdated; as discussed above, the proposed action has changed significantly since these documents were published. Moreover, these are not the only outdated materials on which the DEIS relies. Multiple documents that the DEIS relies on are outdated, at seven to eight years old. These include:

- The Water and Wastewater Feasibility Study dated April 2016. DEIS, Appendix D.
- The Gaming Market Assessment dated January 2016. DEIS, Appendix E. Though, there is a 1.5 page memorandum, dated September 2019, that provides a minor update only to the projected revenue of an expansion to the Mill Casino.
- The IPaC Trust Resources Reports are dated March 15, 2016. DEIS, Appendix F.
- The Phase I ESA is dated May 24, 2012; the Phase II ESA is dated December 16, 2015. DEIS, Appendix L.
- The Coquille Indian Tribe: Unmet Tribal Needs Report, dated March 22, 2013.

T13-3

Even the more “recent” reports are three years old, dated in 2019. *See e.g.*, the Impact Study for the Coquille Development Projected, dated August 2019; the Resource Reports, dated August 2019; the Traffic Impact Analysis, Dated September 2019; and the Air Quality Output Tables, dated September 2019. DEIS, Appendices E, F, H, and N. The Coquille Indian Tribe: Unmet Tribal Needs Report was last updated in 2014.

It is clear that since the denial was issued in 2020, very little work has been done to update the underlying studies supporting the analysis of the proposed action in the DEIS. Rather than update the analysis, the BIA seeks to rely on old materials. The world has shifted significantly in the past three years and there are multiple factors, in many of these reports, that have been impacted by the world's recent events. For example, the gaming industry, in particular, was significantly impacted by COVID, lockdown, and state and federal health and safety regulations and policies. Currently, the world stands at the precipice of a recession. The supporting studies need to be updated in order to understand the true impact of the proposed action.

The Ninth Circuit has held that relying on stale data during an environmental impact analysis does not constitute the "hard look" required under NEPA. *Northern Plains Resource Council, Inc. v. Surface Transp. Bd.*, 668 F.3d 1067, 1086-87 (9th Cir. 2011) (finding that reliance on stale aerial surveys was arbitrary and capricious). *See also Lands Council v. Powell*, 395 F.3d 1019, 1031 (9th Cir. 2005) (finding that six-year-old data, without updated habitat surveys, was too stale). By failing to update the underlying studies, the BIA is not meeting its obligation to take a hard look at the proposed action. Before issuing the FEIS, the BIA must update all of the outdated studies noted above. In particular, the Cow Creek Tribe specifically requests that the Impact Study for the Coquille Development Project be updated, as the three-year-old report severely underestimates the impact of the proposed action on the Cow Creek Tribe.

T13-3
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IV. Insufficient Purpose and Need.

The purpose and need, as outlined in the DEIS, are insufficient. The DEIS broadly states that the "purpose of the Proposed Action is to facilitate tribal self-sufficiency, self-determination, and economic development[.]" DEIS, p. 1-1. The DEIS states that "[t]he need for the Department to act on the Tribe's application is established by the Department's regulations[.]" *Id.* According to the CEQ, "[d]eveloping a statement of the purpose and need is a vital early step in the NEPA process that is foundational to other elements of an EIS." 87 Fed. Reg. 23457 (April 20, 2022). The purpose and need for a proposed action dictate the reasonable range of alternatives that must be evaluated in an EIS. *See e.g., Westlands Water Dist. v. U.S. Dep't of Interior*, 376 F.3d 853, 865 (9th Cir. 2004). Thus, an overly broad purpose and need statement makes it difficult to determine what alternatives are reasonable. In other words, without a well-defined purpose and need statement, an agency cannot identify, and the public and other effected Tribes cannot evaluate, whether an adequate range of reasonable alternatives are being evaluated in an EIS.

In the FEIS, the BIA must define and clarify the purpose and need for the proposed action. The purpose and need for a proposed action must clearly answer, at a minimum, the following questions, "What Federal action triggered NEPA? Why here? Why now?" BIA's NEPA Handbook, § 8.4.5; 6.4.3. "The proposed action and alternatives must address the purpose and need directly." BIA's NEPA Handbook, § 8.4.5. The overly broad and simplistic statement that defines the purpose of the proposed action in the DEIS is insufficient to answer the required questions. Accordingly, in the FEIS, the purpose and need should be more clearly defined, explaining why the proposed action is needed, at this moment, in this location.

T13-4

Further, the purpose and need should be updated to reflect the Coquille Tribe's current financial resources. The DEIS lists several of the Coquille Tribe's different businesses. However, the DEIS bases its understanding of the Coquille Tribe's needs and resources on an outdated report: an Unmet Tribal Needs Report from 2013; last updated in 2014. There have been many changes to the world and to the Coquille Tribe in the past nine years. For example, the DEIS does not

contain discussion of the financial success of the Coquille Tribe's Tribal One. Tribal One is the Mith-ih-Kwuh Economic Development Corporation ("MEDC"), a federally-chartered corporation that is 100% owned by the Coquille Indian Tribe. Tribal One has been very successful in the last few years. Notably, as demonstrated below, the success of Tribal One started years after the Tribe generated and updated its Unmet Tribal Needs Report (last updated in 2014).

It started in 2016, when Tribal One won a 12-million-dollar contract to renovate a federal building.³ Then, in 2018, Tribal One was hired by the US Army Corp of Engineers ("USACE") to do cleanup work.⁴ In 2019, Tribal One was one of six firms to earn a place on a potential seven-year, \$200 million contract to provide construction and maintenance services to the U.S. Air Force.⁵ In 2020, Tribal One was awarded seven contracts; their clients included the USACE Seattle District, the USACE Alaska District, the U.S. Coast Guard, the BIA Northwest Office and the USDA Natural Resource Conservation Service.⁶ In 2021, "four Tribal One companies (Tribal One Broadband Technologies, Construction, Architecture & Engineering and Technology) won 30 projects estimated at over \$30 million under Department of Defense and civilian agency contracts. Project value ranged from \$10,000 to over \$7 million."⁷ In 2022, Tribal One was selected for a wide variety of public contracts, including being one of the awardees for a \$250 million contract with the U.S. Forest Service,⁸ a \$6.8 million contract with the General Services Administration,⁹ a \$1 million contract with the Department of Housing and Urban Development,¹⁰ a \$1.4 million contract with the BIA,¹¹ a \$2.6 million contract with the Department of Defense,¹² and a \$1.6 million contract with the U.S. Department of Agriculture.¹³

T13-4
cont.

In just the first month of 2023, Tribal One has already been selected for four government projects, worth more than \$5 million total; including a \$4 million contract with the USACE Baltimore District, a \$780,00 contract with the USACE Omaha District, and a \$470,000 contract

³ The World Link, *How to Build a Future*, July 22, 2017, https://theworldlink.com/news/south-coast-strong/how-to-build-a-future/article_cc0a0af9-a255-5cab-8168-3fd8cb6e4993.html.

⁴ Oregon Business, *Off the Reservation*, Feb. 26, 2018, <https://www.oregonbusiness.com/article/economy/item/18207-off-the-reservation>; Tribal One, *Tribal One Successful Completes Debris Removal Job in Santa Barbara*, Mar. 15, 2018, <https://www.tribal.one/news/tribal-one-successfully-completes-debris-removal-job-in-santa-barbara/>.

⁵ Tribal One, *Tribal One Among Six Firms Awarded a Spot on Up to \$200 Million Air Force Contract*, Mar. 18, 2019, <https://www.tribal.one/news/tribal-one-among-six-firms-awarded-a-spot-on-up-to-200-million-air-force-contract/>.

⁶ Tribal One, *FY 2020 a Year of Significant Growth for Tribal One Government Contracting*, Nov. 27, 2020, <https://www.tribal.one/news/fy-2020-a-year-of-significant-growth-for-tribal-one-government-contracting/>.

⁷ Tribal One, *Tribal One Wraps Up Another Year of Growth*, Dec. 15, 2021, <https://www.tribal.one/news/tribal-one-wraps-up-another-year-of-growth/>.

⁸ Tribal One, *Tribal One to Support the Great American Outdoors*, Feb. 5, 2022, <https://www.tribal.one/news/tribal-one-to-support-the-great-american-outdoors/>.

⁹ Tribal One, *Tribal One to Upgrade Hatfield Federal Courthouse Elevators*, Mar. 4, 2022, <https://www.tribal.one/news/tribal-one-to-upgrade-hatfield-federal-courthouse-elevators/>.

¹⁰ Tribal One, *Tribal One to Conduct HUD Housing Inspections*, Mar. 24, 2022, <https://www.tribal.one/news/tribal-one-to-conduct-hud-housing-inspections/>.

¹¹ Tribal One, *BIE School Drinking Water Safety Focus of Tribal One, Tetra Tech Project*, June 15, 2022, <https://www.tribal.one/news/bie-school-drinking-water-safety-focus-of-tribal-one-tetra-tech-project/>.

¹² Tribal One, *Tribal One Makes Paving/Stormwater Improvements at Buckley Space Force Base*, July 6, 2022, <https://www.tribal.one/news/tribal-one-makes-paving-stormwater-improvements-at-buckley-space-force-base/>.

¹³ Tribal One, *Tribal One to Create USDA Housing Inspect Program*, Dec. 1, 2022, <https://www.tribal.one/news/tribal-one-to-create-usda-housing-inspection-program/>.

at the Peterson Space Force Base.¹⁴ The Coquille Indian Tribe's financial resources and unmet needs have changed significantly in the last few years. The BIA must update the Unmet Tribal Needs Report to recognize the substantial financial success that the Coquille Tribe has enjoyed since 2014, nearly a decade ago.

T13-4
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V. Lack of Analysis of Connected Actions.

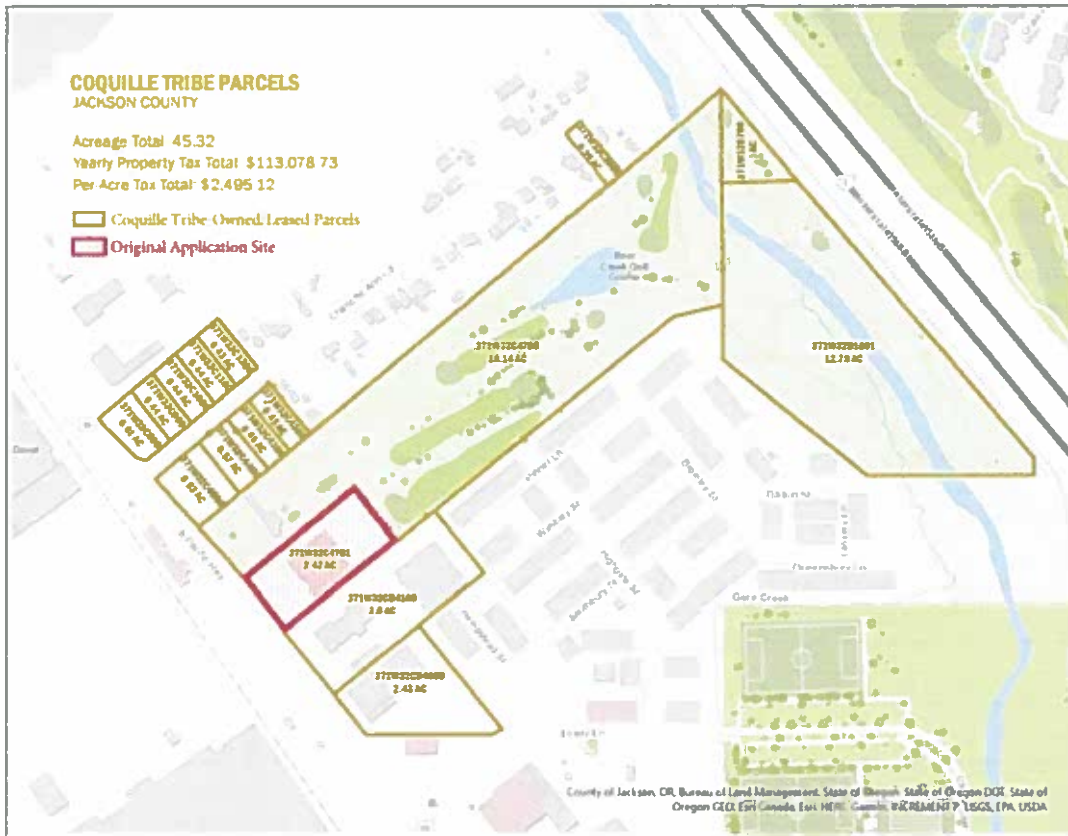
The DEIS lacks any analysis on the environmental impact of the connected actions; improperly limiting the scope of the environmental review to only a portion of the Coquille's development activities. When determining the scope of an environmental impact statement, the BIA must include the consideration of connected actions, or those actions that are closely related. 40 C.F.R. § 1501.9(e)(1). Actions are considered connected if they: "(i) automatically trigger other actions which may require environmental impact statements; (ii) cannot or will not proceed unless other actions are taken previously or simultaneously; or (iii) are interdependent parts of a larger action and depend on the larger action for their justification." *Id.*

In the Notice of Intent, dated January 15, 2015, the proposed action was described as "2.4 acres of land" where Coquille would "renovate an existing bowling alley to convert it into a gaming facility." The DEIS concedes that the scope of the proposed action has increased. The DEIS now describes the "Medford Site" the "approximately 7.24 acres[.]" DEIS, p. 2-1. The DEIS acknowledges that the Medford Site now consists of 10 tax lots, for a total of 7.24 acres. DEIS, p. 2-4.

T13-5

Moreover, it is clear from public records that the gaming facility will actually be part of a 45-acre development, as Coquille has acquired approximately 45 acres of property adjacent to the 2.4-acre site. The map below illustrates the initial 2.4 acres that were described in the Notice of Intent and the more than 45 acres the Coquille have now acquired around the initial 2.4 acres. The full extent of the development is unknown to the public. However, it is clear that the Coquille anticipate a proposed action much bigger than the 2.4-acre proposal currently being analyzed. The DEIS recognizes that the proposed action will, at least, encompass 7.24 acres. It does not even mention the other 38 acres.

¹⁴ Tribal One, *Tribal One Selected for Security Upgrades at Fort Carson*, Jan. 6, 2023, <https://www.tribal.one/news/tribal-one-selected-for-security-upgrades-at-fort-carson/>; Tribal One, *Tribal One to Upgrade Special Forces Group Training Facilities at Fort Carson*, Jan. 25, 2023, <https://www.tribal.one/news/tribal-one-to-upgrade-special-forces-group-training-facilities-at-fort-carson/>; Tribal One, *Tribal One Takes on Two New Projects at Peterson Space Force Base*, Feb. 1, 2023, <https://www.tribal.one/news/tribal-one-takes-on-two-new-projects-at-peterson-space-force-base/>.



T13-5
cont.

(According to public records available as of this writing)

Here, the hotel, bar, and pool were not contemplated when the scoping process was initiated in 2015. The Notice of Intent did not mention the hotel, bar or pool. This makes sense, as construction of the hotel did not begin until 2021 and the hotel was not completed until 2022, after most of the studies that the DEIS relies upon were completed. DEIS, p. 4-79. For example, the Socioeconomic Impact Reports, that are heavily relied upon by the DEIS, are all dated prior to the start of construction on the hotel. DEIS, Appendix E (reports are dated January 2016, August 2019, and September 2019). Accordingly, analysis of the proposed action, and its connected actions, are incomplete, as they do not include analysis of the hotel, bar or pool.

Not considering the hotel as part of the proposed action is an error and violation of NEPA. The hotel will have a significant effect on the impact of the proposed action. As concluded by an independent economic analysis:

Even if not technically part of the land-in-trust application, the hotel must be included in the market and competitive effects analyses given it affects the performance of the proposed casino. The DEIS even admits that “the adjacent hotel would be available to serve patrons of the proposed class II gaming facility.”¹⁵ This statement is accurate but the failure to include the hotel in the competitive effects analysis ignores the fact that the presence of an adjacent hotel will further strengthen the Proposed Medford Casino’s “gravity” relative to the Seven Feathers

T13-6

¹⁵ DEIS, p. 2-29.

Resort Casino, and other existing casinos as well. The added gravity will allow the Proposed Medford casino to attract more customers from longer distances, and therefore, penetrate more deeply into Seven Feathers' market area. Overnight customers typically gamble for longer periods of time, and thus, spend more per visit. These customers will include drive-through traffic consisting of truckers and tourists, as well as Oregon and California residents who stay overnight at the adjoining hotel. *The addition of the adjacent Compass by Margaritaville Hotel further reduces the comparative gravity of Seven Feathers Casino Resort and other existing casinos relative to the Proposed Medford Casino, and thus, adds to the competitive advantage of the proposed casino.*¹⁶

The DEIS acknowledges that analysis of the hotel must be included when analyzing the impact of the proposed action, but then fails to adequately analyze it. In Appendix H, the DEIS provides the Traffic Impact Analysis, completed in 2019; it also provides the "Hotel Memorandum" completed in 2022. The Hotel Memorandum is a 2-page memorandum, which "addresses the potential impact of the now under construction 110-room hotel located at 2399 South Pacific Highway, Medford, Oregon, on the Alternative A site for the gaming facility project evaluated in the 2019 TIA." The Hotel Memorandum recognizes the interdependent nature of the hotel and gaming facility, including an analysis of the hotel in one of the studies. Not updating the other studies to include analysis of the hotel and the greatly increased scope of the proposed action is arbitrary and capricious and fails to comply with NEPA.

T13-6
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The FEIS must include analysis of the connected actions that are interdependent and, obviously, part of a significantly larger development that the Coquille have already constructed and started operating. The DEIS should be modified, and the underlying studies updated to include analysis of, at the very least, the hotel, bar and pool, as these are connection actions or closely related actions.

VI. Lack of Analysis of Reasonably Foreseeable Developments and Cumulative Effects.

NEPA requires an agency to analyze effects or impacts, defined as "changes to the human environment from the proposed action or alternatives that are reasonably foreseeable" which include: direct effects, which are "caused by the action and occur at the same time and place[;]" indirect effects, which are "caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable[;]" and 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." 40 CFR § 1508.1(g). These effects may include "ecological (such as the effects on natural resources and on the components, structures, and functioning of affected ecosystems), aesthetic, historic, cultural, economic, social, or health, whether direct, indirect, or cumulative." *Id.* Further, NEPA requires analysis of the affected environment. NEPA requires an EIS to "succinctly describe the environment of the area(s) to be affected or created by the alternatives under consideration, including the reasonably foreseeable environmental trends and planned actions in the area(s)." 40 CFR § 1502.15.

T13-7

¹⁶ Letter from Meister Economic Consulting to Carla Keene, Chairman, Cow Creek Band of Umpqua Tribe of Indians, dated February 23, 2023, pp. 2-3 (included as "Attachment B" to this letter).

NEPA requires a clear understanding of the affected environment, including any past, present, or reasonably foreseeable future actions relevant to the current status of the site. NEPA requires analysis of indirect effects, including effects that may be later in time but are reasonably foreseeable. As noted above, Coquille has acquired over 45-acres of land in relation to the site of the proposed action. The DEIS fails to consider, or even mention, how the reasonably foreseeable further development of that acreage will impact the affected environment. The DEIS must be modified to consider and analyze the impacts of the reasonably foreseeable actions related to the proposed action, i.e., the Coquille's future plans for the development of the site.

T13-7
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VII. NEPA's Hard Look Requirement.

Courts have consistently held that, at a minimum, NEPA imposes a duty on federal agencies to take a "hard look at environmental consequences." *Natural Resources Defense Council v. Morton*, 458 F.2d 827, 838 (D.C. Cir. 1972). "NEPA requires that a federal agency consider every significant aspect of the environmental impact of a proposed action and inform the public that it has indeed considered environmental concerns in its decisionmaking [sic] process . . . The reviewing court must ensure that the agency took a 'hard look' at the environmental consequences of its decision." *Pit River Tribe v. U.S. Forest Serv.*, 469 F.3d 768, 781 (9th Cir. 2006) (internal quotation marks and citation omitted).

T13-8

Here, the DEIS fails to fulfill the "hard look" requirement. It contains multiple errors, relies on an insufficient statement of purpose and need, relies on outdated and therefore inaccurate information, and fails to consider any non-gaming alternatives. Further analysis of the proposed action is needed in order to meet NEPA's requirements. It is important that the BIA perform further analysis, or at the very least update its outdated analyses, prior to issuing a FEIS or Record of Decision.

VIII. Insufficient Alternatives.

NEPA requires an EIS to "[e]valuate reasonable alternatives[.]" 40 C.F.R. § 1502.14(a). The DEIS includes an analysis of four alternatives, including (1) the proposed project, a casino in Medford, Oregon; (2) a casino in Phoenix, Oregon; (3) the expansion of the Coquille's existing Mill Casino; and (4) a no action alternative. Accordingly, all of the substantive alternatives the BIA considered in-depth are gaming alternatives; all but "no action" involve the construction of a casino or the expansion of an existing casino.

As previously discussed, the DEIS broadly defined the purpose of the proposed action, which is "to facilitate tribal self-sufficiency, self-determination, and economic development . . ." DEIS, p. 1-1. There are a wide variety of actions that the Coquille could undertake to meet this purpose. However, the DEIS focuses only on gaming alternatives. A vast majority of the substantial negative impacts of the proposed action could be avoided if the Coquille were to pursue a non-gaming alternative, as demonstrated by its diversification into construction since this casino project was proposed eleven years ago. Many tribes have encouraged their own self-sufficiency, self-determination and economic development by diversifying the types of businesses owned by the Tribe and expanding into non-gaming business markets. The DEIS should include an analysis of non-gaming alternatives.

T13-9

IX. IGRA's Two-Part Determination.

a. Proposed Action Should Be Subject to Two-Part Determination.

In the FEIS and Record of Decision, the BIA must address whether the proposed action should be subject to the two-part determination process outlined in the Indian Gaming Regulatory Act ("IGRA"). In general, the IGRA prohibits gaming being conducted on land acquired after 1988. The IGRA provides several exceptions, two of which are pertinent here. First, gaming is allowed on "restored lands," which requires, if a tribe is already conducting gaming on other lands, that a tribe's restoration act "requires or authorizes the Secretary to take land into trust for the benefit of the tribe within a specific geographic area. . ." 25 C.F.R. § 292.11(a)(1). Second, where, as here, the restored lands or other exceptions do not apply, gaming will be allowed only if the applicant tribe fulfills a "two-part determination process." A two-part determination requires (1) consultation with state and local officials, including officials of other nearby Indian tribes; (2) a determination that the gaming establishment will be in the best interests of, and not detrimental to, the surrounding community; and (3) approval from the Governor of the State. 25 U.S.C. § 2719(b)(1)(A); 25 C.F.R. Part 292, Subpart C.

The purpose of the restored land exception is not to "advantage restored tribes relative to other tribes." *Redding Rancheria v. Salazar*, 881 F. Supp. 2d 1104, 1104 (N.D. Cal. 2012). Rather, the restored land exception "embodies a policy of promoting parity between restored and other tribes." *Id.*; see also *City of Roseville v. Norton*, 348 F.3d 1020 (D.C. Cir. 2003) ("[T]he exceptions in IGRA § [2719](b)(1)(B) serve purposes of their own, ensuring that tribes lacking reservations when IGRA was enacted are not disadvantaged relative to more established ones."); *Grand Traverse Band of Ottawa and Chippewa Indians v. U.S. Attorney for the Western District of Michigan*, 198 F. Supp. 2d, 920, 935 (W D. Mich. 2002) (noting that the term "restoration may be read in numerous ways to place belatedly restored tribes in a comparable position to earlier recognized tribes while simultaneously limiting after-acquired property in some fashion.").

T13-10

The Coquille's interpretation of the interplay between IGRA and the Coquille Restoration Act ("CRA") runs contrary to the purpose of the restored lands exception and seeks to set a dangerous precedent which Congress clearly sought to avoid. As the DOI Office of the Solicitor stated in 2009:

Congress was obviously concerned that, with the passage of IGRA, Indian tribes would acquire off-reservation lands and then have them taken into trust by the Secretary so that they would fit the definition of Indian lands and could be used to operate casinos. Accordingly, Congress prohibited gaming on such lands unless the Secretary made a determination that the proposed gaming was not detrimental to the surrounding community and in the best interest of the tribe and the Governor affirmatively concurred with the Secretary.

M-37023, January 18, 2009, at p. 2.

The CRA states, in pertinent part:

LANDS TO BE TAKEN IN TRUST.—The Secretary shall accept any real property located in Coos and Curry Counties not to exceed one thousand acres for the benefit of the Tribe if conveyed or otherwise transferred to the Secretary: Provided, That,

at the time of such acceptance, there are no adverse legal claims on such property including outstanding liens, mortgages, or taxes owed. The Secretary may accept any additional acreage in the Tribe's service area pursuant to his authority under the [Indian Reorganization] Act of June 18, 1934 (48 Stat. 984).

25 U.S.C. § 715c(a) (omitted). Because the Coquille Tribe, along with the many other of Oregon's federally recognized tribes, had been terminated in 1954, its membership had drifted away from its ancestral lands on the Oregon coast. Thus, in order to make Federal services, such as health care, available to Coquille tribal members, the CRA created a "service area" that encompasses, in addition to the Coquille's ancestral lands in Coos and Curry Counties, three counties to which the Coquille has no ancestral ties – Douglas, Jackson, and Lane Counties. 25 U.S.C. § 715(5) (omitted). *See also* 25 U.S.C. § 715a(c) (omitted).

IGRA was passed on October 17, 1998. The CRA was passed on June 28, 1989. Thus, the legislators who proposed and revised the CRA throughout its legislative process were very familiar with IGRA's requirements and the policy behind the restored lands exception: to ensure that tribes for whom the federal government already held lands in trust in October 1988 would not have an unfair advantage over tribes for whom they did not. The CRA very carefully draws a distinction between lands that can be considered "restored" for purposes of IGRA and those that remain subject to IGRA's restrictions on gaming. A plain reading of the CRA confirms that the Secretary has the authority to "restore lands" to the Coquille in Coos and Curry Counties, but must look to and comply with IGRA's prohibition on gaming on other lands the Coquille may seek to put in trust in Douglas, Jackson, and Lane Counties. Moreover, should a plain reading be found insufficient, the legislative history of the CRA supports this conclusion: According to Senator Wyden and Representative DeFazio, two of the original three sponsors of the CRA, the "discretionary language was added to ensure that the Secretary could use the authority under the IRA to take land into trust for the Coquille Indian Tribe, the same way it can for other Oregon tribes, to be in addition to the original one thousand acres of restored lands that were taken into trust under the CRA." January 25, 2017, letter to Secretary Sally Jewell.

T13-10
cont.

The Coquille seek to ignore the distinction between their ancestral territory and their service area, as well as the clear intention of Congress, by taking the unprecedented position that the CRA allows them to bypass IGRA throughout all five counties. The Coquille are not the only tribe with similar language in their restoration act. Should they prevail on their flawed legal theory, the proposed action will likely open the floodgates and act as a catalyst for the rapid and nearly unmitigated expansion of tribal gaming. Allowing the proposed action to qualify under the restored lands exception would set a dangerous precedent, allowing tribes to establish gaming establishments far away from lands with which they share any geographic, ancestral or historical connection.

If the Coquille wishes to complete the proposed action, it should be required to pursue a two-part determination, which, in turn, requires a determination that the proposed action is in the best interests of, and not detrimental to, the surrounding community. Indeed, Coquille's original fee-to-trust application with the BIA expressly relied on both the Coquille Restoration Act and the Indian Reorganization Act of 1934 ("IRA"). However, now the Coquille seeks to avoid the two-part determination process, arguing that the Coquille Restoration Act, alone, authorizes the Secretary to take the land associated with the proposed action into trust. Their change in position is not supported by the statutes themselves.

The CRA does not independently authorize the Secretary to do anything in Jackson County. Rather, as Coquille concedes in its original fee-to-trust application, the CRA indicates that the IRA provides the discretionary authority for the Secretary to take lands outside of the Coos and Curry Counties into trust. As the CRA does not, in and of itself, authorize the Secretary to take land into trust for the benefit of Coquille in Jackson County, the restored lands exception is inapplicable, the IRA is applicable, and the Coquille must pursue a two-part determination. The FEIS should include an analysis of whether the proposed action must complete the IGRA's two-part determination process.

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cont.

b. Failure to Consider Legality of Proposed Action is Violation of NEPA's Hard Look Requirement.

The DEIS is flawed as it failed to take the requisite hard look at the legality of the proposed action, violating NEPA. *See Pit River Tribe v. U.S. Forest Serv.*, 469 F.3d 768, 787 (9th Cir. 2006) (finding that an agency violates NEPA's hard look requirement when it fails to consider whether a project should happen at all) ("Because the 1998 EIS was premised on the notion that the leases were valid and granted development rights to Calpine, the 1998 EIS cannot substitute for an EIS evaluating the decision to extend the underlying lease rights as an initial matter. The agencies never took the requisite 'hard look' at whether the Medicine Lake Highlands should be developed for energy at all."). Here, the DEIS fails to take a hard look at the legality of the proposed action, as required by NEPA. The BIA must consider the legality of Coquille's misinterpretation of IGRA and its regulations. Accordingly, the FEIS must include an analysis on the legality of the proposed action.

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c. BIA's Breach of Fiduciary Duty.

"The federal government owes a fiduciary obligation to all Indian tribes . . ." *Inter Tribal Council of Ariz., Inc. v. Babbitt*, 51 F.3d 199, 203 (9th Cir. 1995). The federal government has a trust responsibility toward Indian tribes, "which, in essence, consists of acting in the interests of the tribes." *Skokomish Indian Tribe v. FERC*, 121 F.3d 1303, 1308 (9th Cir. 1997). "[A]gencies of the federal government owe a fiduciary responsibility to Indian tribes." *Morongo Band of Mission Indians v. F.A.A.*, 161 F.3d 569, 574 (9th Cir. 1998) (citing *Inter Tribal Council of Arizona, Inc. v. Babbitt*, 51 F.3d 199, 203 (9th Cir.1995); *Covelo Indian Community v. FERC*, 895 F.2d 581, 586 (9th Cir.1990); *Nance v. EPA*, 645 F.2d 701, 710 (9th Cir.1981).

T13-12

Courts have held that agencies must at least show "compliance with general regulations and statutes not specifically aimed at protecting Indian tribes." *Morongo Band*, 161 F.3d at 574. In *Pit River Tribe v. U.S. Forest Service*, discussed above, the court held that a violation of NEPA, i.e., a violation of the statutes, is a violation of their minimum fiduciary duty. *Pit River Tribe v. U.S. Forest Serv.*, 469 F.3d 768, 788 (9th Cir. 2006). Here, the BIA breaches the fiduciary duty it owes to the Cow Creek Tribe when it violates NEPA, based on the numerous deficiencies highlighted in this letter; publishes an EIS without consideration of the underlying legality of the action; and, as discussed below, approves a proposed action that will, according to the DEIS itself, result in a severe financial impact to several tribes across the Pacific Northwest.

X. Oregon's Longstanding One-Casino-Per-Tribe Policy.

The State of Oregon has instituted a well-established Executive one-casino-per-tribe policy. Efforts to cause the Oregon Legislature to say no such policy exists are unavailing because

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Oregon law cabins state authority to set tribal gaming policy with the Governor. *See* 25 U.S.C. § 2719(b), Oregon Constitution, Art. V, § 13, and ORS 190.110.¹⁷ The purpose of the well-established Oregon one-casino-per-tribe policy is “to strike a balance between tribal pursuit of economic enterprise and a check on the expansion of gambling in our State.” *See* May 6, 2013, letter from then-Oregon Governor Kitzhaber to BIA NW Regional Director Speaks.

Five governors have served the State of Oregon since the passage of IGRA in 1988. Governor Barbara Roberts (1991-1995) was the first to enter into gaming compact negotiations with Oregon tribes; successfully entering into compacts with eight of Oregon’s nine federally recognized tribes. Her successor, Governor John Kitzhaber (1995-2003 & 2011-2015), entered into the first gaming compact with the ninth Oregon tribe. Governors Ted Kulongoski (2003-2011) and Kate Brown (2015-2022) negotiated restated and subsequent gaming compacts with various Oregon tribes. Every gaming compact between the State of Oregon and an Oregon tribe has instituted a one-casino-per-tribe policy via a “Gaming at Another Location or Facility” clause.

Oregon’s one-casino-per-tribe is well documented. Documentation is found in a number of relevant documents. They include:

1. White Paper: “Gambling in Oregon, a Position Paper,” Governor Kitzhaber, 1997
2. Letter from Governor Kitzhaber to BIA NW Regional Director Speaks, May 6, 2013
3. Letter from U.S. Senators Wyden and Merkley to Assistant Secretary of Indian Affairs Washburn, October 21, 2013
4. Letter from Oregon Majority Leaders Rosenbaum and Hoyle to DOI Secretary Jewell, November 19, 2013
5. Letter from Governor Brown to BIA NW Regional Director Speaks, April 13, 2016
6. Letter from Oregon Senate and House Republican leaders Winters and McLane to Secretary Zinke, September 21, 2018
7. Letter from Oregon State Representatives Heard, Baertschiger, Wilson, Leif and Hayden to Secretary Zinke, November 1, 2018
8. Letter from Oregon House Republican Leader Wilson to Medford City Council, August 7, 2019
9. Statement of Governor Kotek, October 13, 2022

Permitting the Coquille Tribe’s application to proceed outside of the two-part determination process will upend the careful balancing of interests Oregon has instituted – and violate its well-documented one-casino-per-tribe policy.

¹⁷ The two “second” tribal casinos that exist in Oregon are not exceptions to the one-casino-per-tribe rule because they are located on lands that were already held in trust when IGRA was passed in 1988.

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XI. Significant Environmental Impacts.

The primary purpose of an environmental impact statement is to “ensure agencies consider the environmental impacts of their actions in decision making.” 40 C.F.R. § 1502.1. An EIS must provide “full and fair discussion of significant environmental impacts and shall inform decision makers and the public of reasonable alternatives that would avoid or minimize adverse impacts or enhance the quality of the human environment.” *Id.* The Cow Creek Tribe would like to highlight the following impacts, which need to be more carefully considered in the FEIS.

a. DEIS Underestimates the Socioeconomic Impact on the Cow Creek Tribe.

The DEIS describes the status of the Coquille Tribe’s current gaming facility and highlights various factors that contribute to its declining revenues. Citing “tribal gaming competition within the Mill Casino’s limited local market,” the DEIS claims that the Coquille Tribe must open a new facility outside of its ancestral territory, which will compete with and decimate the revenues of other Oregon and California Tribal gaming facilities, including the Cow Creek Tribe. DEIS, pp. 1-1 to 1-3. This hypocrisy should not be overlooked.

The DEIS underestimates the profound impact the proposed action will have on the Cow Creek Tribe. The DEIS estimates that there will be a -25.0% substitution effect on the projected gaming revenue of the Cow Creek Tribe’s Seven Feathers Casino Resort and that it will take 16.1 years for the Seven Feathers Casino Resort to return to expected gaming revenue levels. DEIS, pp. 4-23, 4-30. The gaming revenue generated by the Seven Feathers Casino Resort is the primary funding resource for the Cow Creek Tribe. The proposed action will decrease the gaming revenue of the Cow Creek Tribe by 25%; accordingly, the resulting impact on our Tribe’s available governmental funding will be significant. The DEIS seemingly dismisses this significant impact, quoting a case that discusses whether economic competition, alone, is sufficient to sustain a NEPA challenge. DEIS, p. 4-23 (citing *Citizens for a Better Way v. U.S. Dep’t of Interior*, No. 2:12-CV-3021-TLN-AC, 2015 WL 5648925 (E.D. Cal. Sept. 24, 2015)).

The DEIS’ reliance on *Citizens for a Better Way v. U.S. Dep’t of Interior* is misplaced. While *Citizens* recognizes that a “purely economic interest” is, in many circumstances, an insufficient basis for a finding of detrimental impact under NEPA, it is a gross misnomer to label the loss of revenue to the Cow Creek Tribe’s gaming facility as “purely economic.” Moreover, *Citizens* recognizes that a “purely economic interest” *can* be a sufficient basis for a finding of detrimental impact on a tribe when the competing facility “would ... jeopardize the competing casino’s viability.” *Citizens*, at *9.

Ashley Creek Phosphate Co. v. Norton, 420 F.3d 934 (9th Cir. 2005), the 9th Circuit case on which *Citizens* relies, found loss of potential revenue for a commercial, for-profit entity was a “purely economic interest,” which did not bring the commercial entity within the “zone of interest” NEPA is designed to protect. *Ashley Creek* usefully draws a distinction between “purely economic interest” and an “economic concern that is ... tethered to the environment.” *Ashley*, at 943.

“The environment,” in this context, being the “human environment,” which is defined as: “comprehensively the natural and physical environment and the relationship of present and future generations of Americans with that environment. (See also the definition of “effects” in paragraph (g) of this section.)” 40 CFR § 1508.1(m). Paragraph (g) of this section, in pertinent part, reads:

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(4) Effects include ecological (such as the effects on natural resources and on the components, structures, and functioning of affected ecosystems), aesthetic, historic, cultural, economic, social, or health, whether direct, indirect, or cumulative. Effects 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.

40 CFR § 1508.1(g)(4)(emphasis added).

The DEIS finds the Cow Creek Tribe's gaming facility will experience a 25% reduction in revenue from which it will take over 16 years to recover. As explained below, the BIA's calculations likely underestimate the economic impact to the Cow Creek Tribe. However, even the significant loss in revenue acknowledged in the DEIS threatens the viability of the Cow Creek Tribe's gaming facility. Moreover, and incontrovertibly, the significant loss of revenue will have a detrimental effect on the cultural, economic, social, and health status of the Cow Creek Tribe and its members.

The Cow Creek Tribe uses its governmental revenues to fund educational programs and health and social services for its members. Accordingly, implementation of the proposed action will jeopardize the Cow Creek Tribe's ability to care for our elders, to provide our children with educational opportunities, and to continue providing health and social services that the Tribe's members need and depend upon. The proposed action will also impact the Cow Creek Tribe's ability to support local governments, contribute to local infrastructure, provide employment opportunities and support related economic development in the area. Importantly, the Cow Creek Tribe invests a significant portion of its governmental revenue in the protection of the environment. For example, the Tribe is incredibly active in protecting Coho Salmon, and other ESA listed species that are culturally important. The Tribe has invested significant funding aimed at the protection of ESA listed species and their habitats.

The substantial impact to the Cow Creek Tribe's governmental revenue, decreasing it by at least 25%, with an expected 16.1 years to return to pre-proposed action levels, severely impacts the Tribe's ability to continue providing its members with educational programs, health and social services, employment opportunities and continue its environmental protection efforts. These impacts should be analyzed in the FEIS.

b. DEIS Erroneously Underestimates the Level of Cannibalization, and its Conclusions are Speculative and Flawed.

The Cow Creek Tribe has commissioned an economic analysis of the conclusions contained within the DEIS and anticipated financial impact of the proposed action on the Cow Creek Tribe. The letter and report from independent economists are included as attachments to this comment letter.

DEIS erroneously underestimates the level of cannibalization. The DEIS underestimates the true cannibalization by the proposed action and believes the proposed action will yield a higher level of cannibalization to the Seven Feathers Casino Resort. The DEIS claims that the rate of cannibalization will be 25%. DEIS, p. 4-23. To support this conclusion, the DEIS relies upon the Impact Study for the Coquille Development Project ("Impact Study"), dated August 2019, which is over three years old. DEIS, Appendix E. The Impact Study is outdated. Further, the Impact

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Study does not contain any mention of a hotel at or adjacent to the Proposed Medford casino. *Id.* This makes sense, as construction on the hotel did not begin until 2021 and it did not open until 2022. The Impact Study must be updated in order to ensure the proposed action, in its current iteration, is fully analyzed and its related actions completely assessed.

T13-16
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Independent economists analyzed the potential competitive impact of the Proposed Medford Casino on the Cow Creek Band's Seven Feathers Casino Resort. Their analysis indicates that the DEIS underestimates the level of cannibalization. Their report made the following conclusions:

- Seven Feathers Casino Resort would lose approximately 26.0% of its annual visits to the Proposed Medford Casino, but these visitors – mostly from the Medford area – spend nearly twice as much per visit as customers who originate from the local Canyonville area.
- Seven Feathers Casino Resort would lose approximately 28.5% of its total annual gross gaming revenues to the Proposed Medford Casino mainly due to the loss of much of its southern Oregon customer base, but also due to the loss of some of its pass-through traffic (i.e., tourists, business travelers, and long-haul trucks).
- Seven Feathers Casino Resort would lose approximately 52.1% of its current non-gaming revenues (food and beverage, hotel, retail, and other) to the Proposed Medford Casino when losing the aforementioned gross gaming revenue.
- If the Proposed Medford Casino adds table games to its mix of gaming options in the future, Seven Feathers Casino Resort will lose some of this competitive advantage, and Seven Feathers Casino Resort's estimated gaming revenue loss to the Proposed Medford Casino could be higher than otherwise estimated in this report.¹⁸

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Based on these potential losses, independent economists concluded that “Losses of this magnitude would inevitably result in significant employment reductions in every department of Seven Feathers Casino Resort's operations, including gaming, food and beverage, hotel, retail, and general administration.”¹⁹ More importantly, and contrary to the assertions in the DEIS, “[o]verall, these losses may threaten the viability of Seven Feathers Casino Resort.”²⁰

Further, and as discussed above, the “the aforementioned annual gaming and non-gaming revenue losses at Seven Feathers Casino Resort resulting from the introduction of the Proposed Medford Casino would cause detriment to the Cow Creek Band.”²¹ This is detriment beyond a mere financial impact, “[a] reduction in casino revenue, and the corresponding reduction in casino profit, will result in a direct loss of governmental revenue to the Cow Creek

T13-18

¹⁸ Meister Economic Consulting, Competitive Impact of Proposed Medford Casino on Seven Feathers Casino Resort, submitted to the Cow Creek Band of Umpqua Tribe of Indians, February 2023, pp. ii-iii (included as “Attachment A” to this letter).

¹⁹ *Id.* at iii.

²⁰ *Id.*

²¹ *Id.*

Band. The loss of governmental revenue would eliminate or drastically reduce funds available to the Cow Creek Band to fund essential government programs and services for its tribal membership.”²²

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The underlying studies supporting the conclusions in the DEIS must be updated, in order to ensure that the full impact of the proposed action is considered.

DEIS Conclusions are Speculative and Flawed. The DEIS suggests that the gaming revenue losses to existing casinos, including the 25% revenue loss to the Seven Feather Resort Casino, are acceptable because “with appropriate management practices, the Tribe should have the ability to streamline operations at its facility to absorb this level of impact and remain operational.” DEIS, p. 4-30. For a variety of reasons, outlined below, the independent economists believe that this conclusion is “*speculative and fundamentally flawed*[.]”²³ An overview of their concerns is provided below.

First, there is no way that the DEIS can definitively draw any conclusion without data from the affected Tribes; data that the BIA does not possess.²⁴

Second, regardless of whether Seven Feathers Resort Casino can absorb the impact and remain operational, the gaming and non-gaming revenue losses are “*real and significant*.”²⁵ Independent economic analysis shows that:

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With such a sizable decrease in revenue to the Casino, *this will directly translate into less governmental revenue to the Cow Creek Band, thus preventing it from being able to continue to (a) completely support existing tribal operations, (b) fully fund existing tribal programs, services, and economic development, and (c) provide for the current level of general welfare of its tribal members.* The revenue loss to Seven Feathers Resort Casino will be far more significant than a mere reduction in EBIDTA at the Casino.²⁶

Third, the DEIS claims that “estimated substitution effects are anticipated to diminish after the first year of the project operations because local residents will have experienced the casino and will gradually return to more typical and more diverse spending patterns.” DEIS, p. 4-22. Independent economists found that this conclusion is “*purely speculative*” as it is not supported by any data or analyses in the DEIS, nor is this conclusion made or supported at all by the studies completed by BIA’s consultants (in Appendix E).²⁷ Moreover, in the independent economists’ extensive experience, regarding the length of substitution effects:

it does not diminish for many casinos, and in any case, depends on the specific circumstances of each situation. *In the case of the Proposed Medford Casino,*

²² *Id.*

²³ Letter from Meister Economic Consulting to Carla Keene, Chairman, Cow Creek Band of Umpqua Tribe of Indians, dated February 23, 2023, p. 3 (included as “Attachment B” to this letter).

²⁴ *Id.*

²⁵ *Id.*

²⁶ *Id.*

²⁷ *Id.*

*given its close proximity to a significant portion of Seven Feathers Resort Casino's existing players, the substitution effect is going to be permanent.*²⁸

Fourth, the DEIS claims that "substitution effects also tend to diminish after the first full year of operations because, over time, growth in the total population and economic growth tend to increase the dollar value of demand for particular good and services." DEIS, p. 4-22; Appendix E, p. 67. Independent economists have concluded that this statement is improper for several reasons:

- 1) The claim is *purely speculative*.
- 2) The claim is *unsupported by any data or analyses* in the entirety of the DEIS.
- 3) *The claim mistakenly equates growth in a market with a diminution of substitution effects.* These are two separate concepts. While there is likely to be natural growth each year in the market in which Seven Feathers Resort Casino exists, it will still continue to suffer the substitution effects as long as the Proposed Medford Casino is in operation. The substitution effects do not disappear just because the market grows. As such, given the ongoing nature of the substitution effects, *Seven Feathers will never get to the revenue level it would be at in any year but for the introduction of the Proposed Medford Casino.*
- 4) The claim mistakenly evaluates whether there are remaining substitution effects by taking Seven Feathers Resort Casino's revenue in 2023 and comparing it the revenue in each year after the introduction of the Proposed Medford Casino (i.e., 2023 is being used as the base revenue for comparison). Simply put, this is *incorrect logic*. We should not be comparing to fixed 2023 levels. The revenue loss to Seven Feathers Resort Casino in any given year is equal to (i) its estimated revenue in that year without the operation of the Proposed Medford Casino (including any natural growth), minus (ii) its estimated revenue in that same year with the operation of the Proposed Medford Casino (including any natural growth). This is a routinely-used and universally-accepted methodology in economics, including when estimating economic losses in commercial litigation matters, where damages in any given year is the difference between actual (or estimated) revenue in that year and but-for revenue absent alleged illegal conduct in that same year (not some fixed base year).
- 5) Given all of the above reasons, *the substitution effect is unrelated to and unaffected by growth in the market. Thus, there will be a permanent substitution effect on Seven Feather Resort Casino, as well as other existing casinos.*²⁹

Fifth, the DEIS suggests that a revenue loss of 25% is acceptable because Seven Feathers Resort Casino's gaming revenue will allegedly recover to the 2023, pre-Medford Casino level in 16.1 years (approximately 2040). DEIS, p. 4-22; Appendix E, p. 89. Independent economists note that it "*is impossible to verify this claim, but even if true, 16.1 years is an extremely long*

²⁸ *Id.* at 3-4.

²⁹ *Id.* at 4.

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cont.

time to recovery and the losses for each of those 16.1 years are a loss that can never be recovered by the Cow Creek Band, nor can the impacts on tribal members be repaired retroactively..”³⁰

Sixth, even if revenue at Seven Feathers Resort Casino were to return to its 2023, pre-Medford Casino revenue level after 16.1 years, as claimed in the DEIS, “it does not mean that the casino will have recovered and there are no longer substitution effects because during the 16.1 years gross gaming revenue at Seven Feathers would likely have naturally grown at approximately 2% to 3% per year.”³¹ Independent economists conclude that:

Thus, at the end of 16.1 years, when the DEIS claims that Seven Feathers Resort Casino would allegedly return to its 2023, pre-Medford Casino revenue level, its gross gaming revenues will still be significantly below the level they would have been absent the Proposed Medford Casino. At 2% to 3% growth per year for 16.1 years, gross gaming revenues at Seven Feathers Casino Resort should have grown a total of 32.2% to 48.3% above the 2023 pre-Medford Casino level,³² and this lost growth can never be recovered by Seven Feathers Resort Casino or the Cow Creek Band.³³

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Finally, the DEIS admits that the Proposed Medford Casino will only grow the existing gaming market by a very small amount, 18.6%. DEIS, pp. 4-22 and 4-23, and Appendix E, p. 88. Therefore, “the vast majority of the proposed Medford Casino’s gross gaming revenues, 81.4%, will be cannibalized from existing gaming facilities in the market area, of which a large proportion will be cannibalized from Seven Feathers Resort Casino.”³⁴ The Proposed Medford Casino “will bring very little net economic benefit to the region because the proposed casino is largely just replacing economic activity that already exists there.”³⁵

Accordingly, the DEIS, and the underlying study supporting the conclusions in the DEIS in Appendix E, must be updated and revised to address the numerous issues noted above, in order for the true impact of the proposed action to be contemplated. The FEIS should not be released until an updated study has been completed.

c. DEIS Underestimates Impact on Crime.

The DEIS underestimates the impact that the proposed action will have on crime. The DEIS claims that the “introduction of casinos typically does not cause an increase in the crime rate and, in some cases may lead to a decline in the crime rate.” DEIS, p. 4-29. However, the study relied upon by the DEIS, provided in Appendix E, recognizes a strong link between the existence in casinos with increase in petty crime, violent crime, and prostitution. The proposed action will have an impact on the level of crime in the area. This is further supported by the Coquille’s Mill Casino. The Mill Casino generates the most police calls for any one location in North Bend, 640

T13-20

³⁰ *Id.*

³¹ *Id.* at 5.

³² Applying 2% per year for 16.1 years equals 32.2% for the entire time period. Applying 3% per year for 16.1 years equals 48.3% for the entire time period.

³³ Attachment B, at p. 5.

³⁴ *Id.*

³⁵ *Id.*

calls annually.³⁶ A casino in Medford will significantly increase the rate of crime. The DEIS needs to be modified to recognize the full impact of the proposed action on crime in the area.

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d. DEIS Underestimates Impact on Biological and Cultural Resources, including ESA Species and Habitat.

As discussed in detail below, the DEIS makes multiple errors in its analysis of the impact of the proposed action on the affected environment, particularly its impact on wildlife and their related habitats.

The DEIS downplays the impact to Bear Creek and ESA listed species. The DEIS claims that Bear Creek is a “potential anadromous bearing stream[.]” DEIS, p. 3-26. However, Bear Creek is a well-known anadromous bearing stream in Southern Oregon. Referring to Bear Creek as a “potential anadromous bearing stream” is an attempt to downplay the impacts of the proposed action on the stream and the fish species present. Fall Chinook, Summer and Winter Steelhead, Cutthroat Trout, and Southern Oregon Northern California Coast (“SONCC”) Coho, a species listed under the Endangered Species Act (“ESA”), are all present in Bear Creek. This stream also has an Essential Salmonid Habitat (“ESH”) designation. Bear Creek is adjacent to the Medford site and is 800 feet from the Phoenix site.

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The DEIS makes it clear that stormwater runoff from the proposed action, both in its construction and operational phases, will reach Bear Creek. The stormwater runoff from the proposed action will contain toxins such as petroleum distillates and mercury known to harm the ESA listed fish in Bear Creek. The DEIS highlights a “drainage ditch running through the central portion of the Site,” noting specifically that “[a] potential anadromous bearing stream, Bear Creek, occurs downstream of this drainage ditch and may contain habitat for federally listed fish species, Chinook salmon, coho salmon, and green sturgeon.” Additionally, “[t]here is one potential ‘Water of the U.S.’ that runs northeast from OR 99 across the Medford Site. This channelized drainage ditch enters the site through one 24-inch and one 12-inch culvert, crosses a paved strip of land within the site via a 36-inch culvert and exits the site where it continues northeast through the Bear Creek Golf Course eventually discharging into Bear Creek approximately 1,500 feet away. Each section of the ditch within the Medford Site is approximately 5 feet in width and consists of cobble substrate ranging from 1 to 6 inches in diameter.” DEIS, at p. 3-26.

T13-22

The DEIS lists the wrong ESU. The DEIS lists the Oregon Coast Coho as a federally protected species that may be impacted by the proposed action. DEIS, Appendix B, p. 15. This is the wrong Evolutionary Significant Unit (“ESU”) for the Medford and Phoenix sites. The correct ESU is the SONCC Coho. Any naturally spawning Coho in waters between Cape Blanco, Oregon and Punta Gorda, California are considered SONCC Coho.³⁷

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This mistake is also seen in Appendix F, p. 6, where the List of Special-Status Species includes the “Coho salmon-Oregon Coast ESU.” This list should, instead, include the SONCC Coho. The SONCC Coho are found in Bear Creek, or adjacent to the Medford site and close to

³⁶ Mann, Damian, *Worth the Risk? If you wonder what would be the impact of a casino in Medford, take a ride to North Bend*, Mail Tribune, Sept. 30, 2012.

³⁷ National Marine Fisheries Service. (NMFS) 2014. *Final recovery plan for the Southern Oregon/Northern California Coast evolutionarily significant unit of coho salmon (Oncorhynchus kisutch)* Available online at: <https://repository.library.noaa.gov/view/noaa/15985>. Accessed December 5, 2022.

the Phoenix site. The Oregon Coast Coho are only relevant, geographically, to the Mill Casino site.

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The DEIS overlooks Critical Habitat. The DEIS states that the closest Critical Habitat is located approximately 4.5 miles north of the Medford Site. DEIS, p. 3-28. This is not true. Bear Creek is considered critical habitat for the SONCC Coho. On page 1-7 of the *Final Recovery Plan for the Southern Oregon/ Northern California Coast Evolutionarily Significant Unit of Coho Salmon (Oncorhynchus kisutch)* completed in 2014, it states, “Critical habitat for SONCC coho salmon was designated as all accessible reaches of rivers (including estuarine areas and tributaries) between Cape Blanco, Oregon, and Punta Gorda, California. Critical habitat includes all waterways, substrate, and adjacent riparian zones below longstanding, naturally impassable barriers (i.e., natural waterfalls in existence for at least several hundred years).”³⁸ Again, Bear Creek is adjacent to the Medford site.

The DEIS Underestimates Impacts to Cultural Resources. Considering the oversights discussed above, the Cow Creek Tribe is, in particular, concerned with the proposed actions’ impact to Bear Creek and the Coho. The impacts to both Bear Creek and the Coho should be considered impacts to the Cow Creek Tribe’s cultural resources; as the Tribe considers them both to be cultural resources. Bear Creek is home to some of the Cow Creek people’s first foods, including the Coho. The Coho is a species that is particularly important to the Cow Creek people. The Cow Creek Tribe holds a ceremony for the Coho every year; this is a ceremony that honors the salmon people. The ceremony ensures the return of our fish runs every year. If Bear Creek is impacted, it will impact the salmon people who live in Bear Creek. The errors noted above do not give confidence to whether the environmental analysis as to the impact on Bear Creek and the Coho have been fully considered, in particular given the special status as important cultural resources of the Tribe.

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”

e. DEIS Contains Outdated and Incomplete Environmental Assessments.

Historic Use of Pesticides in the Area. From the late 1880’s to early 1950’s, lead arsenate pesticides were used in apple and pear orchards to control codling moth infestations. The over 60 years of use caused a pesticide resistance, which, by the 1950’s, forced growers to switch to more viable alternates which included DDT. Key legacy pesticides are DDT, chlordane, toxaphene, aldrin, dieldrin, and endrin. It is likely that their metabolites, or breakdown products, would be detected today. DDT and these other legacy pesticides were banned in the United States beginning in 1972. The compounds with high boiling points — for example, salt or arsenic — are very soluble in water and disperse into ground and surface waters; while compounds with high lipid (fat) solubility, such as oil or DDT, are only slightly soluble in water and tend not to be dispersed or transported readily by water.

T13-25

Pesticides Found in Surrounding Area. On a nearby property, less than 500 feet away from the site of the proposed action, high levels of arsenic and lead concentrations were detected in composite samples. This may be because there are “hot spots” of these compounds in the soil that exceed ecological screening values. In addition, 4,4-DDE and 4,4-DDT were detected at concentrations exceeding the most stringent ecological screening values.

³⁸ *Id.*

The Cow Creek Tribe informed the BIA of the potential environmental contamination years ago and suggested that additional analysis was required; particularly concerning the levels of arsenic in the soil, considering the history of the area. In December of 2015, the Cow Creek Tribe informed the BIA that, “[s]oil on the subject property is likely to contain residual arsenic, lead, and other pesticides from the past use of the subject property as an orchard . . .” and that “a similar site less than 700 feet away was not suited for residential use without further assessment of pesticides in the soil related to former orchard operations.”³⁹

DEIS Relies on Outdated and Incomplete Information. The DEIS recognizes that the proposed action has been expanded to encompass 7.2 acres. (We now know it is closer to 45 acres.) However, the DEIS relies heavily on an Environmental Site Assessment performed in 2012, with a supplemental investigation performed in 2015. DEIS, Appendix L. In 2015, soil samples were taken only from the 2.4 acre site. *Id.* It does not appear that any additional soil samples were taken on the other 4.8 acres. This would be important, particularly where there is exposed soil.

T13-25
cont.

Where representative samples of an entire site are lacking, it is irresponsible to assume that contaminants are not over the threshold in the untested areas. Highly contaminated runoff can be generated by past land uses where pollutant concentrations exceed those typically found in stormwater. If this happens, the bioswale would be rendered ineffective. The slope of the property is directed towards Bear Creek which was listed as needing the development of an Arsenic TMDL.

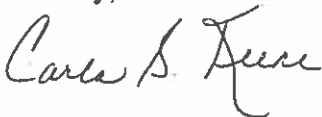
The lack of analysis or sampling of the additional acres of development that are connected to the proposed action could result in significant impacts to the environment that will never be studied if they are not studied now. Lead arsenate is moderately toxic to birds and aquatic invertebrate species. Newer research shows that arsenic bioaccumulates in the liver and kidney of fish. When lead arsenate is exposed to air from the disturbance of soil it is highly toxic to humans if inhaled and is a known cancer-causing contaminant.

This DEIS relied heavily on the 2012 ESA, with a supplemental investigation performed in 2015, seven years ago. The DEIS does not contain any up-to-date environmental assessments for the additional acreage that will be a part of the 7.2 acre development for the proposed action. In the best interests of worker safety, environmental health, and fish and wildlife health, the BIA should complete additional sampling of the parcels not included in the 2015 supplemental investigation. These samples should include composite samples in order to help identify hot spots on the property.

T13-26

Thank you for your consideration. We sincerely hope that the BIA takes these substantive comments into consideration and makes the necessary modifications to the DEIS in order to ensure that the full impact of the proposed action is taken into consideration on this significant decision.

Sincerely,



Carla Keene, Chairman
Cow Creek Band of Umpqua Tribe of Indians

³⁹ Letter from Dan Courtney, Chairman of Cow Creek Band of Umpqua Tribe of Indians, to Stanley Speaks, Northwest Regional Director, Bureau of Indian Affairs, Northwest Region, dated December 3, 2015.

ATTACHMENT A

The Competitive Impact of Proposed Medford Casino on Seven Feathers Casino Resort

T13-27
Entirety of
Attachment
A

**Submitted to:
Cow Creek Band of Umpqua Tribe of Indians**



**Submitted by:
Meister Economic Consulting, LLC**



February 2023

Executive Summary

Meister Economic Consulting, LLC was commissioned by the Cow Creek Band of Umpqua Tribe of Indians (“Cow Creek Band”) to analyze the potential competitive impact of a proposed Medford, Oregon casino on its nearby existing casino, Seven Feathers Casino Resort, in Canyonville, Oregon.

PROPOSED MEDFORD CASINO

The Coquille Indian Tribe, which owns and operates the Mill Casino Hotel & RV Park in North Bend, Oregon, is proposing to open a 30,300 square foot gaming facility with 650 Class II gaming machines, a deli/bar, and parking for 520 vehicles at the site of Roxy Ann Lanes bowling alley,¹ which is located at 2375 South Pacific Highway in Medford, Oregon, just off Interstate 5 (“Proposed Medford Casino”), approximately 66 minutes from Seven Feathers Casino Resort in Canyonville, Oregon.² The Coquille Tribe has obtained rights to Kim’s Restaurant, which is located next door to Roxy Ann Lanes, and agreed to lease Bear Creek Golf Course, which is adjacent to the two buildings.³ The Coquille Indian Tribe has also opened a 111-room Compass by Margaritaville Hotel directly adjacent to the site of the Proposed Medford Casino, which is not technically part of their land-in-trust application, but nevertheless should be considered part of the project when estimating the market and competitive effects of the proposed casino.⁴

SEVEN FEATHERS CASINO RESORT

Seven Feathers Casino Resort is owned and operated by the Cow Creek Band in Canyonville, Oregon. Given its remote location off Interstate 5 in Southern Oregon, the casino draws a significant portion of its customers from the nearby Oregon cities of Medford, Ashland, and Grants Pass. The 381,500 square foot facility includes:⁵

- Approximately 68,400 square feet of gaming space, with 890 Class III slot machines and 24 table games;
- A 300-room hotel (including 12 suites) with a fitness room and indoor pool;
- 7,000 square foot spa;
- 456-seat bingo hall;
- 6 food and beverage outlets;
- A cabaret lounge with live entertainment;
- A gift shop;
- 22,000 square feet convention center;

¹ U.S. Department of the Interior Bureau of Indian Affairs, Draft Environmental Impact Statement, Coquille Indian Tribe Fee-to-Trust and Gaming Facility Project, July 2022, p. 2-10.

² Bing Maps.

³ Coquille Indian Tribe (2013), pp. 3-4, 8.

⁴ “[T]he adjacent hotel would be available to serve patrons of the proposed class II gaming facility.” U.S. Department of the Interior Bureau of Indian Affairs, *Draft Environmental Impact Statement, Coquille Indian Tribe Fee-to-Trust and Gaming Facility Project*, July 2022, p. 2-29.

⁵ Source: Seven Feathers Casino Resort.

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⁵ Source: Seven Feathers Casino Resort.

- Even if revenue at Seven Feathers Resort Casino were to return to its 2023, pre-Medford Casino revenue level after 16.1 years, as claimed in the DEIS, it does not mean that the casino will have recovered and there are no longer substitution effects because during the 16.1 years gross gaming revenue at Seven Feathers would likely have naturally grown at approximately 2% to 3% per year. Thus, *at the end of 16.1 years, when the DEIS claims that Seven Feathers Resort Casino would allegedly return to its 2023, pre-Medford Casino revenue level, its gross gaming revenues will still be significantly below the level they would have been absent the Proposed Medford Casino. At 2% to 3% growth per year for 16.1 years, gross gaming revenues at Seven Feathers Casino Resort should have grown a total of 32.2% to 48.3% above the 2023 pre-Medford Casino level,¹² and this lost growth can never be recovered by Seven Feathers Resort Casino or the Cow Creek Band.*

III. DEIS Confirms Proposed Medford Casino Will Yield Only a Small Net Economic Benefit to the Region, Primarily by Cannibalizing Existing Casinos

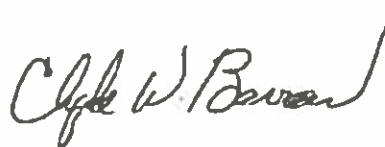
The DEIS admits that the Proposed Medford Casino will only grow the existing gaming market by a very small amount, 18.6%.¹³ This means that *the vast majority of the proposed Medford Casino's gross gaming revenues, 81.4%, will be cannibalized from existing gaming facilities in the market area, of which a large proportion will be cannibalized from Seven Feathers Resort Casino. This means that the proposed Medford Casino will bring very little net economic benefit to the region because the proposed casino is largely cannibalizing economic activity that already exists there.*

If you have any questions regarding this letter, please do not hesitate to contact us at (949) 390-0555 or ameister@meistereconomics.com.

Sincerely,



Alan Meister, Ph.D.
CEO & Principal Economist
Meister Economic Consulting
(formerly with Nathan Associates)



Clyde W. Barrow, Ph.D.
Affiliate, Meister Economic Consulting
Principal Investigator, Pyramid Associates, LLC

¹² Applying 2% per year for 16.1 years equals 32.2% for the entire time period. Applying 3% per year for 16.1 years equals 48.3% for the entire time period.

¹³ DEIS, pp. 4-22 and 4-23, and Appendix E, p. 88.

-
- 182-space and 9-cabin Recreational Vehicle resort; and
 - 1,200 parking spaces.

Across the highway, the Cow Creek Band also owns and operates the 73-room Creekside Hotel & Suites. Adjacent to Creekside Hotel & Suites, the Band owns and operates 7 Feathers Truck & Travel Center, which includes a gas station, truck stop and lounge, coffee bar, deli, and convenience store.

Seven Feathers Casino Resort is the primary source of funding for the Cow Creek Band. In accordance with the Indian Gaming Regulatory Act (IGRA),⁶ the Cow Creek Band uses profits from its gaming operations to:⁷

- 1) Fund tribal government operations, programs, and services, such as health and wellness, housing, education, social, elders, cultural, natural resources, and per capita and elder payments for basic needs not covered by tribal programs or services;
- 2) Provide for the general welfare of its members; and
- 3) Promote tribal economic development.

COMPETITIVE IMPACT OF PROPOSED MEDFORD CASINO ON SEVEN FEATHERS CASINO RESORT

The Proposed Medford Casino would be a direct competitor to Seven Feathers Casino Resort. Moreover, the proposed casino would be located much closer to southern tier of Seven Feathers Casino Resort's primary feeder market—the Medford/Grants Pass/Ashland area. The Proposed Medford Casino would also be well located to intercept business traffic (e.g., business travelers and long-haul trucks) and leisure travelers, who stop temporarily on their way to other destinations.

Our gravity model predicts that by calendar year 2026, the first stabilized year of the Proposed Medford Casino's operations:

- Seven Feathers Casino Resort would lose approximately 26.0% of its annual visits to the Proposed Medford Casino, but these visitors – mostly from the Medford area – spend nearly twice as much per visit as customers who originate from the local Canyonville area.
- Seven Feathers Casino Resort would lose approximately 28.5% of its total annual gross gaming revenues to the Proposed Medford Casino mainly due to the loss of much of its southern Oregon customer base, but also due to the loss of some of its pass-through traffic (i.e., tourists, business travelers, and long-haul trucks).

⁶ Indian Gaming Regulatory Act, 25 U.S.C. § 2710(b)(2)(B).

⁷ Source: Cow Creek Band.

- Seven Feathers Casino Resort would lose **approximately 52.1% of its current non-gaming revenues** (food and beverage, hotel, retail, and other) to the Proposed Medford Casino when losing the aforementioned gross gaming revenue.

- If the Proposed Medford Casino adds table games to its mix of gaming options in the future, Seven Feathers Casino Resort will lose some of this competitive advantage, and Seven Feathers Casino Resort's estimated gaming revenue loss to the Proposed Medford Casino could be higher than otherwise estimated in this report.

Losses of this magnitude would inevitably result in significant employment reductions in every department of Seven Feathers Casino Resort's operations, including gaming, food and beverage, hotel, retail, and general administration.

Overall, these losses may threaten the viability of Seven Feathers Casino Resort.

Furthermore, and more importantly, the aforementioned annual gaming and non-gaming revenue losses at Seven Feathers Casino Resort resulting from the introduction of the Proposed Medford Casino would cause detriment to the Cow Creek Band. A reduction in casino revenue, and the corresponding reduction in casino profit, will result in a direct loss of governmental revenue to the Cow Creek Band. The loss of governmental revenue would eliminate or drastically reduce funds available to the Cow Creek Band to fund essential government programs and services for its tribal membership.

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1. Assignment

Meister Economic Consulting, LLC was commissioned by the Cow Creek Band of Umpqua Tribe of Indians (“Cow Creek Band”) to analyze the potential competitive impact of a proposed Medford casino (“Proposed Medford Casino”) on its nearby existing casino, Seven Feathers Casino Resort, in Canyonville, Oregon. To quantify this impact, we conducted a market impact analysis utilizing a custom designed gravity model.

The report is organized as follows. Section 2 of the report provides background on the Cow Creek Band, Seven Feathers Casino Resort, and Proposed Medford Casino. Section 3 explains the methodology used to analyze the potential competitive impact of Proposed Medford Casino on Seven Feathers Casino Resort. The results of our analyses are set forth in Section 4. References to sources consulted in this report are set forth in Section 5. Background on the authors of this report and Meister Economic Consulting is set forth in Appendices A and B, respectively.

2. Background

This section of the report provides background on the Cow Creek Band, Seven Feathers Casino Resort, and Proposed Medford Casino.

2.1 COW CREEK BAND OF UMPQUA TRIBE OF INDIANS⁸



The Cow Creek Band is a federally recognized Native American tribe in Oregon. Its ancestral homeland was between the Cascade and Coast Ranges in southwestern Oregon, along the South Umpqua River and its primary feeder stream, Cow Creek. However, the Band became landless after losing all of its land to settlers and the U.S. government in the early 1850's. To make matters worse, the Band was involuntarily terminated in 1954 under the Western Oregon Indian Termination Act.

The Cow Creek Band's fortune started to change in 1982, when federal legislation passed both houses of the U.S. Congress by unanimous consent granting its restoration as a federally recognized tribe. In addition, the Band was able to purchase land in Douglas County to establish its reservation and locate its tribal government headquarters. Despite these positive events, the Band's tribal members have still experienced a much lower quality of life than Oregonians and Americans in general.

In order to address this longstanding and pervasive socioeconomic distress, the Cow Creek Band opened a bingo hall on its reservation in 1992. Two years later, the bingo hall was expanded into a full casino that is now known as Seven Feathers Casino Resort.

2.2 SEVEN FEATHERS CASINO RESORT

Seven Feathers Casino Resort is owned and operated by the Cow Creek Band in Canyonville, Oregon. Given its remote location off Interstate 5 in Southern Oregon, the casino draws a significant portion of its customers from the nearby Oregon cities of Medford, Ashland, and Grants Pass. The 381,500 square foot facility includes:⁹

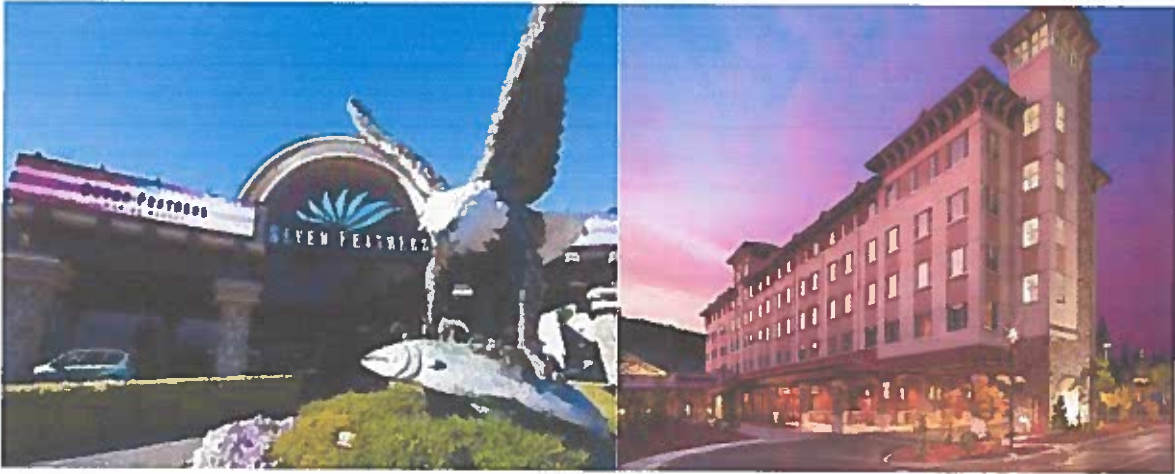
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⁸ Source: Cow Creek Band of Umpqua Tribe of Indians.

⁹ Source: Seven Feathers Casino Resort.

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- 456-seat bingo hall;
- 6 restaurants and snack bars;
- A cabaret lounge with live entertainment;
- A gift shop;
- 22,000 square feet convention center;
- 182-space and 9-cabin Recreational Vehicle resort; and
- 1,200 parking spaces.

Figure 1
Seven Feathers Casino Resort



Across the highway, the Cow Creek Band also owns and operates the 73-room Creekside Hotel & Suites. Adjacent to Creekside Hotel & Suites, the Band owns and operates 7 Feathers Truck & Travel Center, which includes a gas station, truck stop and lounge, coffee bar, deli, and convenience store.

Figure 2
Creekside Hotel & Suites and 7 Feathers Truck & Travel Center



Seven Feathers Casino Resort is the primary source of funding for the Cow Creek Band. In accordance with the Indian Gaming Regulatory Act (IGRA),¹⁰ the Cow Creek Band uses profits from its gaming operations to:¹¹

- 1) Fund tribal government operations, programs, and services, such as health and wellness, housing, education, social, elders, cultural, natural resources, and per capita and elder payments for basic needs not covered by tribal programs or services;
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The Coquille Indian Tribe, which owns and operates the Mill Casino Hotel & RV Park in North Bend, Oregon, is proposing to open a 30,300 square foot gaming facility with 650 Class II gaming machines, a deli/bar, and parking for 520 vehicles at the site of Roxy Ann Lanes bowling alley,¹² which is located at 2375 South Pacific Highway in Medford, Oregon, just off Interstate 5 ("Proposed Medford Casino"), approximately 66 minutes from Seven Feathers Casino Resort in Canyonville, Oregon.¹³ The Coquille Tribe has obtained rights to Kim's Restaurant, which is located next door to Roxy Ann Lanes, and agreed to lease Bear Creek Golf Course, which is adjacent to the two buildings.¹⁴ The Coquille Indian Tribe has also opened a 111-room Compass by Margaritaville Hotel directly adjacent to the site of the Proposed Medford Casino, which is not technically part of their land-in-trust application, but nevertheless should be considered part of the project when estimating the market and competitive effects of the proposed casino.¹⁵

The Proposed Medford Casino will be strategically positioned to capture a significant percentage of Seven Feather Casino Resort's local and regional customer base. As the casino will be located adjacent to I-5, the Coquille Indian Tribe's Business Plan for the proposed casino observes that the site is "conveniently accessible to potential customers."¹⁶ As shown in Table 1, the residents of 10

¹⁰ Indian Gaming Regulatory Act, 25 U.S.C. § 2710(b)(2)(B).

¹¹ Source: Cow Creek Band.

¹² U.S. Department of the Interior Bureau of Indian Affairs, Draft Environmental Impact Statement, Coquille Indian Tribe Fee-to-Trust and Gaming Facility Project, July 2022, p. 2-10. Although the DEIS for the Coquille Tribe's Proposed Medford Casino describes the project as a Class II gaming facility, the DEIS states that the casino will operate "slot machines," which by definition are Class III gaming devices. In any event, once the property has been taken into trust for gaming purposes, nothing would preclude the Coquille Tribe from seeking a compact with the State of Oregon that would authorize the operation of Class III gaming.

¹³ Bing Maps.

¹⁴ Coquille Indian Tribe (2013), pp. 3-4, 8.

¹⁵ "[T]he adjacent hotel would be available to serve patrons of the proposed class II gaming facility." U.S. Department of the Interior Bureau of Indian Affairs, *Draft Environmental Impact Statement, Coquille Indian Tribe Fee-to-Trust and Gaming Facility Project*, July 2022, p. 2-29.

¹⁶ Coquille Indian Tribe (2013), p. 6.

Census Civil Divisions (CCD) accounted for 72.0% of the casino's annual gross gaming revenues in 2021.¹⁷

Table 1

Major Sources of Seven Feathers Casino Resort Gross Gaming Revenue, 2021		
Census Civil Division	% of GGR	Minutes from Seven Feathers
Northwest Josephine CCD	15.0%	58
Sutherlin CC	14.7%	45
Medford CCD	12.6%	66
South Umpqua CCD	8.7%	32
Southwest Jackson CCD	6.7%	95
Eugene-Springfield CCD	4.9%	91
Tenmile CCD	2.8%	55
North Umpqua CCD	2.6%	84
Shady Grove CCD	2.3%	79
Cottage Grove CCD	1.7%	93
GGR from Top 10 CCDs	72.0%	

Source: Seven Feathers Players Club data (2021).

The residents of these CCDs have to travel between 32 and 95 minutes to reach Seven Feathers Casino Resort. Thus, for those Oregon residents who live to the south of Seven Feathers Casino, the proposed Medford Casino is a much shorter drive-time. Figure 3 visually illustrates the importance of the Medford area market to Seven Feathers Casino Resort based on the geographic distribution of its annual gross gaming revenues (2021).

Oregon residents who live to the south of Seven Feathers Casino Resort are located in secondary (30 to 60 miles) and tertiary (60 to 90 miles) market areas (see Figure 4), but many of them would be in the Proposed Medford Casino's primary (0 to 30 miles), secondary (30 to 60 miles), and tertiary (60 to 90 miles) market areas (see Figure 5) and would therefore shift their patronage to the more convenient facility for purposes of gaming machine play.

¹⁷ Seven Feathers Casino Resort players club data (2022).

Figure 3
Geographic Distribution of Seven Feathers Casino Resort 2021 Gross Gaming Revenue in
Proposed Medford Casino Primary Market Area

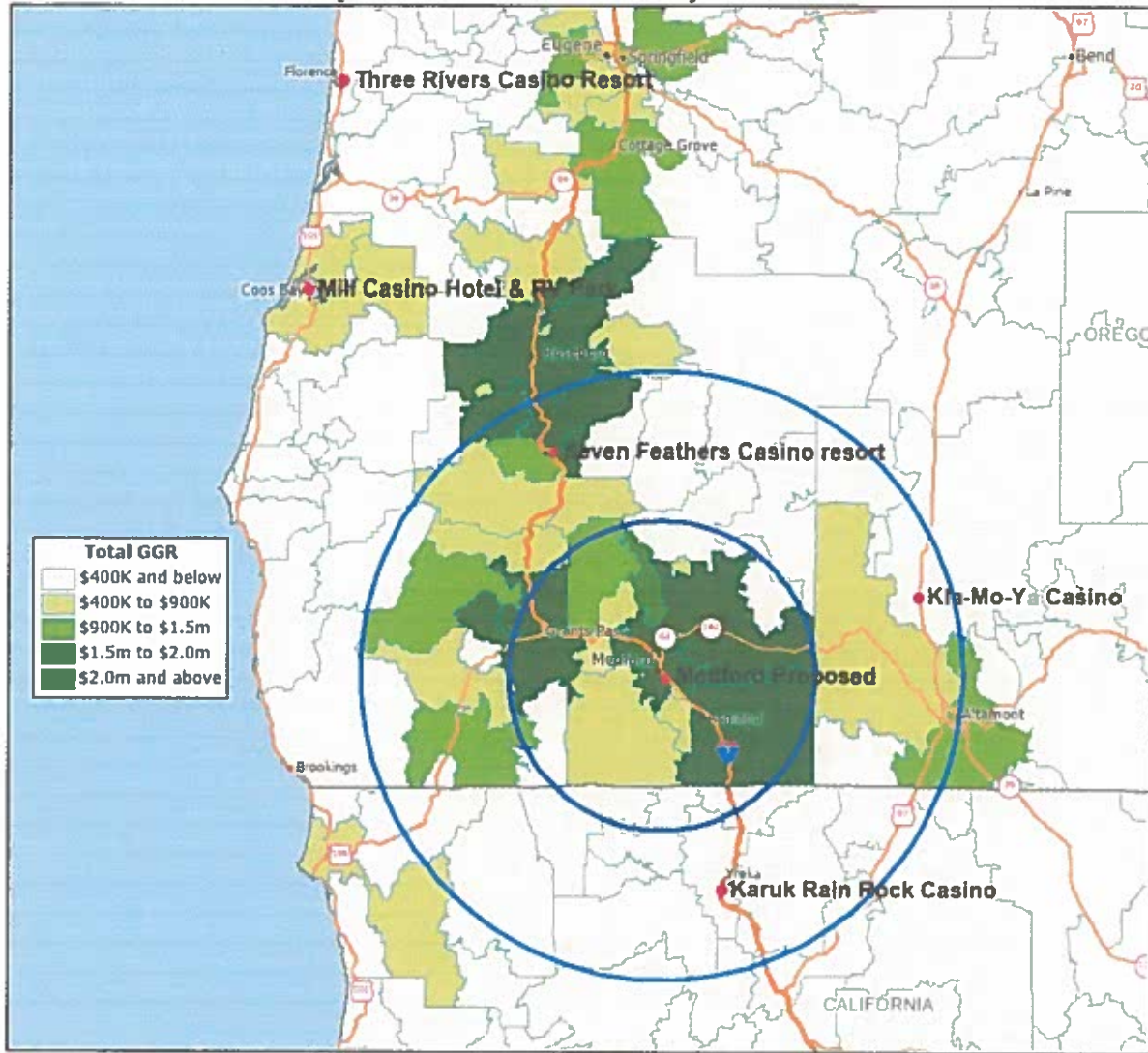


Figure 4
Seven Feathers Casino Resort Designated Market Area

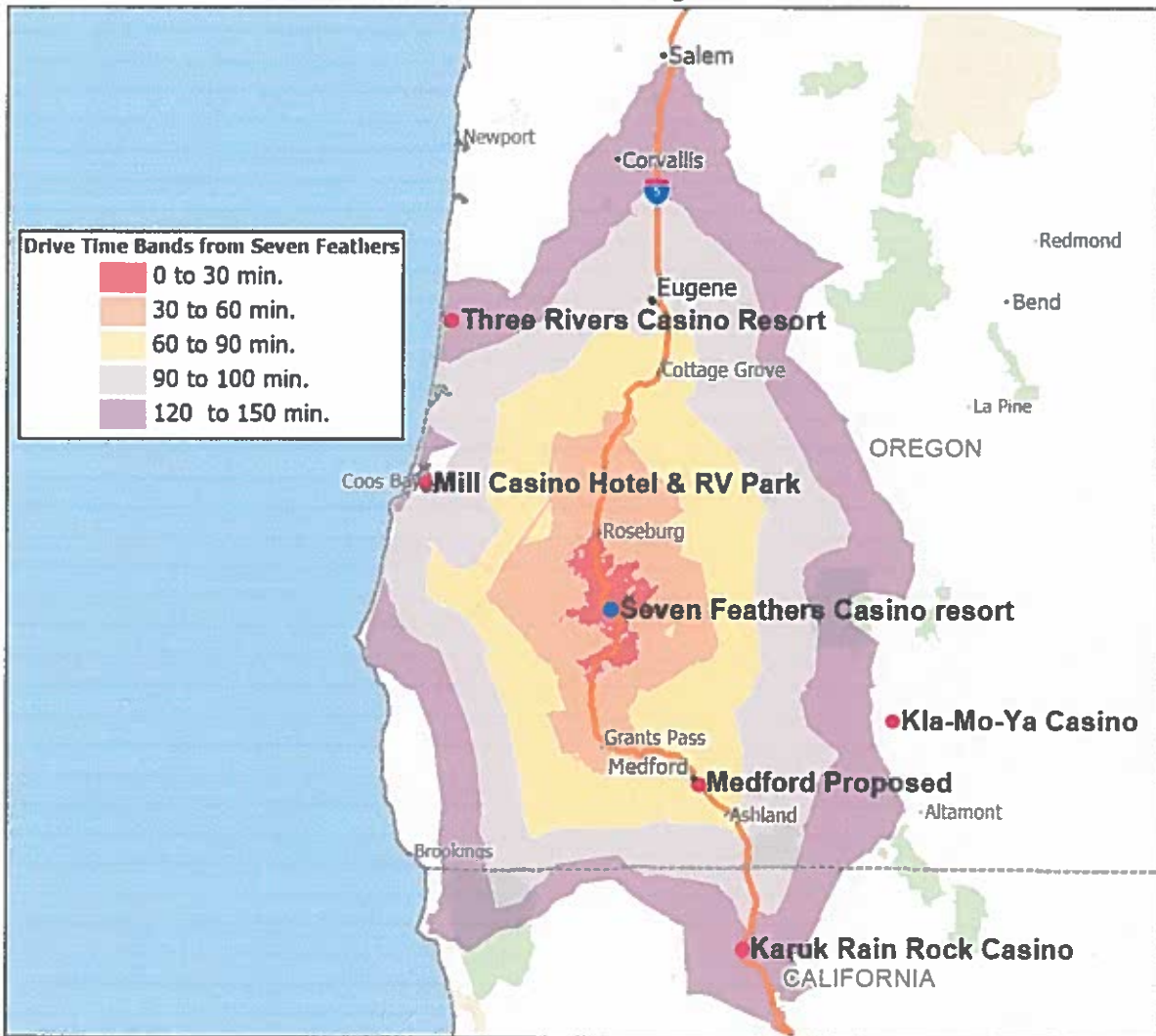
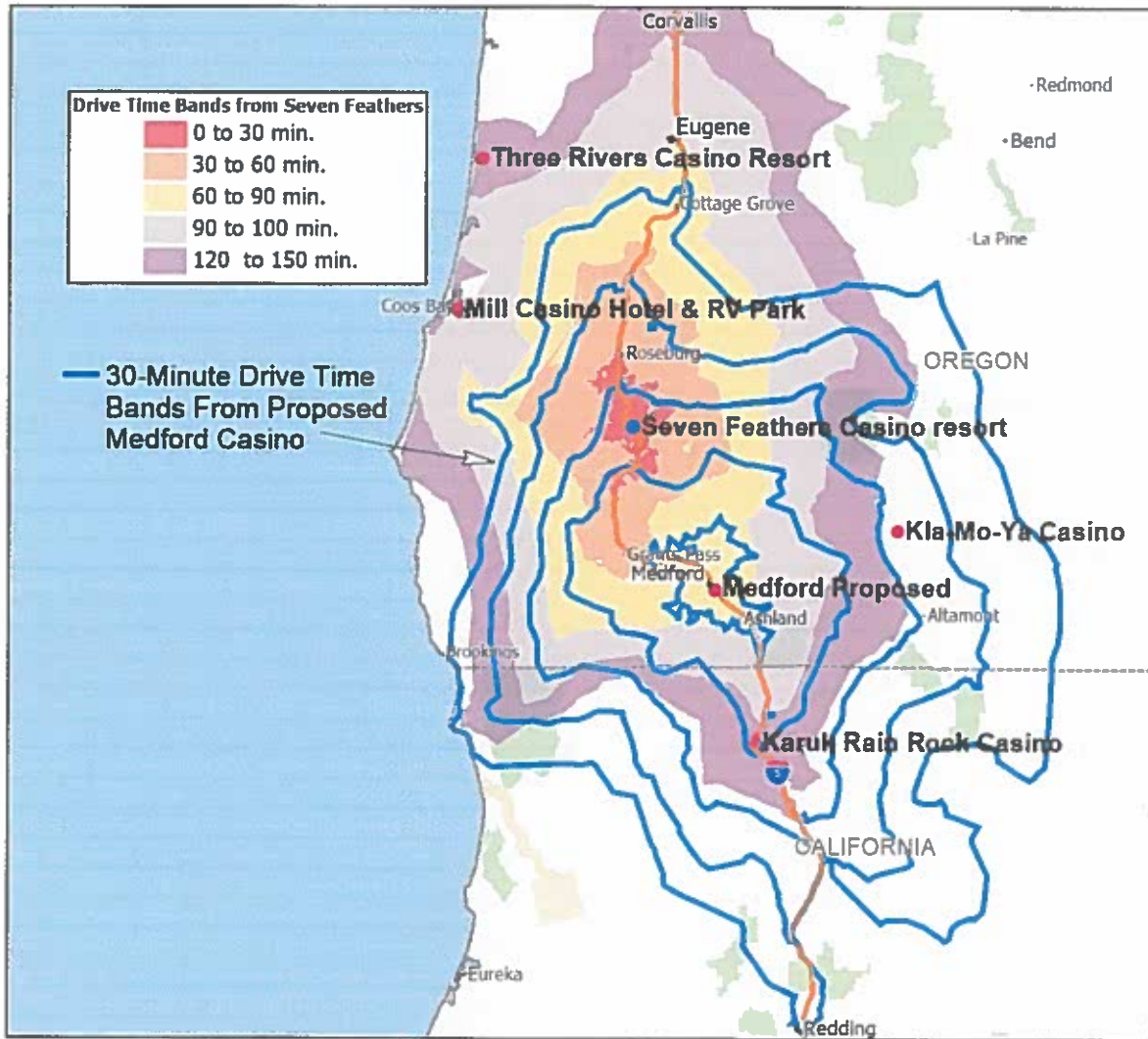


Figure 5
Designated Market Areas for Seven Feathers Casino Resort
and Proposed Medford Casino



2.4 COMPETITIVE IMPACT OF PROPOSED MEDFORD CASINO ON SEVEN FEATHERS CASINO RESORT

For the purposes of this report, we have assumed that the Coquille Indian Tribe would gain land-in-trust approval by January 1, 2024 (per direction from the Cow Creek Band). With a 12-month construction period,¹⁸ we estimate that the Proposed Medford Casino would open January 1, 2025, with the first stabilized year of operations in calendar year 2026. As documented above, Seven

¹⁸ U.S. Department of the Interior Bureau of Indian Affairs, Draft Environmental Impact Statement, Coquille Indian Tribe Fee-to-Trust and Gaming Facility Project, July 2022, p. 2-19.

Feathers Casino Resort relies heavily on the Medford area as a market feeder. Thus, a new gaming facility in Medford will have a negative impact on Seven Feathers Casino Resort’s gaming and non-gaming revenues.

Table 2 shows that there are approximately 3.1 million adults (age 21+) living in Seven Feathers Casino Resort’s Designated Market Area, which consists of a 4.0-hour drive-time radius based on its known customer base.¹⁹ The individuals living within Seven Feathers Casino Resort’s Designated Market Area have \$118.9 billion in total income, although within this market area, Seven Feathers Casino Resort already competes against four other tribal casinos in Oregon and California (Three Rivers Casino Resort in Florence, Oregon; Mill Casino Hotel & RV Park in North Bend, Oregon; Kla-Mo-Ya Casino in Chiloquin, Oregon; and Rain Rock Casino in Yreka, California) (see Figure 4), as well as against Oregon’s widely available Video Lottery Terminals (VLTs). Seven Feathers Casino Resort’s Designated Market Area accounts for 94% of its annual gross gaming revenue, while the remaining 6% of its GGR is generated primarily by out-of-market drive-through and pass-by traffic (e.g., tourists, business travelers, and long-haul trucks).

Table 2

Seven Feathers Casino Resort: Demographic and Market Summary, 2021							
Drive Time	Total Population (2021)	Adult Population (Age 21+) (2021)	Total Income (2021)	Percent of Annual Visits (2021)	Average Visits Per Year (2021)	Avg. Spend Per Visit (2021)	Percent of GGR by Functional Distance
0 - 30 Min.	14,127	10,866	\$261,740,208	2.1%	21	\$ 59.72	1.0%
31 - 60 Min.	145,224	112,390	\$3,264,360,249	41.9%	13	\$ 128.84	43.0%
61 - 90 Min.	241,873	183,565	\$6,114,135,609	22.7%	7	\$ 144.21	20.1%
91-120 Min.	421,389	320,693	\$10,529,035,782	14.8%	5	\$ 218.69	18.2%
121-150 Min.	604,017	440,912	\$13,636,632,988	4.5%	4	\$ 125.41	4.3%
151-180 Min.	592,664	442,548	\$18,301,635,800	3.9%	4	\$ 91.95	2.6%
181-210 Min.	1,754,993	1,338,787	\$56,958,384,836	3.2%	3	\$ 133.38	3.1%
211-240 Min.	335,416	257,192	\$9,845,982,276	1.0%	3	\$ 123.67	0.7%
Out-of-Market	N/A	N/A	N/A	6.0%	3	\$ 128.26	6.0%
Total	4,109,703	3,106,953	\$118,911,907,748	100%	4	\$ 116.00	100.0%

Sources: U.S. Census (2021); U.S. Bureau of Economic Analysis (2022); Meister Economic Consulting (2023).
Note: 2021 dollars.

Seven Feathers Casino Resort is highly dependent on Medford, and surrounding towns in Oregon, such as Grants Pass and Ashland, for its gross gaming revenues. Notably, Table 2 shows that Seven Feathers Casino Resort generates approximately 63.1% of its annual gross gaming revenue from customers who live at a drive-time distance of 31-90 minutes, and a large proportion of these

¹⁹ Seven Feathers Casino Resort players club data (2022).

customers, particularly those living in southern Oregon would be in the Proposed Medford Casino Resort's primary market area (0-30 minute drive time). Seven Feathers Casino Resort also generates a significant share (6%) of its gross gaming revenue from drive-through and pass-by traffic.

As shown in Figure 5, the Designated Market Area for the Proposed Medford Casino significantly overlaps with Seven Feather Casino Resort's Designated Market Area.

3. Methodology

To quantify the potential competitive impact of the Proposed Medford Casino on Seven Feathers Casino Resort, we conducted a market impact analysis. The impact estimates are based on well-established demand analysis techniques that incorporate standard assumptions about the gaming market and the proposed gaming facilities. The analysis and conclusions are derived from a custom designed gravity model (see Section 3.3), which is a modeling technique commonly utilized for forecasting visits and revenues at casinos. Inputs to the model consist of secondary public data sources for population (U.S. Census), disposable personal income (U.S. Bureau of Economic Analysis), and drive times between different locations (Bing Maps). The model was further refined using players club data from Seven Feathers Casino Resort, which was confidentially made available by the Cow Creek Band.

3.1 DEFINITIONS

There are many specialized terms and concepts that are unique to the gaming industry. These terms include:

- **Handle** – The total amount of money wagered in a day, month, or year. It does not measure the amount of money won or lost by a patron, but measures the velocity of money.
- **Drop** – The total amount of cash and other negotiable instruments that are taken by the dealer at a table game and placed into the drop box in exchange for chips or the actual amount of cash inserted into a slot machine. Drop is different from handle since it is the initial stake put at risk by a player and not the total amount wagered by a patron (and a patron may “cash out” and not wager the total drop).
- **Payout** – The amount of money returned to casino gamblers from the amount wagered (i.e., handle).
- **Win or Hold** – The amount of money retained by a casino from the handle wagered by patrons.
- **Gross Gaming Revenue (GGR)** – The total amount of gaming revenue (win) retained by the casino during a day, month, or year, including the value of gaming promotional allowances (see below). GGR is the most common figure used to determine what a casino, racetrack, lottery, or other gaming operation earns before taxes and expenses are paid. GGR is the equivalent of “sales” in other retail and service industries and should not be confused with “profit.”

- **Non-Gaming Revenue (NGR)** – The total amount of sales by non-gaming operations, such as a hotel, food and beverage establishments, retail outlets, and entertainment, including the value of promotional allowances (see below).
- **Gross Revenue** – The total revenue retained by a casino from both its gaming (GGR) and non-gaming (NGR) operations.
- **Promotional Allowances** – Complimentary food and beverage, hotel, retail, entertainment, and other services provided to casino patrons. The retail value of these complimentary items is included in gross revenue and then deducted as promotional allowances to arrive at net or operating revenue.
- **Net Revenue or Operating Revenue** – Gross revenue minus promotional allowances.
- **Earnings Before Interest, Taxes, Depreciation, and Amortization (EBITDA)** – Net revenue minus operating expenses. EBITDA does not deduct interest expense, taxes or revenue sharing, depreciation, amortization, or management and development fees paid to third parties.
- **Propensity to Gamble** – The percentage of the adult population that gambles at least once per year. The propensity to gamble can also be measured as a percent of disposable personal income spent on gambling in a specific year.

3.2 MARKET & FACILITY ASSUMPTIONS

The potential market impact of the Proposed Medford Casino on Seven Feathers Casino Resort will depend on a variety of factors beyond the market area's demographic characteristics, including but not limited to:

- The quality of the Medford gaming facility;
- The quantity and types of gaming available at the Medford gaming facility;
- The location and accessibility of the property;
- Proximity to a major population center;
- Levels of disposable personal income in the Designated Market Area;
- The quality and range of non-gaming amenities offered on site;
- Customer service levels, including the quality and generosity of the players club and other comps;
- Marketing programs and promotions to attract customers to the gaming facility;
- The regional population's propensity to gamble; and
- Existing and future competition in the Designated Market Area.

The market impact analysis makes several basic assumptions about the Proposed Medford Casino. These assumptions are as follows:

- All things being equal, proximity to a casino is a major factor in choosing to patronize a specific gaming venue. Given the choice between comparable facilities, casino patrons will normally visit the nearest comparable casino.
- If the option of casino gambling is made available, then a known average percentage of the population will patronize casinos as a form of entertainment. Therefore, absent local opportunities, some residents will opt not to gamble, while others will travel further to locations that offer casino gaming.
- Substantial numbers of Oregon residents already gamble at casinos in Oregon and California, and the average propensity to gamble will increase as new facilities are added in the region until the market reaches saturation.²⁰

3.2.1 Proposed Medford Casino

It is assumed that the Proposed Medford Casino will:

- be well-designed and attractive to potential customers;
- open January 1, 2025 with 650 Class II gaming machines;
- operate at 85% of its full potential in CY 2025 and 100% of its full potential in CY 2026 as it ramps up operations and marketing;
- include one adjacent hotel with a total of 111 rooms, with a fitness center, gift shop, outdoor pool, 1 restaurant, and 1 snack shop;
- include surface parking with 520 parking spaces;
- be aggressively marketed within its Designated Market Area and beyond; and
- be well managed and operated by its owners.

A casino with these characteristics and amenities will exert considerable gravity on the regional gaming market and it will be strategically positioned to capture a significant percentage of Seven Feathers Casino Resort's existing gaming revenues (and that of other existing casinos as well).

3.3 GRAVITY MODEL

Gravity modeling is the most reliable and commonly used method for estimating the demand for proposed casinos and the potential competitive impact of new casinos on existing casinos in a

²⁰ Shim and Seigel (1995, p.306) define market saturation as "the point of a product life cycle where the market has been completely filled so that no more sales for goods and services can be taken up," (i.e., as the point where supply and demand are in equilibrium).

specific market area. Gravity modeling is based on a modified version of Sir Isaac Newton’s Law of Gravitation, which has been in use since 1931 when Professor William J. Reilly of the University of Texas introduced his Law of Retail Gravitation to predict the movement of people, commodities, and sales (money) between competing commercial centers. Newton’s Law of Gravitation states that the gravitational force between two objects is proportional to the product of their masses and inversely proportional to the square of the distance between the two objects. William J. Reilly’s restatement of this principle as the Law of Retail Gravitation states that larger retail facilities (i.e., those with greater mass) will have larger spheres of attraction – or a greater gravitational force – than smaller facilities of a comparable type. The Law of Retail Gravitation states that the “Break Point” (BP) at which a consumer will choose one comparable facility over another is equal to the distance (d) between the two facilities, divided by 1 (a constant) plus the square root of the size of place one (p1) divided by the size of place two (p2) (see Equation 1):

Equation 1

$$BP = \frac{d}{1 + \sqrt{p1/p2}}$$

Reilly’s Law assumes that the geography of an area is flat without any rivers, roads, or mountains that would alter a consumer’s decision about where to purchase a particular good or service. However, since Reilly first introduced the Law of Retail Gravitation, it has been recognized that geography, road quality, and accessibility (i.e., convenience) do affect a consumer’s decision about what facilities to patronize, especially when they are comparable in scale, quality, and product offerings. Consequently, many gravity models, including the one utilized in this report, use functional distance by substituting estimated drive times for mileage. This is an important modification because casino patrons in local and regional markets are highly sensitive to drive time, as well as position availability and the range of gaming and non-gaming amenities offered by a casino.^{21,22}

²¹ Position availability refers to a patron’s ability to find a place at their preferred game. Thus, if a slot machine player repeatedly finds that a local casino’s gaming devices are occupied, or that there is a long wait time to find a position at their preferred device, they will often be willing to travel a longer distance to another facility to ensure that a position is available to them, since the “time to position” (i.e., drive time plus wait time) is essentially the same or shorter, despite the longer initial drive-time.

²² Many casino patrons are attracted to the general atmosphere and physical attractiveness of gaming facilities, as well as the presence of non-gaming amenities (e.g., gourmet dining, concerts, spas, golf, cabarets, night clubs, etc.). It is estimated that up to 27% of a resort casino’s customers never or rarely gamble when visiting a casino, but visit the facility for its other forms of entertainment and recreation (American Gaming Association 2013, p. 3; Barrow and Borges 2011, 2013).

In addition, since 1931, the basic gravity model has been modified by researchers in many ways with specific adaptations to account for the levels of retail gravitation attributable to different types of facilities (e.g., regional malls, theme parks, and casinos) and to incorporate empirical behavioral research that specifies this relationship with greater precision for different types of facilities and for different geographic jurisdictions (e.g., behavioral surveys of the propensity to gamble or the use of players club data). With these modifications to the gravity model, a casino's ability to attract patrons and spending can be reliably estimated by incorporating data on the number of adults (age 21+) living at different distances from the casino, their estimated propensity to gamble at various distances, and the percentage of disposable personal income that will be allocated for casino spending by different households.

All things being equal, the gravitational force of a casino is in inverse proportion to its functional distance from population (i.e., potential customers). In other words, if one doubles the distance of an individual's residence from a casino, visitations to the casino decline in inverse proportion to that distance, although this mathematical relationship can be modified in gravity models by incorporating empirically based behavioral data, or players club data (Cummings 2006). Normally, however, the further the distance from a casino, the less likely residents are to visit it (unless there is no alternative), and those who do visit it will visit it less frequently. It has generally been found that while patrons who live further away from a casino will visit it less often, they are likely to spend more per visit, given they will generally stay longer and spend on a wider range of amenities. As competing casinos get closer to residents, one eventually reaches a Break Point, where the retail gravitation of the competing facility exerts greater force over potential patrons with the result that customer visits and revenues shift toward the competing facility.

The size (mass) of a gaming facility is a critical element in any casino's ability to attract customers in a competitive environment. Most gravity models measure a casino's mass exclusively in terms of gaming positions.²³ However, it is known that customer decisions about competing facilities are also influenced by the types of gaming options available (i.e., video lottery terminals, slot machines, table games, poker, bingo, keno), parking availability, and the availability of non-gaming amenities, such as a hotel, food and beverage offerings, spa, entertainment venues, retail outlets, a golf course, etc. Non-gaming entertainment and resort amenities are not usually incorporated into most gravity models, although our model explicitly and transparently incorporates these amenities into its calculation of gravity factors.

For our gravity model, we built a Master Database consisting of all ZIP Codes in the State of Oregon and northern California to analyze the impact of the Proposed Medford Casino on Seven Feathers Casino Resort. For each zip code, the Master Database includes data on total population, the adult population (age 21+), per capita income, total income, disposable personal income (DPI), and drive

²³ One slot machine equals one gaming position, while one table game is normally six positions.

times from each zip code to Seven Feathers Casino Resort and the Proposed Medford Casino. Drive times are based on geocodes for the addresses of each facility. The Master Database contains 20,416 discrete data points that form the basis of the gravity model.

The initial gravity model developed from this database relies on empirically based assumptions about the propensity to gamble at different functional distances, as well as gaming expenditures as a ratio of DPI at different functional distances, consistent with comparable facilities in the United States. For purposes of this study, Seven Feathers Casino Resort provided its players club database, which makes it possible to perfectly model its existing market. The players club database includes data on the total number of annual visitors to the casino, the total number of annual visits to the casino, and total gaming spend – all by ZIP Code. Also provided for Seven Feathers Casino Resort were detailed annual financial reports, as well as revenue and expense reports. These data significantly increase the reliability and accuracy of this report's estimates of the financial impact of proposed gaming facilities on Seven Feathers Casino Resort's ongoing operations.

3.3.1 Gravity Factors & Market Break Points

For purposes of estimating the market impact of the Proposed Medford Casino on Seven Feathers Casino Resort, the two casinos' competing and overlapping Designated Market Areas were analyzed by calculating "break points" between them. The two casinos' Designated Market Areas will overlap, and the two gaming facilities will therefore be competing for many of the same customers, as discussed earlier.

The market Break Point (BP) is the point at which a casino's ability to attract customers either ends because a comparable facility is closer, or its ability to attract customers begins to decline exponentially because a farther competing facility exerts an attraction on customers due to its larger size and range of offerings. To calculate the actual BPs, it is necessary to estimate the comparative size or retail mass of each gaming facility, which is called its Gravity Factor (GF). Gravity Factors establish the drive times at which two casinos equally compete for customers, as well as the probability that a casino will capture those customers in defined drive-time bands. This calculation is based on the number of slot machines, number of table games, number of hotel rooms, and the availability of other non-gaming amenities, such as restaurants and bars, entertainment venues, and

retail outlets. In our model, each factor is weighted proportionate to its average contribution to the percentage of total casino revenue for a destination resort casino.²⁴

The gravity factors in this report are calibrated against Seven Feathers Casino Resort's specifications (Gravity Factor = 1.0), so if a competing gaming facility has a gravity factor of more than 1.0, it signals that the gaming facility should capture a greater proportion of the two casino's overlapping customer base, while a gravity factor of less than 1.0 signals that a facility should capture a smaller proportion of the two casino's overlapping customer base, although relative drive times to the competing facilities alter this equation for customers in different drive-time bands.

Proposed Medford Casino

As computed in Table 3 (sum of the values in the Gravity Factor row), the Proposed Medford Casino will have a Gravity Factor of 0.42 when compared to Seven Feathers Casino Resort, which means that it will have approximately one-half the gravity for customers residing within the two casinos' overlapping market areas.

As shown in Equation 2, the MBP for the Proposed Medford Casino was calculated as 40 minutes using Reilly's Law of Retail Gravitation. The Proposed Medford Casino is 66 minutes from the Seven Feathers Casino Resort, but it will be competing for customers throughout virtually the entirety of Seven Feathers Casino Resort's primary and secondary DMAs (see Figure 5 in which the DMA for the Proposed Medford Casino almost entirely encompasses that of Seven Feathers Casino Resort). It will begin capturing approximately one-half of Seven Feathers Casino Resort's customers at a functional distance of 40 minutes from Seven Feathers Casino Resort and that ratio will steadily increase to approximately 99% for those customers who live closest to the Proposed Medford Casino.

²⁴ For example, the formula for computing the gravity factor for the Proposed Medford casino (where RRC = Seven Feathers Casino Resort, and Facility B = the proposed casino being analyzed): $GF = \left[\frac{\text{Number of Gaming Machines (Facility B)}}{\text{Number of Gaming Machines (RRC)}} * \text{Weight for Gaming Machines of 0.46} \right] + \left[\frac{\text{Number of Table Games (Facility B)}}{\text{Number of Table Games (RRC)}} * \text{Weight for Table Games of 0.12} \right] + \left[\frac{\text{Number of Bingo Seats (Facility B)}}{\text{Number of Bingo Seats (RRC)}} * \text{Weight for Bingo Seats of 0.01} \right] + [\text{Race \& Sports Book or Keno (Facility B) Yes = 1 No = 0} * \text{Weight for Race \& Sports Book or Keno of 0.01}] + \left[\frac{\text{Number of Hotel Rooms (Facility B)}}{\text{Number of Hotel Rooms (RRC)}} * \text{Weight for Hotel Rooms of 0.15} \right] + \left[\frac{\text{Number of Bars \& Restaurants (Facility B)}}{\text{Number of Bars \& Restaurants (RRC)}} * \text{Weight for Number of Bars \& Restaurants of 0.05} \right] + \left[\frac{\text{Number of Live Entertainment Venue/Spa/Retail (Facility B)}}{\text{Number of Live Entertainment Venue/Spa/Retail (RRC)}} * \text{Weight for Live Entertainment Venue of 0.04} \right] + [\text{RV Park (Facility B) Yes = 1 No = 0} * \text{Weight for RV Park of 0.01}] + \left[\frac{\text{Square Feet of Meeting Space (Facility B)}}{\text{Square Feet of Meeting Space (RCC)}} * \text{Weight for Meeting Space of 0.10} \right] + \left[\frac{\text{Number of Parking Spaces (Facility B)}}{\text{Number of Parking Spaces (RCC)}} * \text{Weight for Parking of 0.05} \right].$

Table 3

Gravity Factor: Ratio of Proposed Medford Casino to Seven Feathers Casino Resort											
	No. Slots	Tables	Mogo Seats	Sports/Race Book/Keno	Hotel Rooms	Restaurants & Bars	Venues + Spa/Retail	RV Park	Meeting Space	Parking	Gravity Factor
Proposed Medford Casino	650	0	0	0	111	2	0	0	0	520	-
Seven Feathers Casino Resort	892	24	456	1	373	6	3	1	22,000	1,200	-
Ratio	0.73	0.00	1.00	1.00	0.30	0.33	1.00	1.00	1.00	0.43	-
Weight	0.46	0.12	0.01	0.01	0.15	0.05	0.04	0.01	0.10	0.05	1.00
Gravity Factor	0.34	0.00	0.00	0.00	0.04	0.02	0.00	0.00	0.00	0.02	0.42

Sources: Seven Feathers Casino Resort (2023); BIA, Draft EIR (2022); Meister Economic Consulting (2023).

Equation 2 (Break Point)

$$BP = \frac{66 \text{ minutes}}{1 + \sqrt{0.42}} = 40 \text{ minutes}$$

4. Results and Findings

This section of the report describes the results of the competitive impact analysis set forth in Section 3 above.

4.1 ESTIMATED COMPETITIVE IMPACT & REVENUE DISPLACEMENT

The Proposed Medford Casino will be a direct competitor with Seven Feathers Casino Resort because its primary market area is within Seven Feathers Casino Resort's main customer catchment area. Seven Feathers Casino Resort also generates a significant share of its gross gaming revenue from drive-through and pass-by traffic.

The gravity model predicts that the Proposed Medford Casino would have a significant impact on Seven Feathers Casino Resort. Our gravity model predicts that by calendar year 2026, the first stabilized year of operations:

- Seven Feathers Casino Resort would lose approximately 26.0 of its annual visits to the Proposed Medford Casino, but these visitors – mostly from the Medford area – spend nearly twice as much per visit (see Table 2) as customers who originate in the local Canyonville area.
- Seven Feathers Casino Resort would lose approximately 28.5 of its total annual gross gaming revenues to the Proposed Medford Casino mainly due to the loss of its southern Oregon customer base, but also due to the loss of some of its pass-through traffic (i.e., tourists, business travelers, and long-haul trucks).
- Seven Feathers Casino Resort would lose approximately 52.1% of its current non-gaming revenues (food and beverage, hotel, retail, and other) to the Proposed Medford Casino when losing the aforementioned gross gaming revenue.
- Seven Feathers Casino Resort will not lose all of its southern Oregon customers because Seven Feathers Casino Resort offers Class III table games that are not at this time included as part of the Proposed Medford Casino project.²⁵
- If the Proposed Medford Casino adds table games to its mix of gaming options in the future, Seven Feathers Casino Resort will lose its small competitive advantage in this gaming niche, and Seven Feathers Casino Resort's estimated revenue loss to the Proposed Medford Casino could be higher than otherwise estimated in this report.

²⁵ Table games account for 11.0% of Seven Feathers Casino Resort's gross gaming revenues.

Losses of this magnitude would inevitably result in significant employment reductions in every department of Seven Feathers Casino Resort's operations, including gaming, food and beverages, hotel, retail, and general administration.

Overall, these losses may threaten the viability of Seven Feathers Casino Resort.

Furthermore, and more importantly, the aforementioned annual gaming and non-gaming revenue losses at Seven Feathers Casino Resort resulting from the introduction of the Proposed Medford Casino would cause detriment to the Cow Creek Band. A reduction in casino revenue, and the corresponding reduction in casino profit, will result in a direct loss of governmental revenue to the Cow Creek Band. The loss of governmental revenue would eliminate or drastically reduce funds available to the Cow Creek Band to fund essential government programs and services for its tribal membership.

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Dr. Barrow is a Professor of Public Policy and Chair of the Department of Political Science at the University of Texas Rio Grande Valley (2014 – present). He was formerly a Chancellor Professor of Public Policy and Director of the Center for Policy Analysis at the University of Massachusetts, Dartmouth (1987-2014). In addition to teaching and conducting research at the University of Texas, he has served as a consultant to state, federal, and local government agencies, tribal governments, private companies, business and trade associations, non-profit organizations, and educational institutions across the United States.

Dr. Barrow specializes in public policy research and analysis. His areas of expertise include market feasibility analysis, economic impact analysis, industry analysis, regional economic development, survey research, and policy analysis. While Dr. Barrow is a recognized expert on the gaming industry, his work has involved a wide variety of industries, including the broader tourism, leisure and hospitality industry, retail trade, science and technology, textiles and apparel, health care, national defense, education, arts and crafts as cultural economic development, and public infrastructure development (e.g., airports, seaports, industrial).

For more than three decades, Dr. Barrow has been studying the economic, fiscal, and social impacts of casino gaming, including commercial casinos, racetrack casinos, and Indian gaming. He has studied existing and proposed gaming facilities throughout the United States, including California, Connecticut, Illinois, Maine, Massachusetts, New Hampshire, Nevada, New York, Oklahoma, Oregon, Pennsylvania, Rhode Island, Texas, Washington, and Wisconsin. He was project manager for the Northeastern Gaming Research Project, which conducted research and analysis of the New England and Mid-Atlantic casino gaming industry.

Dr. Barrow's research has been published in various scholarly journals, including *Gaming Law Review and Economics*, *Gaming Research & Review Journal*, *Casino Enterprise Management*, *Journal of Travel Research*, *Massachusetts Benchmarks*, and the *Journal of Economic Issues*. He has also authored or supervised more than 350 applied policy monographs and consultant reports, as well as dozens of articles and opinion pieces in trade publications, magazines, and newspapers. He has delivered invited talks to more than 200 business and community groups and delivered expert testimony to numerous state legislatures, as well as other state and federal agencies. His research and expert commentary have been cited in more than 3,200 newspaper and magazine articles, including the

Wall Street Journal, New York Times, Financial Times, Washington Post, Christian Science Monitor, USA Today, Forbes, and Time.

**Alan P. Meister, Ph.D.
CEO & Principal Economist
Meister Economic Consulting, LLC**

Dr. Meister is an economist specializing in the application of economic analysis to public policy, litigation, regulatory, and business planning and operations matters. He has extensive experience analyzing economic issues related to the gaming industry, including Indian gaming, commercial casinos, racinos, card rooms, and online gaming. His consulting work has included economic and fiscal impact studies, industry and market analyses, public policy analysis, feasibility analysis, evaluations of regulations, analyses of land-in-trust gaming applications, economic assessments of tribal-state gaming compacts and revenue sharing, tribal socioeconomic needs assessments, surveys, damage analysis, and economic research, analysis, and expert testimony in litigation and regulatory matters. His clients have included gaming facility operators, industry suppliers, investors, gaming associations, Native American tribes, and federal, state, and local governments. Of particular note, he was previously commissioned by the National Indian Gaming Commission to independently analyze the economic effects of proposed regulatory changes. Dr. Meister has also conducted years of independent, scholarly research on the gaming industry and authored a number of publications, most notably his annual study, the *Indian Gaming Industry Report*, which has been cited by the United States Supreme Court. He has presented his work at various academic, professional, and industry conferences and testified before the California State Senate on gaming issues. Furthermore, his consulting and scholarly work have been used in matters before the U.S. Department of the Interior, United States Supreme Court, and World Trade Organization.

In his public policy work, Dr. Meister has conducted economic analysis to identify and measure the effects of: construction, expansion, and operation of various types of businesses; regulations; legislation; taxation; the passage of ballot initiatives; government programs and services; publicly funded projects; sporting and entertainment events; commercial and mixed-use developments; and medical research. His work has included economic and fiscal impact analyses, assessments of the contribution of businesses and industries to the economy, cost-benefit analyses, and surveys.

Dr. Meister holds a Ph.D., M.A., and B.A. in Economics from the University of California, Irvine.

Appendix B: About Meister Economic Consulting, LLC

Meister Economic Consulting is an economic consulting firm that specializes in the application of economic research and analysis to litigation, regulatory, public policy, business development and operations, and economic development matters. We have a reputation for objective, insightful, comprehensive, high-quality research and analysis. Our work is grounded in sound economic and financial theory, guided by extensive industry knowledge, supported by relevant data and market research, and customized to the circumstances of each matter. Despite the complexity of our work, we convey data, analyses, and results in straightforward, simplified terms so that they can be easily understood. For these reasons, we are routinely called upon to analyze complex issues and assist clients in high-stakes and controversial matters, and our work is widely accepted and well respected by governments, regulators, courts, the media, and the public.

We have conducted research and analysis in a variety of contexts, including:

- Business planning and operations
- Economic development
- Public and government relations
- Public policy matters
- Regulatory proceedings
- Litigation, arbitration, and mediation

We provide a wide range of consulting services, including:

- Economic impact analysis
- Public policy analysis
- Market research
- Industry and market studies
- Statistical analysis
- Survey research, design, and analysis
- Strategic advisory services
- Damage analysis
- Expert testimony in litigation and regulatory matters
- Assistance with public relations and government relations efforts

Meister Economic Consulting also brings significant industry experience and expertise to cases, projects, and studies. We have particular expertise with the gaming industry, especially Indian gaming.

Gaming Industry

Meister Economic Consulting has extensive experience analyzing the gaming industry. We have conducted economic and financial research and analysis to help gaming operators, suppliers, developers, investors, associations, governments, and regulatory agencies assess business and market opportunities and navigate economic, regulatory, legal, and legislative challenges.

Meister Economic Consulting provides a variety of services to the gaming industry, including:

- Market assessments
- Feasibility studies
- Gaming facility performance assessments

- Analysis of market entry and competition
- Public policy analysis
- Economic and fiscal impact studies to quantify the effects of existing and planned gaming facilities on competitors, surrounding communities, and the economy
- Evaluations of game performance
- Skill vs. chance game assessments
- Survey design, implementation, and data analysis
- Expert research and analysis in litigation matters, including cases involving claims of alleged breach of contract, breach of fiduciary duty, breach of good faith and fair dealing, anticompetitive conduct, unfair competition, and tortious interference with current and prospective business
- Analysis of competition, market power, and harm to competition in antitrust litigation matters

We have conducted research and analysis of all segments of the gaming industry:

- Indian gaming
- Commercial casinos
- Racetrack casinos
- Lotteries
- Pari-mutuel wagering
- Charitable gaming
- Card rooms
- Convenience gambling
- Internet gaming

We have studied the gaming industry at national, state, regional, and local levels and in all 48 U.S. states in which it exists. We have analyzed the introduction of planned gaming facilities, as well as the development and operation of existing gaming facilities. This includes the integration and development of non-gaming amenities at gaming facilities. Our experience and expertise transcend the U.S. gaming market, as we also research and analyze international gaming.

In addition to consulting, we regularly conduct independent scholarly research and analysis of the gaming industry, publishing articles and studies, and presenting at academic, professional, and industry conferences. Our consulting and scholarly research and analyses have been relied on by the gaming industry, tribal and non-tribal governments, the investment community, academics, and our competitors.

Indian Gaming

Meister Economic Consulting conducts research and analysis to assess the economic and fiscal impacts of Indian gaming on tribes, competitors, surrounding communities, and the economy. We also evaluate the impacts of outside forces — such as the economic climate, competition, public policy, and alleged unlawful conduct — on Indian gaming facilities and tribes.

We have researched and analyzed many facets of Indian gaming:

- All 29 states in which Indian gaming exists
- Existing and proposed gaming facilities

- Introduction, development, and operation of gaming facilities
- National, state, regional, and local markets
- Class II and III gaming
- Non-gaming amenities at gaming facilities, including hotels, restaurants, retail, entertainment, spas, meeting space, and convention centers

We have examined a wide array of issues related to Indian gaming:

- Impacts of planned and existing gaming facilities on tribes and surrounding communities
- Gaming facility performance
- Public policies, including legislation, regulations, and ballot propositions
- Land-in-trust gaming applications, including for off-reservation casinos
- Gaming-related agreements, such as compacts, amendments to compacts, and agreements with local governments
- Revenue sharing
- Game performance
- Impacts from and to other segments of the gaming industry and associated industries
- Damages resulting from alleged unlawful conduct, including breach of contract, breach of fiduciary duty, breach of good faith and fair dealing, anticompetitive conduct, unfair competition, and tortious interference with current and prospective business

Of particular note is our consultants' previous experience conducting independent economic analysis of proposed regulatory changes on behalf of the National Indian Gaming Commission.

In addition to consulting, we regularly conduct independent scholarly research and analysis of Indian gaming, publishing articles and studies, and presenting at academic, professional, and industry conferences. Most notable is the annual *Indian Gaming Industry Report*, a nationally recognized report that provides nationwide and state-by-state Indian gaming data and analyses. The report is widely cited, including by the U.S. Supreme Court.

Our consulting and scholarly gaming research and analyses have been used in matters before the

- U.S. Supreme Court
- National Indian Gaming Commission
- U.S. Department of the Interior, Bureau of Indian Affairs
- World Trade Organization

Public Policy Analysis

Meister Economic Consulting assists businesses, industry associations, and governments in understanding the economic impacts of proposed public policies and policy reforms. Our analyses help government clients formulate sound policy and help businesses and associations influence policy, respond to changes in policy, and propose new policies.

Our public policy work includes:

- Policy studies
- Economic assessment of regulations
- Economic impact analysis
- Assistance with economic policy formulation
- Cost-benefit analysis
- Market and industry research
- Survey research, design, and analysis
- Evaluation of other experts' public policy studies and analysis
- Public testimony before legislative bodies and government agencies
- Expert witness testimony in regulatory proceedings

Meister Economic Consulting researches and analyzes the introduction of and changes in various types of public policies, including:

- | | |
|------------------------------------|------------------------------|
| ▪ Legislation | ▪ Investment |
| ▪ Regulations | ▪ Subsidies |
| ▪ Taxes | ▪ Infrastructure development |
| ▪ Ballot propositions | ▪ Trade |
| ▪ Government programs and services | ▪ Policing practices |
| ▪ Budget management | |

Meister Economic Consulting's clients employ our research, analysis, and testimony in a variety of contexts, including legislative hearings, regulatory proceedings, public hearings, public relations, government relations, and political and media campaigns. Our experts have provided public policy research, analysis, and testimony to various government bodies and agencies.

ATTACHMENT B



Meister Economic Consulting, LLC
59 Promesa Avenue
Rancho Mission Viejo, CA 92694



Pyramid Associates, LLC
2112 W. University Drive, Suite 1251
Edinburg, TX 78539

February 23, 2023

Carla Keene, Chair
Michael Rondeau, CEO
Cow Creek Band of Umpqua Tribe of Indians
2371 NE Stephens Street, Suite 100
Roseburg, OR 97470

Re: Economic Impact of Proposed Medford Casino

Dear Chair Keene and Mr. Rondeau:

Meister Economic Consulting, LLC ("MEC"), in partnership with its affiliate Pyramid Associates, LLC ("Pyramid"), were retained by the Cow Creek Band of Umpqua Tribe of Indians ("Cow Creek Band") to provide ongoing economic research and analysis of the likely economic impacts of the Proposed Coquille Tribe Casino in Medford, Oregon ("Proposed Medford Casino" or "proposed casino").

On May 27, 2020, the Assistant Secretary—Indian Affairs declined to accept conveyance of the Medford Site into trust.¹ On December 27, 2021, the Assistant Secretary—Indian Affairs withdrew its denial and the Bureau of Indian Affairs ("BIA") resumed preparation of the environmental impact statement ("EIS") for the Proposed Medford Casino project.² Subsequently, a Draft Environmental Impact Statement ("DEIS") dated July 2022 became available for public review and comment on November 25, 2022.

Set forth below are our observations and comments on the DEIS. As discussed further below, it is our qualified opinion that *the conclusions of the DEIS are erroneous as they underestimate the true cannibalization by the Proposed Medford Casino.*

¹ Bureau of Indian Affairs, U.S. Department of Interior, "Notice of Cancellation of Environmental Impact Statement for Proposed Coquille Indian Tribe Fee-To Trust and Gaming Facility Project, City of Medford, Jackson County, Oregon," *Federal Register*, Vol. 85, No. 172, September 3, 2020.

² Bureau of Indian Affairs, U.S. Department of Interior, "Resumption of Preparation of an Environmental Impact Statement for the Proposed Coquille Indian Tribe Fee-to-Trust and Gaming Facility Project, Medford, Oregon," *Federal Register*, Vol. 86, No. 245, December 27, 2021.

I. Current Scope of Proposed Medford Casino Will Translate into Larger Detrimental Economic Impact to Seven Feathers Casino Resort and Cow Creek Band

There are two reasons to believe that *the detrimental economic impact on the Seven Feathers Casino Resort will be more severe than what is estimated in the DEIS*. As discussed below, these aspects of the Proposed Medford Casino increase the “gravity” of the proposed casino in the gravity model used in the competitive effects analysis, thus enabling it to attract more customers away from Seven Feathers Resort Casino and other existing casinos.

T13-28

- Seven Feathers Resort Casino has continued to reduce its number of gaming machines over time, adjusting to market conditions. In 2019, it went from 955 in 2019 to now 890 in 2023.³ *This reduction in the number of gaming positions at Seven Feathers Resort Casino has effect of reducing the comparative gravity of Seven Feathers Casino Resort relative to the Proposed Medford Casino, and thus, adding to the competitive advantage of the proposed casino.*
- Something not initially planned as part of the Proposed Medford Casino was the inclusion of a 111-room Compass by Margaritaville Hotel directly adjacent to the site of the Proposed Medford Casino. The hotel was not included in the Notice of Intent as a planned specification of the Proposed Medford Casino.⁴ However, at the time of the publication of the DEIS, it was known that the hotel was already built and operational directly adjacent to the proposed casino site.⁵ Despite this fact, the DEIS does not include in its competitive effects analysis the hotel as a specification of the Proposed Medford Casino. Even if not technically part of the land-in-trust application, the hotel must be included in the market and competitive effects analyses given it affects the performance of the proposed casino. The DEIS even admits that “the adjacent hotel would be available to serve patrons of the proposed class II gaming facility.”⁶ This statement is accurate but the failure to include the hotel in the competitive effects analysis ignores the fact that the presence of an adjacent hotel will further strengthen the Proposed Medford Casino’s “gravity” relative to the Seven Feathers Resort Casino, and other existing casinos as well. The added gravity will allow the Proposed Medford casino to attract more customers from longer distances, and therefore, penetrate more deeply into Seven Feathers’ market area. Overnight customers typically gamble for longer periods of time, and thus, spend more per visit. These customers will include drive-through traffic consisting of truckers and tourists, as well as Oregon and California residents who stay overnight at the adjoining hotel. *The addition of the adjacent*

T13-29

³ The count of 890 gaming machines was obtained from Seven Feathers Resort Casino in 2023. The count of 955 gaming machines came from the DEIS (Appendix E, p. 73). Note that table games increased slightly at Seven Feathers Resort Casino, from 19 in 2019 to now 24 in 2023 (same sources).

⁴ Bureau of Indian Affairs, U.S. Department of Interior, “Intent to Prepare an Environmental Impact Statement for Proposed Coquille Indian Tribe Fee-To-Trust and Casino Project, City of Medford, Jackson County, Oregon,” *Federal Register*, Vol. 80, No. 10, January 15, 2015.

⁵ Margaritaville, “Compass by Margaritaville Hotel Opens in Medford, Oregon,” *Margaritaville Blog*, July 15, 2022, accessed January 2023 (<https://blog.margaritaville.com/2022/07/compass-by-margaritaville-hotel-opens-in-medford-oregon%E2%82%AC/>); DEIS, pp. 2-1, 2-9, 2-29, and 4-79.

⁶ DEIS, p. 2-29.

Compass by Margaritaville Hotel further reduces the comparative gravity of Seven Feathers Casino Resort and other existing casinos relative to the Proposed Medford Casino, and thus, adds to the competitive advantage of the proposed casino.

T13-29
cont.

Our separate report, The Competitive Impact of Proposed Medford Casino on Seven Feathers Casino Resort, dated February 2023, estimates that Seven Feathers Casino Resort would lose approximately 28.5% of its total annual gross gaming revenues and 52.1% of its total annual non-gaming revenues (i.e., food and beverage, hotel, retail, and other) to the Proposed Medford Casino.⁷

T13-30

II. DEIS Erroneously Claims Detrimental Economic Impact to Seven Feathers Casino Resort is Acceptable and Recoverable

The DEIS suggests that the gaming revenue losses to existing casinos, including 25.0% to Seven Feather Resort Casino, are acceptable because “with appropriate management practices, the Tribe should have the ability to streamline operations at its facility to absorb this level of impact and remain operational.”⁸ For a variety of reasons, this conclusion is *speculative and fundamentally flawed*:

- *There is no way that the DEIS can definitively draw this conclusion without data from the affected Tribes.* It is our understanding that the BIA and its consultants do not have and did not use data from Seven Feathers Resort Casino or the Cow Creek Band.
- Regardless of whether Seven Feathers Resort Casino can absorb the impact and remain operational, *the gaming and non-gaming revenue losses are real and significant.* With such a sizable decrease in revenue to the Casino, *this will directly translate into less governmental revenue to the Cow Creek Band, thus preventing it from being able to continue to (a) completely support existing tribal operations, (b) fully fund existing tribal programs, services, and economic development, and (c) provide for the current level of general welfare of its tribal members.* The revenue loss will be far more significant than a mere reduction in EBIDTA at the Casino.
- The main text of the DEIS claims that “estimated substitution effects are anticipated to diminish after the first year of the project operations because local residents will have experienced the casino and will gradually return to more typical and more diverse spending patterns.”⁹ This conclusion is *purely speculative.* It is *not supported by any data or analyses* in the main text of the DEIS, nor is this conclusion made or supported at all in studies completed by the BIA’s consultants (in Appendix E). Moreover, in our extensive experience, while we have seen a wide variety of outcomes regarding the length of substitution effects, it does not diminish for many casinos, and in any case, depends on the specific circumstances of each situation. *In the case of the Proposed Medford Casino, given*

T13-31

⁷ Meister Economic Consulting, *The Competitive Impact of Proposed Medford Casino on Seven Feathers Casino Resort*, February 2023.

⁸ DEIS, p. 4-30.

⁹ DEIS, p. 4-22.

its close proximity to a significant portion of Seven Feathers Resort Casino's existing players, the substitution effect is going to be permanent.

- The DEIS claims that "substitution effects also tend to diminish after the first full year of operations because, over time, growth in the total population and economic growth tend to increase the dollar value of demand for particular good and services."¹⁰ This is improper for several reasons:
 - 1) The claim is *purely speculative*.
 - 2) The claim is *unsupported by any data or analyses* in the entirety of the DEIS.
 - 3) *The claim mistakenly equates growth in a market with a diminution of substitution effects*. These are two separate concepts. While there is likely to be natural growth each year in the market in which Seven Feathers Resort Casino exists, it will still continue to suffer the substitution effects as long as the Proposed Medford Casino is in operation. The substitution effects do not disappear just because the market grows. As such, given the ongoing nature of the substitution effects, *Seven Feathers will never get to the revenue level it would be at in any year but for the introduction of the Proposed Medford Casino*.
 - 4) The claim mistakenly evaluates whether there are remaining substitution effects by taking Seven Feathers Resort Casino's revenue in 2023 and comparing it the revenue in each year after the introduction of the Proposed Medford Casino (i.e., 2023 is being used as the base revenue for comparison). Simply put, this is *incorrect logic*. We should not be comparing to fixed 2023 levels. The revenue loss to Seven Feathers Resort Casino in any given year is equal to (i) its estimated revenue in that year without the operation of the Proposed Medford Casino (including any natural growth), minus (ii) its estimated revenue in that same year with the operation of the Proposed Medford Casino (including any natural growth). This is a routinely-used and universally-accepted methodology in economics, including when estimating economic losses in commercial litigation matters, where damages in any given year is the difference between actual (or estimated) revenue in that year and but-for revenue absent alleged illegal conduct in that same year (not some fixed base year).
 - 5) Given all of the above reasons, *the substitution effect is unrelated to and unaffected by growth in the market. Thus, there will be a permanent substitution effect on Seven Feather Resort Casino, as well as other existing casinos*.

- The DEIS suggests that a revenue loss of 25.0% is acceptable because Seven Feathers Resort Casino's gaming revenue will allegedly recover to the 2023, pre-Medford Casino level in 16.1 years (approximately 2040).¹¹ *It is impossible to verify this claim, but even if true, 16.1 years is an extremely long time to recovery and the losses for each of those 16.1 years are a loss that can never be recovered by the Cow Creek Band, nor can the impacts on tribal members be repaired retroactively.*

T13-31
cont.

¹⁰ DEIS, p. 4-22 and Appendix E, p. 67.

¹¹ DEIS, p. 4-22 and Appendix p. 89.

- Even if revenue at Seven Feathers Resort Casino were to return to its 2023, pre-Medford Casino revenue level after 16.1 years, as claimed in the DEIS, it does not mean that the casino will have recovered and there are no longer substitution effects because during the 16.1 years gross gaming revenue at Seven Feathers would likely have naturally grown at approximately 2% to 3% per year. Thus, *at the end of 16.1 years, when the DEIS claims that Seven Feathers Resort Casino would allegedly return to its 2023, pre-Medford Casino revenue level, its gross gaming revenues will still be significantly below the level they would have been absent the Proposed Medford Casino. At 2% to 3% growth per year for 16.1 years, gross gaming revenues at Seven Feathers Casino Resort should have grown a total of 32.2% to 48.3% above the 2023 pre-Medford Casino level,¹² and this lost growth can never be recovered by Seven Feathers Resort Casino or the Cow Creek Band.*

T13-31
cont.

III. DEIS Confirms Proposed Medford Casino Will Yield Only a Small Net Economic Benefit to the Region Because It Largely Cannibalizes Existing Casinos

The DEIS admits that the Proposed Medford Casino will only grow the existing gaming market by a very small amount, 18.6%.¹³ This means that *the vast majority of the proposed Medford Casino's gross gaming revenues, 81.4%, will be cannibalized from existing gaming facilities in the market area, of which a large proportion will be cannibalized from Seven Feathers Resort Casino. This means that the Proposed Medford Casino will bring very little net economic benefit to the region because the proposed casino is largely just replacing economic activity that already exists there.*

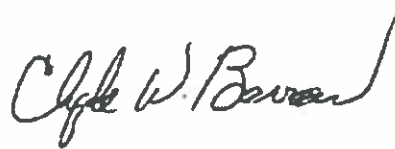
T13-32

If you have any questions regarding this letter, please do not hesitate to contact us at (949) 390-0555 or ameister@meistereconomics.com.

Sincerely,



Alan Meister, Ph.D.
CEO & Principal Economist
Meister Economic Consulting
(formerly with Nathan Associates)



Clyde W. Barrow, Ph.D.
Affiliate, Meister Economic Consulting
Principal Investigator, Pyramid Associates, LLC

¹² Applying 2% per year for 16.1 years equals 32.2% for the entire time period. Applying 3% per year for 16.1 years equals 48.3% for the entire time period.

¹³ DEIS, pp. 4-22 and 4-23, and Appendix E, p. 88.



COQUILLE INDIAN TRIBE RECEIVED

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MAR 1 2023
BUREAU OF INDIAN AFFAIRS
NORTHWEST REGIONAL OFFICE
OFFICE OF THE REGIONAL DIRECTOR
23RD-0029

February 23, 2023

Mr. Bryan Mercier, Northwest Regional Director
Bureau of Indian Affairs, Northwest Region
911 Northeast 11th Avenue
Portland, OR 97232-4169

RE: Draft Environmental Impact Statement (DEIS) Comments – Coquille Indian Tribe Fee to Trust and Gaming Facility Project (Project)

Dear Director Mercier:

I write on behalf of the Coquille Tribe (Tribe) to provide the Bureau of Indian Affairs (BIA) with important information to address a variety of public comments raised during the two public hearings held on December 15, 2022, and January 31, 2023, and under the extended comment period on the DEIS. The Tribe reserves the right to address any additional public comments that are timely submitted after the close of the public comment period on February 23, 2023.

During this public engagement process, there were several comments made that are based on misinformation, misstatements of the law, and mischaracterizations of the Tribe's Project. The Tribe notes that many of these comments are not germane to the National Environmental Policy Act (NEPA) review process of assessing actual impacts of the Project but given that the comments are designed and directed to defeat the approval of the Project, the Tribe is compelled to respond. The Tribe also wishes to address other comments that identified topics for consideration in the NEPA process. The following discussion is organized according to these categories. We also append to this letter additional supporting documentation.

T14-1

We respectfully request that the BIA carefully consider the contents of this letter and incorporate relevant materials into the final Environmental Impact Statement (FEIS) to the extent deemed appropriate.

The people of Jackson County support the Project. The Tribe's internal polling has consistently indicated majority support for the Project, and a recent online poll from the Rogue Valley Tribune indicates that 65% of respondents support the development of this Project.¹ No Jackson County local government opposes the Project. These results are highly consistent with our internal polling and with previous online polls on this topic.

T14-2

We now turn to the various topics raised during the public comment process.

¹ Rogue Valley Tribune, https://www.rvtrib.com/opinion/should-the-coquille-tribe-be-allowed-to-build-the-cedars-at-bear-creek-casino-in/poll_becd63e4-aa73e-11ed-b508-4f3ad511cd89.html (last visited Feb. 23, 2023).

I. The Coquille Restoration Act is Foundational to the Tribe's Land Acquisition Request

Since the Tribe filed its application in 2012, its opponents have attempted to create confusion and misperceptions regarding the unique status of this land acquisition application brought under the authority of the Coquille Restoration Act (CRA). Three recurring inaccurate themes are 1) that the Tribe's request is a standard, off-reservation fee to trust application brought solely under the Indian Reorganization Act (IRA); 2) that the Tribe has no claim to this area; and 3) that the Tribe is not permitted to conduct gaming on the proposed site. However, the following examination of the CRA will clear the record of these inaccuracies.

In 1954 and during "one of the darkest periods of Federal Indian policy," Congress wrongfully terminated the Tribe.² In an attempt to rectify this act of genocide, in 1989 Congress restored the Tribe's federal recognition through the enactment of the CRA.³ These federal policies - termination and forced relocation - worked as intended, prompting the relocation of Coquille people to find jobs, education, and opportunities elsewhere. The CRA's provisions attempt to mitigate the harm inflicted on the Tribe by its own trustee by not just restoring federal recognition to the Tribe but by also providing the tools necessary for the Tribe to re-establish its land base, foster self-governance, and advance economic prosperity.

A. Congress Sought to Foster Economic Opportunity and Achieve Economic Self-Sufficiency for the Tribe through the CRA

The Tribe completed a socioeconomic assessment as Congress was drafting the CRA. It showed that after termination, many Tribal members migrated throughout southwestern Oregon, and of particular relevance here, even formed a population center in Jackson County, the second largest center of members of the Tribe in Oregon.⁴ The study also showed an acute need for land, jobs, and economic opportunity. It found that members who relocated held professional jobs at a significantly lower rate than other Oregonians.⁵

Relying on this assessment and other testimony and input, Congress specifically defined the geographic area for the restoration of the Tribe's Reservation to include the five southwestern Oregon counties where many tribal members resided at that time.⁶ The CRA deliberately includes Jackson County in the Tribe's five-county service area in which land may be taken into trust,⁷ in part because, at the time of restoration, the largest population of members of the Tribe outside of Coos County was centered in Jackson County. This geographic delineation was carefully crafted in order to

² 135 CONG. REC. H2077 (May 23, 1989) (statement of Rep. George Miller).

³ P.L. 101-42, 103 Stat. 91, § 4(a); See Coquille Restoration Act, attached as Exhibit A.

⁴ See SURVEY RESEARCH CENTER, OR. ST. U., A SOCIOECONOMIC ASSESSMENT OF THE COQUILLE INDIAN TRIBE 3 (Apr. 1988) (hereinafter Socioeconomic Study).

⁵ *Id.* at 5.

⁶ See P.L. 101-42, § 2(5) (listing Coos, Curry, Douglas, Jackson, and Lane counties as the service area); see also 2012 Coquille Tribe Application to Accept Land Into Trust – Service Area Map, attached as Exhibit B.

⁷ See P.L. 101-42 at §§ 2, 5. The five counties are Coos, Curry, Douglas, Jackson, and Lane.

enable the Tribe to put land into trust as part of its restored reservation, and to create jobs where its membership was located, along with ensuring the provision of federal benefits to tribal members no matter where they resided.⁸ Thus, Congress blessed the Tribe's acquisition of lands in these regions as part of its restored reservation – knowing they were not all contiguous or consolidated areas – in an effort to set the Tribe up for success in the aftermath of a destructive termination.

The Tribe's fee to trust application is the embodiment of Congress' vision to provide the Tribe with the resources necessary to ensure the essential economic growth required to support the needs of its members. As the DEIS notes, the Tribe estimated a budgetary shortfall by 2022, necessitating the need for new economic growth opportunities. This dire prediction has come to fruition, where the budgetary needs to support existing expenditures continue to exceed incoming revenue, and which has more recently been exacerbated by inflation and the growing and aging nature of the Tribe's membership. The Tribe would be pleased to provide budgetary information on this point as long as BIA can provide confidentiality protection.

T14-3
cont.

The BIA is correctly fulfilling the goals of Congress set forth in the CRA through its thoughtful consideration of the Tribe's application through this historic and legal lens. Indeed, the purpose and need of the FEIS should further emphasize these foundational principles that the DEIS references in other sections of its analysis. While the DEIS cites the IRA as the basis for this fee to trust transfer, it is in fact the CRA that the Tribe relies on as the legal authority for this acquisition, as it has for its other land acquisitions. The IRA and its implementing regulations merely provide the process for evaluating the application, but they cannot be applied in isolation from the CRA.

T14-4

In addition, the FEIS could further emphasize the economic self-sufficiency benefits of the Project in light of the real threat posed to Coquille self-sufficiency and continuity from any earthquake and/or tsunami.

According to the Oregon NHMP, the return period for the largest of the CSZ earthquakes (Magnitude 9.0+) is 530 years with the last CSZ event occurring 314 years ago in January of 1700. The probability of a 9.0+ CSZ event occurring in the next 50 years ranges from 7 - 12%. Notably, 10 - 20 "smaller" Magnitude 8.3 - 8.5 earthquakes identified over the past 10,000 years affect only the southern half of Oregon and northern California. The average return period for these events is roughly 240 years. The combined probability of any CSZ earthquake occurring in the next 50 years is 37 - 43%. Earthquake is a rapid onset hazard that manifests with no warning. Earthquake strength varies with earthquake type and magnitude. All of Coos County is susceptible to a magnitude 9.0+ earthquake.⁹

T14-5

The Tribe's main source of government funding is currently The Mill Casino/Hotel and RV Park complex (The Mill). The Mill is located on top of fill and submerged lands on the Coos Bay waterfront in North

⁸ See Declaration of Michael D. Mason at 2, attached as Exhibit C; see also P.L. 101-42 at § 3(c).

⁹ Coos County/Douglas County Natural Disaster Mitigation Plan, February 2016, https://www.co.coos.or.us/sites/default/files/fileattachments/sheriff039s_office/page/14251/coosnhmp_volume1_basicplan_adoption.pdf (last visited Feb. 23, 2023).

Bend, Oregon. It is also located within a tsunami inundation zone. Coos Bay is projected to be devastated by a Cascadia Subduction Zone event and/or any related tsunami. As noted above, the likelihood of a Cascadia Subduction Zone event within the next 43 years is 37–43%. That event will, at a minimum, be a Magnitude 8.3–8.5 earthquake. Nearly 50% of the 20 documented most devastating earthquakes on record fall within the 8.3–8.5 Magnitude range.¹⁰

The effects of such an event would eliminate The Mill or any other Coos County property as a resource for Tribal government funding and would severely limit the Tribe's ability to assist any subsequent recovery effort. These impacts are well documented in the Oregon Resilience Plan, which has been submitted into the administrative record. Entire utility systems, transportation systems, communication systems, employment systems, and virtually all other aspects of civilized life will require long-term capital-intensive reconstruction.¹¹ Following the Cascadia event, the coastal communities will be cut off from the rest of the state and from each other. The coastal area's transportation system, electrical power transmission and distribution grid, and natural gas service will be fragmented and offline, with long-term setbacks to water and wastewater services. Reliable communications will be similarly affected. Because so many of these connecting systems are single lines with little or no redundancy, any break or damage requiring repair or replacement will compromise the service capacity of the entire line.¹²

T14-5
cont.

¹⁰ See 20 Largest Earthquakes in the World, <https://www.usgs.gov/programs/earthquake-hazards/science/20-largest-earthquakes-world> (last visited Feb. 23, 2023).

¹¹ Oregon Resilience Plan, https://www.oregon.gov/OEM/emresources/Plans_Assessments/Pages/Other-Plans.aspx (last visited Feb. 23, 2023).

¹² The Oregon Resilience Plan states:

Following the Cascadia event, the coastal communities will be cut off from the rest of the state and from each other. The coastal area's transportation system, electrical power transmission and distribution grid, and natural gas service will be fragmented and offline, with long-term setbacks to water and wastewater services. Reliable communications will be similarly affected. Because so many of these connecting systems are single lines with little or no redundancy, any break or damage requiring repair or replacement will compromise the service capacity of the entire line.

The loss of roads and bridges that run north and south will make travel up and down the coast and into the valley difficult, if not impossible, due to the lack of alternate routes in many areas. Reestablishing the roads and utility infrastructure will be a challenge, and the difficulties will be exacerbated in the tsunami inundation area by its more complete destruction. Even businesses outside of the tsunami inundation may not recover from the likely collapse of a tourist-based economy during the phased and complicated recovery and reconstruction period.

Based on the resilience targets provided by the Transportation, Energy, Communications, and Water/Wastewater task groups, current timelines for the restoration of services to 90-percent-operational levels will take a minimum of one to three years, and often over three years in the earthquake-only zone. Restoration in the tsunami zone will take even longer than that (see Figure 3.4).

Despite our opposition's unfortunate efforts to downplay these impacts, they are real and dire. Coos Bay is an area with limited access to more populous communities. The number of bridges alone that will need reconstruction is difficult to fathom. There is no other property in that area that will be free of these effects.

Recent events in Turkey and Syria illustrate the importance of preparation for natural disaster. The opportunity to open a class II gaming facility in Medford will provide the Tribe with minimally necessary economic redundancy and resiliency when this inevitable earthquake and tsunami event occurs. As the Oregon Resilience Plan shows, impacts to the Medford area are projected to be far less than on the coast.¹³

We request that the BIA include this discussion in the FEIS to better reflect these realities.

B. Congress Intended for Land Acquisitions Within the Tribe's Designated Restoration Area to be Part of the Tribe's Reservation

Because the devastating effect of Termination dispossessed the Tribe of virtually all of its tangible and intangible property, Congress enacted the CRA with the intent to re-establish a permanent land base for the Tribe and to provide for the self-sufficiency of Tribal members. The CRA provides a specific geographic area for land acquisitions based on the locations where tribal members had their principal residences.¹⁴ The CRA expressly provides that any lands taken into trust within this specifically defined geographic area for the Tribe "shall be part of its reservation."¹⁵ Congress also reinforced its reservation status by providing that any real property taken into trust for the Tribe would be exempt from all local, State, and Federal taxation.¹⁶ Likewise, the CRA expressly states that tribal members living in this five-county area will be "deemed to be residing on a reservation."¹⁷ Based on these statutory provisions, this application should be analyzed under the 25 C.F.R. 151.10 *on-reservation* acquisition regulations rather than under 25 C.F.R. 151.11 *off-reservation* acquisition regulations. While the CRA applies the IRA to land acquisitions outside of Coos and Curry Counties, that does not translate to an automatic

The most critical infrastructure is the road and highway system. Without functioning road systems, none of the infrastructure can be accessed to begin repairs.

The tsunami will also create an enormous amount of debris that needs to be gathered, sorted, and managed. The recent experience of Japan, with a similar mountainous coastline, has shown that debris management competes with shelter and reconstruction needs for the same flat land that is often in the inundation zone; *See also* The Oregon Resilience Plan – Coastal Communities, https://www.oregon.gov/oem/Documents/03_ORP_Coastal_Communities.pdf (last visited Feb. 23, 2023).

¹³ *See* The Oregon Resilience Plan Executive Summary at 3 (stating "Impact zones for the magnitude 9.0 Cascadia earthquake scenario. Damage will be extreme in the Tsunami zone, heavy in the Coastal Zone, moderate in the Valley zone and light in the Eastern zone."), https://www.oregon.gov/oem/Documents/Oregon_Resilience_Plan_Executive_Summary.pdf (last visited Feb. 23, 2023).

¹⁴ P.L. 101-42 at § 5(a).

¹⁵ *Id.* at § 5(b).

¹⁶ *Id.* at § 5(c).

¹⁷ *Id.* at § 3(c).

T14-5
cont.

T14-6

application of the off-reservation provisions. Such an approach is contrary to Congress' express intent that lands acquired in the five-county service area are part of the Tribe's reservation, notwithstanding their non-contiguous nature.

Based on the foregoing, the Tribe asks that the BIA ensure that these important CRA provisions are addressed in the FEIS, regardless of what Part 151 standard it applies. The Tribe is confident its application will pass review under either standard.¹⁸

C. In the CRA, Congress Restored the Tribe's Connection to the Land in the Designated Five County Area

Lastly, the BIA should disregard the opposing tribe's illegitimate claims that they have ancestral ties to the Medford area, and therefore, the Tribe should be prohibited from acquiring land in Medford. First, Congress' designation of the five-county area as a permissible region for the Tribe to acquire land overrides any such claim as a matter of law. Indeed, there is no requirement that the Tribe show ancestral ties to the region to be eligible to acquire land in this area, under either the CRA or the IRA. This point is also reflected in the Part 292 regulations, which do not require congressionally-restored tribes to establish a historic nexus to the property when their restoration acts authorize the Secretary to accept lands into trust within a specific geographic area. And, in fact, the Confederated Tribes of Siletz Indians which, unlike the opposing tribe, actually does have historical connections to the area, has expressed its support of our application and this acquisition. Blanket, undocumented assertions made simply to bog down and further delay this process are simply insufficient to warrant consideration in the NEPA process.¹⁹

Finally, to the extent that any opposing tribe describes Jackson County as its aboriginal territory on the basis of the linguistic affinity with indigenous ancestors in Jackson County, the Tribe can make identical claims because Upper Coquille Athabaskan shares a remarkable 92% of cognates with Galice-Applegate Athabaskan, which was also spoken in the Medford area.²⁰

Likewise, the public hearing testimony of Stephen Dow Beckham made flagrant assertions that are not only inaccurate, but also irrelevant to this process. Beckham's testimony does not address any of the elements of either a fee to trust decision or an IGRA gaming determination. It also does not identify any NEPA issues. For these reasons, we urge you to deem his comments non-germane to the decisions before the BIA.

¹⁸ Moreover, the pending Part 151 draft regulations, while attempting to further refine and delineate between on-reservation and off-reservation requests, needs to address the small but significant set of tribes with legislation (some in land acquisition statutes and others in restoration statutes) that deems that lands taken into trust pursuant to those statutes "shall be part of the reservation."

¹⁹ 40 C.F.R. § 1303.3 (specificity of comments in review of EIS).

²⁰ See Grigsby, *The Coquille Language of Oregon* (1987), attached as Exhibit D.

T14-6
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T14-7

II. The Tribe has the Legal Right to Engage in Gaming Activity on its Restored Lands

A. The Tribe's Acquisition Qualifies for the Restored Lands Exception

The Tribe is properly seeking to game on the Project's site in accordance with the Indian Gaming Regulatory Act (IGRA). IGRA allows for restored tribes to game on any land taken into trust as part of a "restoration of lands" (the "restored lands exception"). There is no dispute that the Tribe is a "restored tribe" within the meaning of the statute and that the land in question is "restored land."²¹

Specifically, on January 19, 2017 the Department of the Interior informed the Regional Director that the Solicitor's Office had determined the land was eligible for gaming under a restored lands analysis.²² The Tribe is eligible to game on the land in question as it meets the BIA regulatory standard that when a restoration act "requires or authorizes the Secretary to take land into trust for the benefit of the tribe within a specific geographic area and the lands are within the specific geographic area," then said lands are "restored lands."²³ That is the case here, where the CRA authorizes the Secretary to acquire lands in the five-county service area. The regulatory provision governing these circumstances at 25 CFR 292.11 was established in recognition of Congress' plenary power over Indian affairs to determine under what circumstances a restored tribe could conduct gaming. In this case, Congress has determined that such lands would be IGRA "restored lands." BIA acknowledged as much when it promulgated this provision in 25 CFR 292 in 2008, providing: "The regulations include a contingency for legislation that requires or authorizes the Secretary to take land into trust for the benefit of a tribe within a specific geographic area because in such scenarios, Congress has made a determination which lands are restored."²⁴

T14-8

As such, opponents misstate the law when they assert that the Tribe can only game on one parcel of land under the CRA. The error lies in their improper reliance on a regulatory provision that does not apply to the Tribe. Opponents incorrectly rely upon 25 CFR 292.12 to support their argument, which applies to tribes that are restored under the Part 83 federal recognition process, per court order, including a court-approved settlement, or under a restoration act that does not specify a geographic area for restoration of lands.²⁵ That regulation does not apply to the current decision. Furthermore, there is absolutely no broad rule restricting all restored tribes from only gaming on one parcel of land. Any assertions to that effect are fundamentally wrong.

In sum, the Department's favorable "restored lands" opinion issued in January 2017 is correct and must be upheld.

²¹ 25 U.S.C. § 2719(b)(1)(B)(iii).

²² See Director, Office of Indian Gaming, U.S. Dep't of the Interior, Coquille Indian Tribe Restored Lands Determination, Jan. 19, 2017, attached as Exhibit E.

²³ 25 C.F.R. § 292.11 (emphasis added).

²⁴ 73 Fed. Reg. 29354, 28364 (May 20, 2008).

²⁵ 25 C.F.R. 292.12(c).

B. Oregon Does Not Have a One-Casino Policy

Opponents to the Tribe's application have asserted that the approval of a second gaming facility for the Tribe would violate the State of Oregon's one-casino policy. This assertion fails on a number of fronts. First, there is no basis in federal law or under the Tribe's compact (or any Oregon compact with any tribe) that would restrict the Tribe's ability to operate the Project. Indeed, it is well-established that there is no state authority to regulate and restrict the Tribe's class II gaming plans directly. The one avenue for a state to negotiate terms regarding tribal gaming is limited to the IGRA compacting process for Class III gaming. Moreover, project opponents argue facetiously that their purported "one-casino policy" bars development of more than one gaming facility per tribe, but in fact the State has facilitated the very expansion of other Oregon tribal gaming developments beyond a single facility.²⁶ The Confederated Coos Tribe established a casino resort on newly acquired restored lands near Florence and thereafter established a *second* casino offering Class II gaming that is located a mere three miles from the Tribe's Mill Casino.²⁷ The Confederated Tribes of Warm Springs (Warm Springs), which operates a class III casino in Warm Springs, Oregon, opened a second class II facility in Madras, Oregon in 2018. In both of these instances, the State assisted the development of these projects by providing marketing, liquor licensing assistance and law enforcement assistance.²⁸ In the case of the Warm Springs class II facility, the Governor's Office and the Attorney General's office provided substantial assistance with signage placement and authorization.²⁹ When the former Oregon Governor writes that the State "should as a matter of policy resist the building of additional casinos...." that statement is inconsistent with the actions taken by the State to assist these two new facilities. This inconsistency further illustrates that there is no "One Casino" policy.

Furthermore, the State of Oregon has also allowed for the expansion of non-tribal gaming with the Oregon State Lottery. Unlike most state lotteries, the Oregon State Lottery owns and operates 10,828 slot machines at 3,896 retail outlets throughout the State, which they are constantly modernizing and expanding.³⁰ Moreover, the Oregon State Lottery, in partnership with Draft Kings, operates mobile sports-betting where wagers may be made on any mobile phone or laptop computer throughout the

²⁶ The Confederated Tribes of Coos, Lower Umpqua & Siuslaw Indians of Oregon operate the Three Rivers Casino and Resort in Florence, Oregon and the Three Rivers Casino in Coos Bay, Oregon. See Three Rivers Casino Resort, CONFEDERATED TRIBES OF COOS, LOWER UMPQUA & SIUSLAW INDIANS, <https://ctclusi.org/three-rivers-casino-resort/> (last visited Feb. 5, 2021) (describing both gaming facilities). The Warm Springs Tribe operates the Indian Head Casino on State Highway 26 and Plateau Travel Plaza in Madras, Oregon. See Indian Head Casino, CONFEDERATED TRIBES OF WARM SPRINGS RESERVATION OF OREGON, <https://www.indianheadcasino.com/lifes-good-on-the-plateau/> (last visited Feb. 5, 2021) (providing links to both gaming facilities).

²⁷ When this Project was announced, knowing there is no "one-casino" policy, the Tribe congratulated and openly welcomed the Confederated Coos Tribe's efforts – which indeed did not result in any significant cannibalization of the Tribe's gaming revenue.

²⁸ See Evidence of Oregon's Assistance with the Confederated Tribes of Warm Springs' Gaming Projects, attached as Exhibit F.

²⁹ See Evidence of Assistance from the Attorney General's Office and Governor's Office for Signage Placement and Authorization of the Confederated Tribes of Warm Springs' Class II Facility, attached as Exhibit G.

³⁰ Oregon Lottery Annual Financial Report FY 2021, <https://www.oregonlottery.org/wp-content/uploads/2022/01/FY21-Annual-Financial-Report.pdf> (last visited Feb. 23, 2023).

State, while maintaining that it cannot compact with tribes to offer the very same game on the same terms. Thus, any alleged One Casino Policy for tribes but not non-tribal entities would be the height of hypocrisy by the state.

Most recently, the state legislature revealed the fictitious nature of the alleged One Casino Policy. In 2022, the Oregon Legislature formed a Joint Committee on Gambling Regulation. On December 7, 2022, that Committee issued an interim report and key observation letter to the Oregon Senate President and the leader of the Oregon House. That documentation provides in part that, after researching the issue, the Committee "...could find no evidence that any 'One Tribe, One Casino' policy by the Federal Government or the State of Oregon has been formally adopted or exists in any written form."³¹ We have also enclosed a letter from Joint Committee Co-Chair Representative John Lively memorializing the findings of the Joint Committee, wherein he stated "I recognize that some Governor's [sic] in the past have negotiated with tribes and signed compacts limiting tribes for some stated time to one casino. However, that too has varied depending on the Governor, and was never approved by the Legislature or codified. As we stated, we found no evidence of a formally written or adopted policy regarding 'One Tribe, One Casino.'"³²

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Nevertheless, at a recent NEPA public hearing on the Coquille DEIS, a Washington-based attorney for a tribal government opponent, argued the gaming compacts or Oregon law reveal an implicit or explicit Oregon "One Casino" policy.³³ However, the text of Oregon class III gaming compacts reveal that the exact opposite is true. The State of Oregon's gaming compacts clearly indicate that no such policy exists and fictional statements to the contrary made solely to obstruct a fellow tribe's attempt to provide for their tribal members should be rejected out of hand. Attached to this letter as Exhibit J, please find a review of statements made by that opponent attorney.

III. The Fact that Certain Commenters Fear Healthy Market Competition is not Germane

Certain tribes in Oregon and California have claimed that somehow the approval of this small, 2.4-acre fee to trust application will endanger their existing gaming operations. As it has done in the past when similar arguments have been made to other tribal gaming projects, the BIA should reject such claims as irrelevant, lacking evidentiary support, and contrary to law.³⁴

T14-10

The DEIS contains a proper substitution effect analysis that finds only a small, potential impact on other gaming operations that will reduce over time. The DEIS provides that a "properly managed facility should have the ability to streamline operations to absorb the magnitude of impacts...and remain operational."³⁵ It further concludes that substitution effects are likely to diminish after the first year of

³¹ See Joint Committee on Gambling Regulation Interim Report and Key Observation Letter (December 7, 2022), attached as Exhibit H.

³² See Letter from Joint Committee Co-Chair Representative John Lively on One-Casino Policy, attached as Exhibit I.

³³ See Responses to the Existence of an Oregon "One Casino" Policy, attached as Exhibit J.

³⁴ 73 Fed. Reg. 29354, 28364 (May 20, 2008).

³⁵ DEIS, Section 4.7.1.

the Tribe's operation of its new facility.³⁶ Based on these findings, the DEIS properly finds that the Project will not threaten the closure of competing gaming facilities and the Tribe urges the Department to reaffirm these findings in the FEIS.

These benefits of tribal gaming competition mirror what we have seen elsewhere in the state. Take for instance, the addition of the Cowlitz's class III casino & resort – The Ilani casino – which opened in 2017. The Confederated Tribes of Grand Ronde opposed that project. At that time, Grand Ronde's lobbyist, Justin Martin, stated in *Willamette Week*, "This will be a big financial hit to the tribe..."³⁷ The Grande Ronde Tribe forecasted that the Cowlitz casino would cause a loss of just over \$100 million by using a market projection based on distance from market and estimated drive time.³⁸ Similarly, the Oregon lottery raised concerns and had dire forecasts claiming the Cowlitz project would cut state lottery revenue by 40%. However, a year after the Cowlitz casino opened, the Oregon State Office of Economic Analysis in a report to the Oregon Lottery board stated:

Video lottery sales in zip codes along the Oregon-Washington border in the Portland region have fallen around 15 percent, instead of the 40 percent expected. Our office was not alone in over-estimating the initial impact of the new casino. The Confederated Tribes of the Grand Ronde, owners of the Spirit Mountain Casino, which was previously the closest casino to the Portland metro region, announced back in the fall that sales had fallen around 17 percent, relative to the previous year, whereas the forecasted sales would fall by 40 percent.³⁹

Moreover, later in 2018, the Oregon Lottery reported that projected losses due to the Ilani casino did not materialize. Instead, the State retroactively characterized its projected Lottery losses as "rather aggressive" and added that the Ilani development resulted only "in an impact of 1-1.3% of annual video lottery revenue".⁴⁰

In addition, the generic fears of certain tribes about market competition are not a proper basis to disapprove the Tribe's land acquisition. NEPA does not protect purely economic interests.⁴¹ The courts have repeatedly determined that "competition alone is not enough of a detrimental impact to sustain [a] NEPA challenge."⁴² Indeed, the 9th Circuit recently concluded in an IGRA two-part determination

³⁶ *Id.*

³⁷ *Willamette Week*, <http://www.wweek.com/news/2018/05/25/the-cowlitz-tribes-ilani-resort-casino-has-hurt-oregon-lottery-and-spirit-mountain-casino-less-than-expected/> (last visited Feb. 23, 2023).

³⁸ *Smoke Signals* (Confederated Tribes of Grand Ronde News Outlet), <http://www.grandronde.org/news/smoke-signals/2018/04/30/the-new-normal-spirit-mountain-casino-and-tribe-have-weathered-competition-well/#sthash.LrCXNBRu.dpbs> (last visited Feb. 23, 2023).

³⁹ Oregon Office of Economic Analysis, *Lottery and Gaming Outlook, 2019*, <https://oregoneconomicanalysis.com/2019/02/13/lottery-and-gaming-outlook-2019/> (last visited Feb. 23, 2023).

⁴⁰ See *Ilani Casino Resort — Video Lottery Impact One Year Later June, 2018*, attached as Exhibit K.

⁴¹ *Ashley Creek Phosphate Co. v. Norton*, 420 F.3d 934, 940 (9th Cir.2005).

⁴² *Citizens for a Better Way, et al. v. U.S. Dept. of the Interior*, 2015 WL 5648925, *9 (E.D. Ca., 2015); see also *Stand Up for California v. U.S. Dep't of the Interior*, 919 F.Supp.2d 51, 76 (D.D.C.2013) (finding that where a proposed gaming facility "would result in the [competing tribe] having a smaller slice of a larger gaming pie," but the competition would not jeopardize the competing casino's viability, "the Secretary was likely rational in concluding

T14-10
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case that it would “be unreasonable to interpret IGRA as requiring a complete alignment of interests in the surrounding community” and a “showing that additional gaming may be detrimental to some members of the surrounding community, including an Indian tribe, does not dictate [an adverse] outcome...” for an applicant.⁴³ Nothing in IGRA “suggests an affirmative right for nearby tribes to be free from economic competition.”⁴⁴ Based on these standards, the opposing tribes’ unsubstantiated, conclusory statements prophesying the potential devastating impact that market competition may bring are irrelevant to your analysis and insufficient to block the Tribe’s Project.⁴⁵ To the extent that the Bureau chooses to validate these irrelevant statements, the Tribe asserts that it should then also evaluate the adverse impacts of our opponents’ regional monopoly along Interstate 5 (I-5) to surrounding tribes’ efforts at self-sufficiency, including the Tribe’s efforts.

T14-10
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A. Cow Creek Tribe’s Financial Status Belies Their Claims of a Devastating Threat of Competition⁴⁶

Moreover, the leading tribal opponent’s fears of adverse consequences from the Tribe’s Project are belied by their own financial status.

The Cow Creek Band of Umpqua Tribe of Indians (Cow Creek) do not make their laws or financial data generally available to the public, but if they were willing to share their financials to support their claims of harmful economic impacts, they would be forced to tell a different story. Their casino is the only one in Oregon that is located on I-5, the State’s main arterial interstate. Public records indicate that Cow Creek currently owns real estate and improvements worth approximately \$200 million. Cow Creek operates the 7 Feathers Casino and Resort in Canyonville that boasts approximately 300 hotel rooms and nearly 1,000 gaming machines. They own businesses in farm equipment supply, hemp growing and processing, ranching, graphic design and video production, storage, forest management, and construction, some of which are located outside their aboriginal territory, and in some cases, over a hundred miles away.

T14-11

Although the Cow Creek does not publish their laws for public review, a 2006 tax exempt bond financing document⁴⁷ reveals that Cow Creek law taxed 100% of gaming revenue and set aside 80% of that taxed revenue purely for economic development:

that such competition would not be significantly detrimental” to the competing tribe); *Stand Up for California! v. U.S. Dep’t of Interior*, 879 F.3d 1177, 1187 (D.C. Cir. 2018), cert. denied sub nom. *Stand Up for California! v. U.S. Dep’t of the Interior*, 139 S. Ct. 786, 202 L. Ed. 2d 629 (2019) (finding in the two-part determination context that “nothing in IGRA ... forecloses the Department, when making a non-detriment finding, from considering a casino’s community benefits, even if those benefits do not directly mitigate a specific cost imposed by the casino...”).

⁴³ *Kalispeel Tribe v. U.S. Dep’t of the Interior*, 999 F.3d 683, 690-91 (9th Cir. 2021).

⁴⁴ *Sokaogon Chippewa Cmty. v. Babbitt*, 214 F.3d 941, 947 (7th Cir. 2000).

⁴⁵ We also do not address individual tribal member comments as they are reflective of personal views and do not stand for the official position of federally-recognized tribes.

⁴⁶ To our knowledge, the Klamath Tribe has not weighed in on the Tribe’s Application. To the extent that they have, the Tribe reserves the right to respond to their comments.

⁴⁷ See 2006 Bond Financing Document Excerpt, attached as Exhibit L.

Under the [Cow Creek Gaming Revenue Code], the Gaming Net Revenue Tax is collected and remitted to the Tribe monthly; 80% of the proceeds of the Gaming Net Revenue Tax are allocated to provide funding for Tribal economic development and the remaining 20% of Gaming Net Revenue Tax proceeds are legally dedicated to Tribal governmental operations (10%), long-term investment programs (5%), and Tribal member per capita benefits (5%).

Cow Creek is in a comfortable fiscal position to have dedicated 80% of its net revenue for investment in further economic development. Few tribes in our region enjoy such advantages.

The Cow Creek also has a Revenue Allocation Plan approved by the BIA pursuant to 25 CFR Part 290, under which they provide cash distributions to their tribal members. As part of that approval process, Cow Creek had to establish it has adequate funds for government operations and programs and to provide for the general welfare of the tribe and its members. The Coquille Tribe does not offer per capita payments to its members. Cow Creek does. Although we have not seen the contents of the application for that plan or the plan itself, we do know that the BIA and the National Indian Gaming Commission have access to financial and audit data about Cow Creek and its gaming operation. We request the BIA to take account of the information in its possession to determine the scale of revenue enjoyed by Cow Creek and to test their fabricated claims of economic devastation.

Similarly, based on press releases from its foundation, contributions from the Cow Creek community fund under its compact also merit attention. The gaming compact between the State of Oregon and Cow Creek requires them to transfer 6% of Class III gaming net revenue to a community fund each year and requires that fund to make grants to eligible recipients. The Cow Creek do not generally publish the amounts they contribute to this fund, but they do publish the amounts that they gift from the fund. The amounts are substantial, indicating their strong financial status, but there are reasonable questions over whether these disclosed grant amounts correctly reflect total Cow Creek class III gaming net revenue. Despite Cow Creek's Seven Feathers Resort development and expansion efforts, and the passage of time, press releases indicate that the amount contributed from the community fund remained relatively flat over several years (with exceptions) at \$830,000-\$900,000 until recently. These amounts are even more curious considering that the Cow Creek 2006 bond documents provide that "[f]or the fiscal years ended December 31, 2005 and 2004, the Tribe's contributions to the Community Benefit Fund were \$1,790,000 and \$1,630,000, respectively."⁴⁸ By our calculation, Cow Creek's own press releases indicate that the fund gave away \$1,066,000 and \$869,000 in those respective years. These discrepancies raise questions. What accounts for the difference between the amount contributed to the fund and the amount of grants made from the fund, and has that difference grown substantially since 2006? We do not allege impropriety, but these questions are relevant to Cow Creek's allegations of financial devastation.

We provide this information, as well as make the request that the BIA carefully review Cow Creek's financial information in its possession, because to properly evaluate Cow Creek's claims, there must be an in-depth analysis of their financial state. Their broad and unsupported claims of financial devastation cannot stand in the absence of an in-depth fiscal analysis.

⁴⁸ *Id.*

T14-11
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B. Northern California Tribes' Claims Are Likewise Without Merit

Two Tribes with gaming operations in northern California have also testified at the public hearings expressing concerns from competition. Their expressed concerns do not tell the whole story.

Ironically, one of those tribes, the Karuk Tribe of California, is operating a class III gaming facility on lands located on I-5, 38 miles from its Tribal Headquarters, in Yreka, California, which land was acquired as part of the restoration of the Tribe's land base. The Yreka facility is over 50 miles away from the Tribe's proposed project, over multiple mountain passes. The notion that customers would be drawn to cross inconvenient mountain passes to the Tribe's new facility to the detriment of the Karuk Tribe begs common sense.

The Yreka land was acquired in 1997 for housing purposes and taken into trust in 2001. Because the Karuk Tribe was restored by administrative action, and not by a Congressional Act (such as the CRA), Karuk was required to establish a historic nexus to the lands to be able to offer gaming under IGRA's restored lands provision. After originally having its application denied in 2004, the Karuk Tribe received approval to offer gaming on the Yreka parcels on April 9, 2012. The Karuk Tribe's gaming facility was constructed in 2016. Notably, this occurred four years after the Tribe filed its pending application.

The Karuk Tribe has recently announced its intent to expand that facility to include a resort and convention facility, despite facing challenges of its own. The 2004 letter denying the Tribe's application noted that the Karuk Tribe's evidence of occasional camps near the Yreka parcel was too "scant" to establish a historic nexus. We also note that the Karuk application was opposed by tribes that claimed a greater historic nexus to Yreka. The Tribe also notes that the Karuk Tribe was well aware of the Tribe's intent to operate a Class II gaming facility on the Medford parcel when the Karuk Tribe made the investment to construct and operate its class III gaming operation in Yreka.

T14-12

Make no mistake, the Tribe supports the Karuk Tribe's right to offer gaming under IGRA and congratulates the Karuk Tribe for its successful application in the face of opposition from sister tribes. The bitter irony, however, of the Karuk Tribe now opposing the Tribe's similar efforts, is not lost on the Tribe and that irony should be considered in weighing the significance of its opposition. The DEIS does consider the impact that the Tribe's project will have on the Karuk Tribe's gaming operation, which marginal impact, as discussed above, is not grounds for denial of the Tribe's application. Furthermore, any allegation of adverse impacts is undermined by the fact that Karuk was well aware of the Tribe's efforts when the Karuk Tribe made its investment for gaming on the Yreka property.

The other northern California Tribe to voice its opposition is the Tolowa Dee-ni' Nation, previously known as *Smith River Rancheria*. For reference, we refer to the tribe as Smith River so as not to confuse it with the Elk Valley Rancheria, which is also comprised of descendants of the Tolowa peoples, but which has not voiced, to date, any opposition to the Project. Smith River, too, is a restored tribe, by court order. It, too, is included in the impact study contained in the DEIS, which found the impact to be de minimis.

Frankly, the assertion of impact lacks credibility. To traverse from Smith River to Medford, one would have to drive 2½ hours over 120 miles that includes a difficult 50-mile stretch of road on US 199, which is

extremely winding and narrow, and in doing so, the patron would forego the closer facilities operated by Elk Valley and Cow Creek. Indeed, Smith River would more likely be impacted by the Class II facility operated by the Confederated Coos Tribe in Coos Bay, which is the same distance, 120 miles, but straight down US 101, a far easier drive. Yet, we are unaware of any opposition by Smith River to the Confederated Coos Tribe's operation. Nor are we aware of any opposition by Smith River to the newly opened Elk Valley Rancheria's casino on restored lands, a mere 20 miles further down US 101 in Crescent City, California. Whatever de minimis, marginal impact the Project may have on Karuk, it has no merit in the Department's consideration of the Tribe's project.

T14-12
cont.

We note that neither tribe, Karuk or Smith River (as with Cow Creek), has backed up their allegations of impact with any study or empirical evidence. The Tribe did not oppose the Karuk Tribe's or Elk Valley Rancheria's applications. The Tribe has never opposed a fee to trust application by any Tribe, gaming or non-gaming. Indeed, the Tribe applauds those efforts and looks forward to healthy, open competition, which benefits employees, customers, the market and the general public. Quite simply, the economic impact on Smith River has been properly addressed in the DEIS, and the unsubstantiated claims or adverse impact from threat of healthy competition is not grounds to deny the Tribe's application.

C. Respective County Concerns

During the scoping phase of this Project, Douglas County described the importance of Cow Creek's casino to its local economy. Douglas County referenced certain economic and social indicators to show why competition to the Cow Creek casino would hurt their local economy. As a tribe competing in a more remote county with a competitor gaming facility only 4 miles away, we respectfully disagree. Our experience shows that competition can benefit both parties. Competition raises wages, increases use of local suppliers and contractors, and boosts government revenue and philanthropy. We believe that our project will benefit Douglas County.

Moreover, the economic conditions described by Douglas County in its 2015 scoping comment have substantially changed.

- The Douglas County unemployment rate has nearly been cut in half, declining from 9.3% to 5.9%.⁴⁹
- Participation in the Douglas County free and reduced lunch program has reduced from 70% to 60%.⁵⁰

Finally, we note that each county in Oregon has unique social, economic, and environmental challenges. Jackson County is no exception. For example, Jackson County has over 4,000 more participating free

T14-13

⁴⁹ FRED, St. Louis Fed / Unemployment Rate in Douglas County, OR., <https://fred.stlouisfed.org/series/ORDOUGSURN> (last visited Feb. 23, 2023).

⁵⁰ Oregon Public School Free/Reduced Lunch Participation Rate by County, <https://www.zipdatamaps.com/counties/state/economics/map-of-public-school-free-reduced-lunch-program-participation-for-counties-in-oregon> <https://www.zipdatamaps.com/counties/state/economics/map-of-public-school-free-reduced-lunch-program-participation-for-counties-in-oregon> (last visited Feb. 23, 2023).

and reduced lunch-eligible students than Douglas County and suffers from the highest crime levels of any county in the state.⁵¹ The best way to tackle these problems is to develop responsible Jackson County businesses, such as our Project.

T14-13
cont.

IV. The NEPA Alternatives Analysis Is Sufficient

Certain commenters requested that the BIA include more alternatives, including a non-gaming alternative. The DEIS contains sufficient alternatives analysis that comports with NEPA's requirements. The DEIS considers a number of locations for the proposed gaming facility in various geographical regions (Medford, Phoenix, and Mill Casino Site). The DEIS also includes a No Action Alternative, which is the non-gaming alternative as the site would remain a bowling alley. The DEIS also discusses a number of other alternatives that were considered, including ones involving the Tribe's forestry lands, a retail establishment, or tribal administration offices at the Medford site, explaining why those options were not feasible.⁵² This robust analysis of alternatives complies with NEPA's requirements.

The NEPA regulations require that the agency consider a "reasonable range of alternatives that are technically and economically feasible and meet the purpose and need for the proposed action."⁵³ The NEPA regulations further provide that the agency should "limit their consideration to a reasonable number of alternatives."⁵⁴ Alternatives should also be aligned with the purpose and need of the proposed action.⁵⁵ And lastly, commenters should provide detail and specificity in response to proposed alternatives in the DEIS.⁵⁶

T14-14

Here, the BIA has adequately assessed several alternatives that provide geographic diversity as well as economic and environmental variability. The BIA includes consideration of The Mill casino site, which was a recommendation expressed by commenters. The BIA also explained why it did not adopt certain proposed alternatives, including ones not proposed by commenters. Lastly, commenters lodged very generic objections to the alternatives without providing any specificity, rendering it impossible to determine the basis of the objection. Under these circumstances, the BIA has issued a DEIS that follows the standards set forth under NEPA for alternatives analysis.

We also address specific comments below.

V. There is No Change in the Tribe's Proposed Action

Commenters have alleged that the Tribe's proposed Project has changed due to the Tribe's construction of a hotel on a parcel of land separate from the Project. This assertion is not accurate. The Tribe entered into a partnership to launch the Hotel in November 2020, which, again, is located on separate

T14-15

⁵¹ *Id.*

⁵² DEIS, Section 2.7.2.

⁵³ 40 CFR § 1508.1.

⁵⁴ *Id.* at § 1502.14(f).

⁵⁵ *Id.* at § 1502.13.

⁵⁶ *Id.* at § 1503.3.

private fee lands in Medford. The project is backed in part by a BIA Office of Indian Energy and Economic Development guarantee. The hotel is a vital economic development venture that is supporting the Tribe's economic development plans as well as bringing economic benefits to the Medford community. The DEIS properly describes this hotel development as part of existing, baseline conditions. That the hotel was constructed by a non-tribal contractor on fee land owned by a tribal affiliate under the City's existing zoning laws does not translate into a change of the Tribe's proposed action. The Tribe's fee to trust application for a 2.4-acre Project has not changed in any manner.

T14-15
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VI. The Tribe Will Ensure the City of Medford's Requests Are Fully Addressed

The Tribe highly values its cooperative and long-standing relationship with the City of Medford. We do not view ourselves as separate from the City of Medford, and in fact, we view ourselves as part of the Medford community. We both benefit when we work together to achieve positive outcomes for our citizens to ensure our community is safe, environmentally sound, and economically prosperous. To that end, the Tribe is committed to entering into an intergovernmental agreement with the city that fosters respect for its interest and fulfillment of its needs. The Tribe and the City of Medford are currently negotiating a municipal services agreement to compensate the City for municipal services provided to the subject property. To date, the negotiations have been productive, and the parties are committed to finalizing an agreement before the property is placed into trust.

To name a few issues, we intend to address the following:

- **Safety/Sidewalks/Curbs:** The Tribe is open to discussing how we can help facilitate the development of sidewalks, curbs, and gutters, as appropriate, to ensure that access to and from the proposed Project's parking lot onto the road is safe.
- **Need to Update Traffic Study:** The Tribe has updated the traffic study and provided it to BIA and it is referenced in the DEIS.
- **Stormwater management:** The Tribe will work with the BIA to ensure that our approach comports with any guidance found in the current Rogue Valley Stormwater Quality Design Manual regarding detention, retention, and water quality standards and pay for these services at customary rates, just as the Tribe does at The Mill casino site. References to this manual in the DEIS should clarify that they describe the 2023 version.
- **Law Enforcement/Fire Safety:** The Tribe is committed to providing compensation to ensure that there are adequate law enforcement and fire safety services in place for the Project.
 - Some commenters in addition to the city expressed concerns with the possible crime impacts of the Project. We have information from our experience that should be helpful. In 2022, there were approximately 430 police calls for service to The Mill. The Mill comprises approximately 50 acres and is located directly on Highway 101, which is a major tourism and freight corridor along the Oregon coast. In contrast, consider the Coos Bay WalMart, which is located two miles inland from The Mill, on a much less traveled highway. In 2022, that WalMart store received 1,026 calls for service. If a WalMart is an acceptable development in terms of crime impacts, the Project should be as well. In addition, the DEIS sets forth the best management practices that the Tribe

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will undertake to ensure that the facility is safe and secure from a law enforcement perspective.

- **Building Safety Code:** The Tribe is amenable to finding an approach that ensures that state of the art building safety standards will be implemented at the Project site.

Very recently, Jackson County has expressed no position on the Project but apparently has identified concerns about certain potential financial impacts. As of the date of this letter, the Tribe has not received any correspondence from Jackson County to document those impacts. The Tribe wishes to hear all the county's impact-related concerns and would be pleased to meet with them and discuss how those impacts could be mitigated. To that end, the Tribe has recently made good faith efforts to initiate these discussions with the county.

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cont.

Finally, the Tribe has established the Potlatch Fund, a new standalone foundation to provide philanthropic support to Jackson County governments, nonprofits and to regional tribes.

VII. Comprehensive Endangered Species Act Review

Public commenters raised a concern that there has been inadequate review of impacts to threatened or endangered species. The DEIS addresses endangered species impacts and the Tribe will continue to provide any necessary information or analysis to the BIA as it finalizes its assessment of impacts under the Endangered Species Act and other statutes, such as the Magnuson Stevens Fishery Conservation and Management Act. In particular, salmon is sacred to the Tribe and it would never undertake a project that would jeopardize its existence or habitat. The Tribe is committed to undertaking any necessary mitigation measures to ensure that there are no adverse effects to any listed species.

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Fortunately, the Project will not involve significant impacts as a result of construction or operational activities. The Project also will not create new impermeable areas and its best practice standards will ensure that proper mitigation measures will be in place that are protective of species that may exist in the areas that are in the vicinity of the Project.

VIII. Climate Impacts and Environmental Justice

With regard to climate change, the Project will reduce vehicular trips to other gaming locations that lie between 55 and 80 miles away. We also reference our discussion above regarding climate-related threats to our Coos Bay gaming facility and how this Project will mitigate climate risks in the Coos Bay region and enhance climate resiliency overall for the Tribe and its economic development assets. The DEIS also contains an in-depth discussion of climate direct and indirect impacts, concluding that GHG emissions will not be "substantial" and that the Project "would have a less than significant cumulative adverse effects associated with climate change."⁵⁷

T14-18

⁵⁷ See DEIS, Section 4.15.3.

Regarding environmental justice, the DEIS provides comprehensive discussion on this topic.⁵⁸ We wish to supplement this discussion with additional, pertinent information. This Project will provide a source of employment for individuals who suffered from the devastating urban wildfire. Less than three years ago, the Almeda Fire destroyed thousands of homes in the Medford area, making thousands of families homeless.⁵⁹ Recovery from this fire is ongoing, and the community is in need of additional employment opportunities and revenue to sustain the rebuilding effort. The Project cannot entirely solve this problem but one positive impact of it will be to assist the community's recovery.

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cont.

The Tribe's philanthropic Potlatch Fund—to be supported by the Project—has identified climate change mitigation and environmental justice as two of several areas of focus. The Potlatch Fund will help to provide contributions to assist with climate change, disaster recovery, and environmental justice. We want to help these families and others in the community.

IX. Undue Political Influence in Past Agency Decision-making

Unfortunately, the Tribe's application has suffered from unorthodox handling and a cloud of political undue influence under past administrations. It has been treated as an outlier compared to other tribes who have enjoyed the benefits of NEPA streamlining. Political officials have repeatedly contacted Department officials and written ill-informed letters of opposition to the Project without discussing their views directly with the Tribe. The Tribe's application certainly is a poster child for excessive and unacceptable permitting delays, in violation of the regulatory requirement that an EIS must be completed in 2 years absent senior official approval of longer time periods.⁶⁰

The Tribe first submitted its fee to trust application in November 2012, only to suffer unprecedented delays. The Department had provided public notice on the NEPA review for the fee to trust application on January 15, 2015, only to see no activity and an adverse decision 5 years later. Under the prior administration, the Department issued an improper, adverse decision on May 27, 2020, with a Notice of Cancellation of the NEPA process on September 3, 2020. The Tribe learned that a draft EIS had been submitted to Interior for its review a month or so before the May 2020 denial, indicating that political officials had abruptly reversed course.

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Due to these unprecedented delays, the Tribe expended significant sums of money, approaching \$1 million on this application. The Department has since implicitly acknowledged that the last administration's adverse decision was improper when it issued a Notice of Resumption of Preparation of the NEPA process on December 21, 2021. However, the Tribe then had to wait nearly another year to restart the NEPA process, leading to the Notice of Availability of the DEIS published on November 25, 2022.

⁵⁸ See DEIS, Sections 3.7.4 and 4.7

⁵⁹ The Almeda Fire: One Year Later, <https://www.ijpr.org/wildfire/2021-09-08/the-almeda-fire-one-year-later> (last visited Feb. 23, 2023).

⁶⁰ 40 CFR § 1501.10(b)(2).

The Tribe has had to endure these political jabs for over a decade. We have the shameful evidence of longtime members of Congress attempting to discredit the purpose and meaning of the statute.⁶¹ This post-hoc effort to rewrite history inflicts further injustice against the Tribe – contravening the very purpose of the CRA: to right the wrong of termination. These tactics have continued to this day. Their comments should not be given any weight considering the uncontroverted statutory language in the CRA that they enacted into law.⁶²

Indeed, certain members of the Oregon Congressional delegation have attempted to improperly influence the current Administration, continuing in its pattern and practice of tainting this process. Senators Wyden and Merkley have submitted letters in opposition that blindly restate unsubstantiated accusations, including that the state has an unwritten One Casino rule, that allowing more than one casino violates IGRA, that the application requires a two-part determination, and that these 2.4 acres will cause economic harm and infighting between Oregon and California tribes.

Rep. Blumenauer also recently submitted a comment letter that parrots false and discredited complaints of opposing tribes – such as the NEPA review is based on out-of-date documentation, that there is a One Casino policy in the state, and that the Tribe has changed its project with the addition of a hotel. We attach herein our responses to these unsubstantiated claims by members of Congress to be included in the administrative record of our application.⁶³

Notably, we never received a response to our letters. In addition, not only do our letters discredit their claims, but our analysis in this cover letter likewise addresses and refutes their assertions. We ask that you consider these substantive materials and reject the unfounded claims of Congressional members. It is a sad day when we must educate elected officials on the basic principle that the rule of law should be the north star of government decision-making.

The Tribe respectfully requests that the Biden Administration complete its NEPA review process expeditiously and render a well-reasoned decision on the Tribe's application once and for all. It has

⁶¹ See e.g. January 16, 2016 letter from Peter DeFazio (who does not oppose this Project) and Senator Ron Wyden, attached as part of Exhibit M.

⁶² *Am. Rivers v. FERC*, 201 F.3d 1186, 1209 (9th Cir. 1999). It should go without saying that members of Congress have no power, once a statute has been passed, to alter its interpretation by post-hoc "explanations" of what it means; there may be societies where "history" belongs to those in power, but ours is not among them. In our scheme of things, we consider legislative history because it is just that: *history*. It forms the background against which Congress adopted the relevant statute. Post-enactment statements are a different matter, and they are not to be considered by an agency or by a court as legislative history. An agency has an obligation to consider the comments of legislators, of course, but on the same footing as it would those of other commenters; such comments may have, as Justice Frankfurter said in a different context, "power to persuade, if lacking power to control." *Skidmore v. Swift & Co.*, 323 U.S. 134, 140, 65 S.Ct. 161, 164, 89 L.Ed. 124 (1944); *Hazardous Waste Treatment Council v. U.S. E.P.A.*, 886 F.2d 355, 365 (D.C. Cir. 1989). Such *post hoc* statements of a congressional Committee are not entitled to much weight. *Consumer Product Safety Comm'n v. GTE Sylvania, Inc.*, 447 U.S. 102, 118, and n. 13, 100 S.Ct. 2051, 2061, and n. 13, 64 L.Ed.2d 766 (1980).

⁶³ See Coquille Tribal Letters in Response to Oregon Congressional Opposition, attached as Exhibit M.

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cont.

been over a decade since the Tribe first submitted its application in 2012. The questionable decision-making by its trustee in the past and improper meddling by members of Congress have undermined the integrity of the process, contrary to the intent of Congress in the CRA. The Biden Administration has an opportunity to right this wrong.

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Thank you for your consideration of the Tribe's comments. If you have any questions or wish to discuss these matters further, please contact me at (541) 756-0904 or at brendameade@coquilletribe.org.

Masi,



Brenda Meade, Chairperson
Coquille Indian Tribe

Exhibit List

Exhibit A	Coquille Restoration Act
Exhibit B	2012 Coquille Tribe Application to Accept Land Into Trust – Service Area Map
Exhibit C	Declaration of Michael D. Mason
Exhibit D	Grigsby, The Coquille Language of Oregon (1987)
Exhibit E	Director, Office of Indian Gaming, U.S. Dep't of the Interior, Coquille Indian Tribe Restored Lands Determination, Jan. 19, 2017
Exhibit F	Evidence of Oregon's Assistance with the Confederated Tribes of Warm Springs' Gaming Projects
Exhibit G	Evidence of Assistance from the Attorney General's Office and Governor's Office for Signage Placement and Authorization of the Confederated Tribes of Warm Springs' Class II Facility
Exhibit H	Joint Committee on Gambling Regulation Interim Report and Key Observation Letter (December 7, 2022)
Exhibit I	Letter from Joint Committee Co-Chair Representative John Lively on One-Casino Policy
Exhibit J	Responses to the Existence of an Oregon "One Casino" Policy
Exhibit K	Ilani Casino Resort—Video Lottery Impact One Year Later June, 2018
Exhibit L	2006 Bond Financing Document Excerpt
Exhibit M	Coquille Tribal Letters in Response to Oregon Congressional Opposition

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EXHIBIT A: Coquille Restoration Act

§ 715. Definitions

For the purposes of this subchapter--

- (1) "Tribe" means the Coquille Indian Tribe consisting of the Upper Coquille and the Lower Coquille Tribes of Indians;
- (2) "Secretary" means the Secretary of the Interior or his designated representative;
- (3) "Interim Council" means the governing body of the Coquille Tribe which serves pursuant to [section 715f](#) of this title;
- (4) "Member" means those persons eligible for enrollment under [section 715e](#) of this title and after the adoption of a tribal constitution, those persons added to the roll pursuant to such constitution;
- (5) "service area" means the area composed of Coos, Curry, Douglas, Jackson, and Lane Counties in the State of Oregon;
- (6) "State" means the State of Oregon; and
- (7) "Reservation" means those lands subsequently acquired and held in trust by the Secretary for the benefit of the Tribe.

§ 715a. Restoration of Federal recognition, rights, and privileges

(a) Federal recognition

Notwithstanding any provision of law, Federal recognition is hereby extended to the Coquille Indian Tribe. Except as otherwise provided herein, all laws and regulations of general application to Indians or nations, tribes, or bands of Indians that are not inconsistent with any specific provision of this subchapter shall be applicable to the Tribe and its Members.

(b) Restoration of rights and privileges

Except as provided in subsection (d) of this section, all rights and privileges of this Tribe and of its Members under any Federal treaty, Executive order, agreement or statute or under any other authority, which were diminished or lost under the Act of August 13, 1954 (68 Stat. 724) [[25 U.S.C.A. § 691](#) et seq.], are hereby restored and provisions of said subchapter shall be inapplicable to the Tribe and its Members after June 28, 1989.

(c) Federal services and benefits

Notwithstanding any other provision of law and without regard to the existence of a reservation, the Tribe and its Members shall be eligible, on and after June 28, 1989, for all Federal services and benefits furnished to federally recognized Indian tribes or their members. In the case of Federal services available to members of federally recognized tribes residing on a reservation, Members of the Tribe in the Tribe's service area shall be deemed to be residing on a reservation. Notwithstanding any other provision of law, the Tribe shall be considered an Indian tribe for the purpose of the Indian Tribal Government Tax Status Act ([26 U.S.C. 7871](#)).

(d) Hunting, fishing, trapping, and water rights

Nothing in this subchapter shall expand, reduce, or affect in any manner any hunting, fishing, trapping, gathering, or water right of the Tribe and its Members.

(e) Indian Reorganization Act applicability

The Act of June 18, 1934 (48 Stat. 984), as amended [[25 U.S.C.A. § 461](#) et seq.], shall be applicable to the Tribe and its Members.

(f) Certain rights not altered

Except as specifically provided in this subchapter, nothing in this subchapter shall alter any property right or obligation, any contractual right or obligation, or any obligation for taxes levied.

§ 715b. Economic development

(a) Plan for economic development

The Secretary shall--

- (1) enter into negotiations with the governing body of the Tribe with respect to establishing a plan for economic development for this Tribe;
- (2) in accordance with this section and not later than two years after the adoption of a tribal constitution as provided in [section 715g](#) of this title develop such a plan; and
- (3) upon the approval of such plan by the governing body of the Tribe, submit such plan to the Congress.

(b) Restrictions to be contained in plan

Any proposed transfer of real property contained in the plan developed by the Secretary under subsection (a) of this section shall be consistent with the requirements of [section 715c](#) of this title.

§ 715c. Transfer of land to be held in trust

(a) Lands to be taken in trust

The Secretary shall accept any real property located in Coos and Curry Counties not to exceed one thousand acres for the benefit of the Tribe if conveyed or otherwise transferred to the Secretary: *Provided, That*, at the time of such acceptance, there are no adverse legal claims on such property including outstanding liens, mortgages, or taxes owed. The Secretary may accept any additional acreage in the Tribe's service area pursuant to his authority under the Act of June 18, 1934 (48 Stat. 984) [[25 U.S.C.A. § 461](#) et seq.].

(b) Lands to be part of reservation

Subject to the conditions imposed by this section, the land transferred shall be taken in the name of the United States in trust for the Tribe and shall be part of its reservation.

(c) Lands to be nontaxable

Any real property taken into trust for the benefit of the Tribe under this section shall be exempt from all local, State, and Federal taxation as of the date of transfer.

(d) Creation of Coquille Forest

(1) Definitions

In this subsection:

(A) the [\[FN1\]](#) term "Coquille Forest" means certain lands in Coos County, Oregon, comprising approximately 5,400 acres, as generally depicted on the map entitled "Coquille Forest Proposal", dated July 8, 1996.

(B) the [\[FN1\]](#) term "Secretary" means the Secretary of the Interior.

(C) the [\[FN1\]](#) term "the Tribe" means the Coquille Tribe of Coos County, Oregon.

(2) Map

The map described in subparagraph (d)(1)(A), and such additional legal descriptions which are applicable, shall be placed on file at the local District Office of the Bureau of Land Management, the Agency Office of the Bureau of Indian Affairs, and with the Senate Committee on Energy and Natural Resources and the House Committee on Resources.

(3) Interim period

From September 30, 1996, until two years after September 30, 1996, the Bureau of Land Management shall:

(A) retain Federal jurisdiction for the management of lands designated under this subsection as the Coquille Forest and continue to distribute revenues from such lands in a manner consistent with existing law; and, [\[FN2\]](#)

(B) prior to advertising, offering or awarding any timber sale contract on lands designated under this subsection as the Coquille Forest, obtain the approval of the Assistant Secretary for Indian Affairs, acting on behalf of and in consultation with the Tribe.

(4) Transition planning and designation

(A) During the two year interim period provided for in paragraph (3), the Assistant Secretary for Indian Affairs, acting on behalf of and in consultation with the Tribe, is authorized to initiate development of a forest management plan for the Coquille Forest. The Secretary, acting through the Director of the Bureau of Land Management, shall cooperate and assist in the development of such plan and in the transition of forestry management operations for the Coquille Forest to the Assistant Secretary for Indian Affairs.

(B) Two years after September 30, 1996, the Secretary shall take the lands identified under subparagraph (d)(1)(A) of this section into trust, and shall hold such lands in trust, in perpetuity, for the Coquille Tribe. Such lands shall be thereafter designated as the Coquille Forest.

(C) So as to maintain the current flow of revenue from land subject to the Act entitled "An Act relating to the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant land situated in the State of Oregon" (the O & C Act), approved August 28, 1937 ([43 U.S.C. 1181a](#) et seq.), the Secretary shall redesignate, from public domain lands within the tribe's service area, as defined in this subchapter, certain lands to be subject to the O & C Act. Lands redesignated under this subparagraph shall not exceed lands sufficient to constitute equivalent timber value as compared to lands constituting the Coquille Forest.

(5) Management

The Secretary of [\[FN3\]](#) Interior, acting through the Assistant Secretary for Indian Affairs, shall manage the Coquille Forest under applicable State and Federal forestry and environmental protection laws, and subject to critical habitat designations under the Endangered Species Act [[16 U.S.C.A. § 1531](#) et seq.], and subject to the standards and guidelines of Federal forest plans on adjacent or nearby Federal lands, now and in the future. The Secretary shall otherwise manage the Coquille Forest in accordance with the laws pertaining to the management of Indian Trust [\[FN4\]](#) lands and shall distribute revenues in accord with Public Law 101-630, [25 U.S.C. 3107](#).

(A) Unprocessed logs harvested from the Coquille Forest shall be subject to the same Federal statutory restrictions on export to foreign Nations [\[FN4\]](#) that apply to unprocessed logs harvested from Federal lands.

(B) Notwithstanding any other provision of law, all sales of timber from land subject to this subsection shall be advertised, offered and awarded according to competitive bidding practices, with sales being awarded to the highest responsible bidder.

(6) Indian Self Determination Act agreement

No sooner than two years after September 30, 1996, the Secretary may, upon a satisfactory showing of management competence and pursuant to the Indian Self-Determination Act [[25 U.S.C.A. § 450f](#) et seq.], enter into a binding Indian self-determination agreement (agreement) with the Coquille Indian Tribe. Such agreement may provide for the tribe to carry out all or a portion of the forest management for the Coquille Forest.

(A) Prior to entering such an agreement, and as a condition of maintaining such an agreement, the Secretary must find that the Coquille Tribe has entered into a binding memorandum of agreement (MOA) with the State of Oregon, as required under paragraph 7 [\[FN5\]](#).

(B) The authority of the Secretary to rescind the Indian self-determination agreement shall not be encumbered.

(i) The Secretary shall rescind the agreement upon a demonstration that the tribe and the State of Oregon are no longer engaged in a memorandum of agreement as required under paragraph 7 [\[FN5\]](#).

(ii) The Secretary may rescind the agreement on a showing that the Tribe has managed the Coquille Forest in a manner inconsistent with this subsection, or the Tribe is no longer managing, or capable of managing, the Coquille Forest in a manner consistent with this subsection.

(7) Memorandum of agreement

The Coquille Tribe shall enter into a memorandum of agreement (MOA) with the State of Oregon relating to the establishment and management of the Coquille Forest. The MOA shall include, but not be limited to, the terms and conditions for managing the Coquille Forest in a manner consistent with paragraph (5) of this subsection, preserving public access, advancing jointly-held resource management goals, achieving tribal restoration objectives and establishing a coordinated management framework. Further, provisions set forth in the MOA shall be consistent with federal [\[FN1\]](#) trust responsibility requirements applicable to Indian trust lands and paragraph (5) of this subsection.

(8) Public access

The Coquille Forest shall remain open to public access for purposes of hunting, fishing, recreation and transportation, except when closure is required by state [\[FN1\]](#) or federal [\[FN1\]](#) law, or when the Coquille Indian Tribe and the State of Oregon agree in writing

that restrictions on access are necessary or appropriate to prevent harm to natural resources, cultural resources or environmental quality; [\[FN6\]](#) *Provided*, That the State of Oregon's agreement shall not be required when immediate action is necessary to protect archaeological resources.

(9) State regulatory and civil jurisdiction

In addition to the jurisdiction described in paragraph 7 [\[FN5\]](#) of this subsection, the State of Oregon may exercise exclusive regulatory civil jurisdiction, including but not limited to adoption and enforcement of administrative rules and orders, over the following subjects:

- (A) management, allocation and administration of fish and wildlife resources, including but not limited to establishment and enforcement of hunting and fishing seasons, bag limits, limits on equipment and methods, issuance of permits and licenses, and approval or disapproval of hatcheries, game farms, and other breeding facilities; [\[FN6\]](#) *Provided*, That nothing herein shall be construed to permit the State of Oregon to manage fish or wildlife habitat on Coquille Forest lands;
- (B) allocation and administration of water rights, appropriation of water and use of water;
- (C) regulation of boating activities, including equipment and registration requirements, and protection of the public's right to use the waterways for purposes of boating or other navigation;
- (D) fills and removals from waters of the State, as defined in Oregon law;
- (E) protection and management of the State's proprietary interests in the beds and banks of navigable waterways;
- (F) regulation of mining, mine reclamation activities, and exploration and drilling for oil and gas deposits;
- (G) regulation of water quality, air quality (including smoke management), solid and hazardous waste, and remediation of releases of hazardous substances;
- (H) regulation of the use of herbicides and pesticides; and
- (I) enforcement of public health and safety standards, including standards for the protection of workers, well construction and codes governing the construction of bridges, buildings, and other structures.

(10) Savings clause, State authority

- (A) Nothing in this subsection shall be construed to grant tribal authority over private or State-owned lands.
- (B) To the extent [\[FN7\]](#) that the State of Oregon is regulating the foregoing areas pursuant to a delegated Federal authority or a Federal program, nothing in this subsection shall be construed to enlarge or diminish the State's authority under such law.
- (C) Where both the State of Oregon and the United States are regulating, nothing herein shall be construed to alter their respective authorities.
- (D) To the extent that Federal law authorizes the Coquille Indian Tribe to assume regulatory authority over an area, nothing herein shall be construed to enlarge or diminish the tribe's [\[FN1\]](#) authority to do so under such law.
- (E) Unless and except to the extent that the tribe [\[FN1\]](#) has assumed jurisdiction over the Coquille Forest pursuant to Federal law, or otherwise with the consent of the State, the State of Oregon shall have jurisdiction and authority to enforce its laws addressing the subjects listed in subparagraph 10 [\[FN8\]](#) of this subsection on the Coquille Forest against the Coquille Indian Tribe, its members and all other persons and entities, in the same manner and with the same remedies and protections and appeal rights as otherwise provided by general Oregon law. Where the State of Oregon and Coquille Indian Tribe agree regarding the exercise of tribal civil regulatory jurisdiction over activities on the Coquille Forest lands, the tribe [\[FN1\]](#) may exercise such jurisdiction as its [\[FN9\]](#) agreed upon.

(11) Conflict between laws

In the event of a conflict between Federal and State law under this subsection, Federal law shall control.

§ 715d. Criminal and civil jurisdiction

The State shall exercise criminal and civil jurisdiction within the boundaries of the reservation, in accordance with [section 1162 of Title 18](#), and [section 1360 of Title 28](#), respectively. Retrocession of such jurisdiction may be obtained pursuant to [section 1323](#) of this title.

§ 715e. Membership rolls

(a) Compilation of tribal membership roll

Within one year of June 28, 1989, the Secretary shall compile a roll of the Coquille Indian Tribe.

(b) Criteria for enrollments

(1) Until a tribal constitution is adopted, a person shall be placed on the membership roll if the individual is living, is not an enrolled member of another federally recognized tribe, is of Coquille ancestry, possesses at least one-eighth or more of Indian blood quantum and if--

(A) that individual's name was listed on the Coquille roll compiled and approved by the Bureau of Indian Affairs on August 29, 1960;

(B) that individual was not listed on but met the requirements that had to be met to be listed on the Coquille roll compiled and approved by the Bureau of Indian Affairs on August 29, 1960; or

(C) that individual is a lineal descendant of an individual, living or dead, identified by subparagraph (A) or (B).

(2) After adoption of a tribal constitution, said constitution shall govern membership in the Tribe: Provided, That in addition to meeting any other criteria imposed in such tribal constitution, any person added to the roll has to be of Coquille Indian ancestry and cannot be a member of another federally recognized Indian tribe.

(c) Conclusive proof of Coquille ancestry and degree of Indian blood quantum

For the purpose of subsection (b) of this section, the Secretary shall accept any available evidence establishing Coquille ancestry and the required amount of Indian blood quantum. However, the Secretary shall accept as conclusive evidence of Coquille ancestry information contained in the Coquille roll compiled by the Bureau of Indian Affairs on August 29, 1960, and as conclusive evidence of Indian blood quantum the information contained in the January 1, 1940, census roll of nonreservation Indians of the Grand Ronde-Siletz Agency.

§ 715f. Interim government

Until a new tribal constitution and bylaws are adopted and become effective under [section 715g](#) of this title, the Tribe's governing body shall be an Interim Council. The initial membership of the Interim Council shall consist of the members of the Tribal Council of the Coquille Tribe on June 28, 1989, and the Interim Council shall continue to operate in the manner prescribed for the Tribal Council under the tribal bylaws adopted on April 23, 1979. Any new members filling vacancies on the Interim Council must meet the criteria for enrollment in [section 715e\(b\)](#) of this title and be elected in the same manner as are Tribal Council members under the April 23, 1979, bylaws.

§ 715g. Tribal constitution

(a) Election; time and procedure

Upon the completion of the tribal membership roll and upon the written request of the Interim Council, the Secretary shall conduct, by secret ballot, an election for the purpose of adopting a constitution for the Tribe. Absentee balloting shall be permitted regardless of voter residence. In every other regard, the election shall be held according to [section 476](#) of this title.

(b) Election of tribal officials; procedures

Not later than one hundred and twenty days after the Tribe adopts a constitution and bylaws, the Secretary shall conduct an election by secret ballot for the purpose of electing tribal officials as provided in the tribal constitution. Said election shall be conducted according to the procedures stated in paragraph (a) [\[FN1\]](#) of this section except to the extent that said procedures conflict with the tribal constitution.

§ 715h. Land and interests of Coquille Indian Tribe, Oregon

(a) In general

Subject to subsections (b), (c), and (d) of this section notwithstanding any other

provision of law (including regulations), the Coquille Indian Tribe of the State of Oregon (including any agent or instrumentality of the Tribe) (referred to in this section as the "Tribe"), may transfer, lease, encumber, or otherwise convey, without further authorization or approval, all or any part of the Tribe's interest in any real property that is not held in trust by the United States for the benefit of the Tribe.

(b) Nonapplicability to certain conveyances

Subsection (a) shall not apply with respect to any transfer, encumbrance, lease, or other conveyance of any land or interest in land of the Tribe that occurred before January 1, 2007.

(c) Effect of section

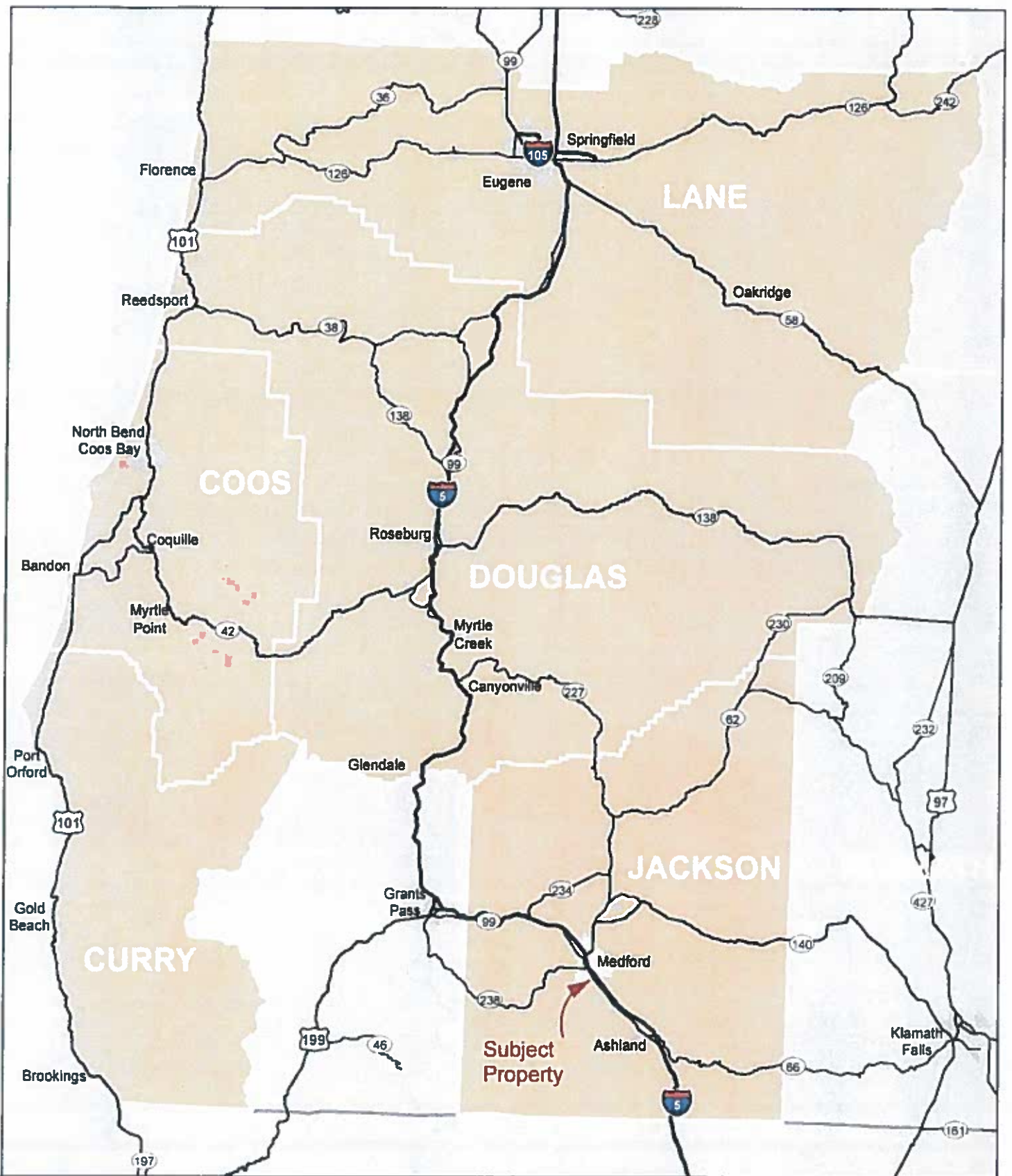
Nothing in this section is intended to authorize the Tribe to transfer, lease, encumber, or otherwise convey, any lands, or any interest in any lands, that are held in trust by the United States for the benefit of the Tribe.

(d) Liability

The United States shall not be held liable to any party (including the Tribe or any agent or instrumentality of the Tribe) for any term of, or any loss resulting from the term of any transfer, lease, encumbrance, or conveyance of land made pursuant to this Act unless the United States or an agent or instrumentality of the United States is a party to the transaction or the United States would be liable pursuant to any other provision of law. This subsection shall not apply to land transferred or conveyed by the Tribe to the United States to be held in trust for the benefit of the Tribe.

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EXHIBIT B: 2012 Coquille Tribe Application to Accept Land Into Trust – Service Area Map



Map produced January, 2013 by the Coquille Indian Tribe's GIS Program.
 Map Projection: Oregon State Plane South HARN
 Map Scale 1:1,200,000 Map Size letter
 Data Sources: Coquille Indian Tribe, Jackson Co. State of Oregon

This product is for informational purposes and may not have been prepared for or be suitable for engineering or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information



Legend

- Freeway
- Highway
- Major Road
- Coquille Tribe Trust Property
- Coquille Tribe Parcel
- Medford City Limits
- Five County Service Area
- County Boundary

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EXHIBIT C: Declaration of Michael D. Mason

DECLARATION OF MICHAEL D. MASON

I, Michael D. Mason, declare as follows:

1. My name is Michael D. Mason. I have been admitted to practice law in the State of Oregon since 1987 and have been a member in good standing ever since. My Oregon State Bar number is: 879263 and I reside at 1817 NE 49th Ave., Portland, Oregon 97213.
2. I have personal knowledge of the facts set forth in this Declaration and can competently testify thereto, except as to those matters stated on information and belief, and as to those matters, I believe them to be true.
3. Between 1986 and 1990 I was employed as an attorney with the Native American Program Oregon Legal Services (NAPOLS).
4. Part of my work responsibilities at NAPOLS involved the Congressional restoration of federal recognition to the Coquille Indian Tribe (Tribe), for which I served as lead legal counsel for the Coquille Indian Tribe.
5. During the development of the Tribe's restoration legislation, Congressman Peter DeFazio, co-sponsor of the federal legislation, and his staff requested my input regarding what area should be set aside for future transfers of lands into trust for the Tribe.
6. During this same time, the Tribe commissioned a socioeconomic survey of its membership to determine, among other things, their geographic location.
7. A true and correct copy of the study, "A Socio-Economic Assessment of The Coquille Indian Tribe, Oregon State University Survey Research Center, April 1988" is attached hereto as Exhibit A.
8. This socioeconomic survey revealed that there were concentrations of Tribal members in Coos, Curry, Douglas, Jackson and Lane Counties in the State of Oregon.

9. Based on this study, and upon information and belief, perhaps other factors beyond my knowledge, the Coquille Restoration Act was written to identify the five-county geographic area as lands where the Tribe may seek to restore its land base, which lands would be considered part of the Tribe's Reservation, and written to identify the five-county area as its service area for purposes of providing certain services to its members.
10. The purpose of establishing this five-county area was, in part, to allow the Tribe to engage in economic development in areas where its membership was identified as living and to promote the Tribe's self-sufficiency.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 4th day of February 2021, in Portland, Oregon.



Michael D. Mason

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EXHIBIT D: Grigsby, The Coquille Language of Oregon (1987)

DRAFT -- Not for Citation

Coquille Language of Oregon

Abstract

by

Thomas L. Grigsby

Oregon State University

In August of 1987 I was contacted by Dr. Roberta Hall, Professor of Anthropology, Oregon State University, to conduct a linguistic study of the Coquille Indians. Specifically, the purpose of this research was to identify, document and classify the indigenous languages previously spoken by the ancestors of the present-day Coquille peoples.

Three kinds of relevant resources were used to carry out the goals of the research: published and unpublished written documentation; tape recorded linguistic material; and, interviews with knowledgeable experts in Oregon Coast linguistics and ethnography. Appendix 1 lists the major sources utilized.

The results of my research are as follows: first, two major language phyla - Penutian and Athapaskan - were represented within the specific geographical area traditionally occupied by the people who today identify themselves as Coquille Indians; and, second, it is quite probable that the ancestors of today's Coquille Indians were multilingual and that no one language or dialect can be considered as uniquely "Coquille."

Coquille Language of Oregon

by

Thomas L. Grigsby

Oregon State University

Introduction: The "Coquille" Language

In August of 1987 I was contacted by Dr. Roberta Hall, Professor of Anthropology, Oregon State University, to conduct a linguistic study of the Coquille Indians¹. Specifically, the purpose of this research was to identify, document and classify the indigenous languages previously spoken by the ancestors of the present-day Coquille peoples.

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The results of my research are as follows: first, two major language phyla - Penutian and Athapaskan - were represented within the specific geographical area traditionally occupied by the people who today identify themselves as Coquille Indians; and, second, it is quite probable that the ancestors of today's

Coquille Indians were multilingual and that no one language or dialect can be considered as uniquely "Coquille."

Language

In order to understand the status of indigenous language among the Coquille peoples it is first necessary to present a brief overview of the methods and terminology employed by linguists concerned with historic (genetic) relationships.

Languages are classified according to certain kinds of resemblances to one another; genetic or historical resemblances are those that are the result of uninterrupted derivation from an earlier language. For example, Spanish and French are both derived from Latin and their relationship is collateral; they are "daughter" languages from a common "mother" tongue.

One way to demonstrate that a group of languages have genetic unity is to compare short lists of words such as listed in Appendix 2. Without worrying about exact pronunciation, we can see three obvious sets of cognate relationships in the following words:

English	German	Navaho	Upper Coquille	Miluk	Hanis
man	Mann	dine	dinnə	dʒmət	dʒmət
foot	Fuss	ke'	k'e	k'ʔa	kla
house	haus	kin	mən	yets	'ixhau
fire	feuer	ko	xwan	hʒnʋʔ	c'əwʒʔ
ear	Ohr	-jaa	səʔE	xwanas	xwenzs
eye	Auge	-naa	naʔE	hwalwa	xweilkwa
arm	Arm	-gaan	gwaane	kisan	kitsʔa

From these examples it is obvious that there are cognates

common to English-German, Navaho-Upper Coquille, and Miluk-Hanis. We can therefore deduce that each of these groups of languages at one time shared a common vocabulary that was derived from a hypothesized "mother" tongue. Hence, Navaho (spoken in the Southwestern United States) and Upper Coquille are related and must have at one time been part of a common speech community. The same case can be made for Miluk-Hanis and English-German. Linguists have termed these hypothesized "mother" tongues "proto-languages" and classified them, on decreasing levels of abstraction, as phyla, family, language, and dialect.

The distinction conventionally used to discriminate between dialect and language is mutual intelligibility; according to Dyen and Aberle (1974:14), dialects share between 70% and 90% of a common vocabulary drawn from Swadesh's 100-200 word list (Appendix 2) while the discrimination between languages, and hence unintelligibility, would fall somewhere below 70% of the shared basic vocabulary. The final test, of course, is in the individual speaker's ability to communicate across dialectical/language boundaries. Given the above criteria, Upper Coquille is an Athapaskan language most closely related to Euchre Creek and Smith River-Tolowa, while Miluk and Hanis are different languages that belong to the Penutian phylum.

Penutian Phylum

Penutian was composed of eight language families and four language isolates in western North America, most of which were spoken from the Middle Columbia Plateau through the Oregon coast. The dissimilarities among the various languages spoken from the Pacific coastline to the Cascades in Oregon suggest that this was

the homeland of the Penutians with perhaps 6,500 years of time depth (Jorgensen 1980:62).

The Coosan family of the Penutian phylum was composed of two languages: Miluk, spoken on the Lower Coquille River and the southern slough of Coos Bay; and, Hanis which was spoken on the Coos River and northern Coos Bay. Pierce has argued that although these people were living in close proximity, their languages were mutually unintelligible (1966).

Athapaskan

Athapaskan is a complex of different languages as well as dialects in varying degrees of relationship (Dyen and Aberle 1974:10) that are distributed from northern North America to the Southwest United States. Given Dyen and Aberle's criteria with respect to intelligibility, we see that Tolowa, Coquille, and Galice form a closely related subgrouping of Pacific Coast Athapaskan with each of these dialects sharing an average of 93% of the basic words in the cognate list.

Table 1.

Pacific Coast Athapaskan: Percentage of Cognates Shared
(Hoijer 1962)

	Hupa	Kato	Mat	Coq	Tol	Gal
Hupa	X	75	76	76	78	75
Kato		X	76	75	80	78
Mattole			X	72	74	71
Coquille				X	97	92
Tolowa					X	90

From these data as well as other linguistic features such as

shared sounds (phonemes) relative to Proto-Athapaskan, the late Dr. Harry Hoijer of UCLA arrived at the following grouping of the Oregon Division of Pacific Coast Athapaskan (1960:970):

- B. Oregon Division
 - 1. Southern group
 - a. Euchre Creek-Coquille
 - i. Euchre Creek
 - ii. Coquille
 - b. Tolowa
 - c. Chasta Costa
 - 2. Galice (and Applegate?)
 - 3. Umpqua

A study that paralleled and further refined Hoijer's investigations was conducted in the early 1960's by Dr. Joe Pierce and his students at Portland State University. In an article published in 1964, Dr. Pierce and James M. Ryherd described the status of the Siletz Athapaskan languages as of 1963 as follows:

No informants were found by Pierce and Ryherd for the following Pacific Coast Athapaskan dialects of Tututunne, Sixes, Pistol River, Wishtena-tun, Coquille, Umpqua, Chasta Costa, or Applegate-Galice. Pierce and Ryherd were, however, able to locate 12 informants who still spoke their ancestral languages. These individuals and their languages were:

- Hoxie Simmons (Galice Creek)
- Archie Johnson (Flores Creek Coquille)
- Claybourne Arden (Joshua)
- Ida Bensell (Euchre Creek)
- Mamie Strong (Euchre Creek)
- Ethel Gardipee (Euchre Creek)
- Miller Collins (Mikwunutunne)
- Daisy Fuller (Mikwunutunne)
- Harrison, Archie, and Patrick Ben (Chetco)
- Thomas Van Pelt (Chetco)

As a result of their study, Pierce and Ryherd proposed the following groupings for the Oregon Division of the Pacific Coast

Athapaskan Sub-stock:

1. Coast Group

- a. Tututni
 - (1) Tututunne
 - (2) Euchre Creek
 - (3) Mikwunutunne
 - (4) Joshua
 - (5) Sixes
 - (6) Pistol River
 - (7) Wishtena-tin
 - (8) Naltunnetunne (?)
 - (9) Cosutt-Henten (?)
- b. Coquille
 - (1) Coquille (proper)
 - (2) Flores Creek
- c. Chetco-Smith River
 - (1) Chetco
 - (2) Smith River
- d. Chasta Costa

2. Coast Range Group

- a. Umpqua
- b. Applegate-Galice
 - (1) Applegate
 - (2) Galice

The dialects or speech communities that appear to connect the above groups and thus form linkages would appear to be:

Tututni [Sixes and Euchre Creek] Coquille
Wishtena-tin related to Chetco-Smith River
Mikwunutunne to Chasta Costa
Chasta Costa to Galice-Applegate

The Coquille before Contact

Prior to White contact the coast and inland valleys of Oregon were a hodge-podge of linguistic diversity. At least three unrelated language families were represented in the geographical area: Athapaskan, spoken in various closely related dialects from the California border to the Upper Umpqua River; Penutian, represented by diverse, mutually unintelligible languages such as Takelma, Hanis, Miluk, Alsea, Mollala, and

Calapuya; and the Salishan languages such as Tillamook. With the establishment of the Siletz Reservation a fourth unrelated language family, Hokan - as represented by the Shasta - was introduced into the geographical area.

Though linguistically complex, cultural practices among the diverse groups of western Oregon were relatively homogeneous. The native peoples adapted to linguistic diversity in two ways; through multilingualism, and the adoption of a "trade language," Chinook Jargon. Because of the mutual intelligibility of the various Athapaskan dialects spoken by the people who were to become the ethnic majority of the Siletz Reservation, Chinook Jargon was evidently never as important on the southern Oregon coast as it was further north and on the Grande Ronde reservation.

The Indian peoples living along the southern Oregon coast prior to European contact conducted their daily lives in the context of small villages that were not much more than large extended families. Without formal political organization, a typical village was composed of approximately 100 individuals who typically were related through the male line. Through the custom of what anthropologists call patrilocal post-nuptial residence, wives would usually come from a neighboring village and she would bring her customs, arts, and language with her. In the words of one of John P. Harrington's informants, "when an Indian woman married in a different place, her children talked the language of the new locality...also her mother's language." This practice meant that children often grew up speaking at least two different languages or dialects. The following examples drawn from J.P.

Harrington's notes illustrate this tendency for multilingualism: Hoxie Simmons' mother spoke Takelma (a Penutian language), his father Gallice Creek (Pacific Coast Athapaskan), he married a Mollala (Penutian), and his grandchildren heard and spoke Chinook Jargon. Similarly we find that Swadesh's Miluk informant, Laura Hodgekiss Metcalf, was the granddaughter of a Coquille (Miluk) "chief" and Upper Coquille (Athapaskan) woman. Moreover, the proximity of villages and trade/visiting relationships would have encouraged multilingualism perhaps similar to conditions described elsewhere (see Sorenson 1967).

In all probability each village was politically autonomous and had its own manner of speaking, but the differences from one village to another would have been gradual and not internally homogeneous. The fiction of a "Miluk" or "Tututni" tribe or band with its own unique language and far-reaching political organization is largely a construct of European contact. Dr. Roberta Hall provides an apt analogy of the complexity of biological and cultural relationships in her book on the Coquille:

...the purpose is to tell how a group is related, biologically and culturally, to every other group. Such a goal necessarily includes several assumptions, including that a group is self-enclosed and relatively static.

The "origin myth" model that I am characterizing represents time and change as a great tree with branches. Imagine that the past is represented by the

base of the trunk at ground level, and that passage of generations is represented by moving up the trunk even to the tips of the branches. This model assumes that any single group diverges into many groups, yet the branches can always be traced to the trunk, that is, to its origins. Though two trees may stand close together so that the tips of a branch from one tree may stand closer to a branch from another tree than it does to its own "brother branch" it is possible to trace each branch back to its trunk and hence define its "true origins..."

A model that comes closer to portraying my view of cultural reality is a vine growing on a trellis. Let us imagine that a number of individual plants of a given species of vine have been set out on a trellis. As in the tree analogy, let us allow the ground to represent some time in the past. Our interest is not merely in the past, however, but in the process by which individual shoots from the vines grow: how they wrap around each other, intertwine, and draw sustenance from each other's being. This is the image that I prefer to use in discussing the origins of any group...(Hall 1984: 129-130).

With the establishment of the reservations of the 1850's came rapid cultural genocide. Representatives of the dominate culture knew, perhaps intuitively, that to control a language was to control a people's destiny; the official government policy was to erase any vestige of "uncivilized" behavior. According to

family histories, the old people stopped talking their language to the children and English became a prerequisite to adaptation to the new, foreign ways. Tillamook, Tututni, Chetco, Miluk, Shasta and the other languages of the Indian peoples effectively ceased to be a vehicle for the transmission of culture.

Yet groups of elders gathered at agency stores such as at Siletz and remembered the old ways; words, myths, coyote stories, and accounts of the past would be passed on to bright-eyed children like Annie Miner Peterson and Art Bensell who begged for words and glimpses of the life on the rivers of coastal Oregon. An anecdote collected in our fieldwork about Art Bensell is illustrative of the curiosity of the children of the first third of the 20th century:

It seems that Art was always pestering the old people for words, but sometimes he'd get mixed up. One time he confused the word for tooth "wo," for pubic hair "wa," and used the wrong term to an elderly Indian lady. She got pretty mad and clobbered him good.

By the 1930's the language was almost all gone. Only a few elders such as Coquille Thompson, Annie Miner Peterson, Archie Johnson, Hoxie Simmons, and Ida Bensell remained as living repositories of the past culture. The linguistic skills of these individuals was considerable and most of our knowledge of Coquille, Taltash, and Hanis comes from their genius.

Conclusions

After removal to the Grande Ronde and Siletz Reservations in the 1850's, old patterns of intermarriage, often across linguistic

boundaries, accelerated while "tribal" designations such as "Coquille" - imposed on Native peoples by the Whites - took on new meaning. For example, the term "Coquille" or "Rogue River" Indians was a White term that referred to the Indians who had lived in a particular geographical area. Hence "Coquille" referred to both Penutian and Athapaskan speakers just as "Rogue River Indians" could include various Athapaskans as well as the Takelma.

After the establishment of the reservations in western Oregon, English rapidly became the language of social interaction. No doubt various dialects of the several languages continued to be heard, but the prominence of any one form of speech would have depended on geographical location. For example, an analysis of historic records and records of the original allotments on the Siletz Reservation shows that there was a tendency for Shasta Coastan speakers to settle in one part of the reservation and Tututnis or Mikwunutunnes in another. No doubt to an individual living at Upper Farms (one of the early settlements) the Siletz language would have appeared to have been Tututni, to an individual whose allotment was at the Agency, Chetco. These biases may have influenced today's perception of what "our language" is (or was) in the minds of many Whites and tribal members. It is therefore important to realize that most of the differences recognized today are the artifacts of time and social divisions that have grown up since White domination.

Notes

1. The etymological and definitional problems entailed in the term "Coquille" are discussed at length by Roberta Hall in The Coquille Indians: Yesterday, Today and Tomorrow. Our working definition here is paraphrased from J.Nixon Hadley: the term "Coquille" will include all persons normally considering themselves a part of the Coquille community, including both members of tribes not federally recognized and persons not included in Census tallies (see Hadley 1957:23). I stress here the concept of "self-recognition" through family traditions and genealogies.

Appendix 1

References

I referred to the following published and unpublished written documentation during the course of this study. Particularly helpful were the Smithsonian fieldnotes of John Peabody Harrington for insight into the biographical background of some of his key informants such as Coquille Thompson and Annie Miner Peterson. Dr. Joe Pierce's articles on the differences between Miluk and Hanis were useful as was Dr. Joe Jorgensen's syntheses of Native American language and culture. Dr. Roberta Hall's book on the Coquille was used as a basic reference.

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Chinook Jargon and Native American Cultural Persistence in the Grande Ronde Indian Community, 1856-1907: A Special Case of Creolization. Ph.D. dissertation, Department of Anthropology, University of Oregon.

Tape Recorded Linguistic Material

During the course of this study electromagnetic tapes of Miluk, Hanis, Dootoodun (Mikwunutunne Tututni) and Taltash vocabularies were acquired from Indian University's Archives of Languages of the World. In addition, I had access to Dr. Joe Pierce's extensive collection of Pacific Coast Athapaskan material archived at Portland State University. Vocabularies of the various languages were transcribed where possible and compared. I am in agreement with Pierce concerning the mutual unintelligibility of Miluk and Hanis. Upper Coquille is clearly an Athapaskan dialect.

The Melville Jacobs collection was not utilized since the only Coosan recorded material were songs sung by Annie Miner Peterson and not amenable to linguistic scrutiny.

It is possible that there is a tape or tapes of Lower Coquille, possibly Miluk, in existence other than among the collections listed here. A footnote in Leatherman and Krieger's 1940 "Contributions to Oregon Coast Prehistory" states that "Ida Ned was an informant of Melville Jacobs." Ida Ned's parents were both full-blood Lower Coquille. Ida Ned's grandson, Mr. Jerry Running Foxe, corroborates Leatherman and Krieger's statement yet Mr. Seaburg has not located the tape within the Jacobs collection.

Tapes

Barrett, S.A., A.L. Kroeber, and Henrietta Kroeber
1905-1908 United States, California and Oregon, Klamath, Mohave,
Central Pomo, Yuki and Yurok Indians, 1905-1908 [sound
recording], 12 cylinders, 54-098-F.

Jacobs, Melville
1929-30 United States, Oregon, Clackamas Indians, 1929-30
[sound recording], 26 cylinders, 54-185-F.

Pierce, Joe E.
[ca. 1962] Tututni vocabulary and recorded material. MS and
recording, Department of Anthropology, Portland State
University, Portland, Oregon.

Swadesh, M.
1953 Copy of EC 10" 1029, 85-555-F, Penutian Voc. Survey by
M. Swadesh, 1953. Hanis Coos. 2 sides. I. U.
Archives of Traditional Music.

1953 Copy of EC 10" 1026, 85-555-F, Penutian Voc. Survey by
M. Swadesh, 1953. Milluk. 2 sides. I. U. Archives of
Traditional Music.

1953 Dootoodun [Mikwunutunne Tututni] Vocabulary. Recording,
Archives of Languages of the World, Indiana University,
Bloomington.

Interviews

The following experts in Oregon Coast linguistics and
ethnography were contacted during the preparation of this report:

Dr. Victor Golla, Professor of Anthropology, George Washington University,
Washington, D.C.

Dr. Golla is a linguist who has specialized in Pacific Coast
Athapaskan.

Dr. Roberta Hall, Professor of Anthropology, Oregon State
University, Corvallis, Oregon.

Dr. Hall has worked with the Coquille people for 12 years and is
the author of The Coquille Indians: Yesterday, Today and
Tomorrow.

Dr. Joseph Jorgensen, Professor of Anthropology, University of California, Irvine.

Dr. Jorgensen is an internationally recognized expert in Native American ethnography and linguistics.

Dr. Joe Pierce, Professor of Anthropology, Portland State University, Portland, Oregon

Mr. Willism Seaburg, University of Washington, Seattle, Washington.

Mr. Seaburg is a doctoral candidate at the University of Washington and has written the section on Pacific Coast Athapaskan in The Handbook of North American Indians. In addition, Mr. Seaburg has archived the Melvin Jacobs Collection.

Dr. Patrick Wenger, Professor of Anthropology, Humboldt State University, Arcata, California.

Dr. Wenger has written his Master's thesis and doctoral dissertation on Penutian linguistics.

I want to thank these scholars who all gave freely of their time and expertise. I am however, solely responsible for any errors in fact or interpretation in the body of this report.

Appendix 2

Basic Terms

The basic vocabulary of a language consists of a list of words for things, like parts of the body, that are universal in human experience and consequently are not likely to be replaced in response to geographical location or culture.

The following list is a sample drawn from Swadesh and was used to make comparisons between the Hanis, Miluk and Pacific Coast Athapaskan tapes:

1. all
2. ashes
3. bark
4. belly
5. big
6. bird
7. bite
8. black
9. blood
10. bone
11. burn
12. cloud
13. cold
14. come
15. die
16. dog
17. drink
18. dry
19. ear
20. earth
21. eat
22. egg
23. eye
24. fat-grease
25. feather
26. fire
27. fish
28. fly
29. foot
30. give
31. good
32. green
33. hair
34. hand
35. head
36. hear
37. heart

Letter to Regional Director Bryan Mercier
Bureau of Indian Affairs
Comments Regarding DEIS / Medford Gaming Project
February 23, 2023
Page 25

**EXHIBIT E: Director, Office of Indian Gaming, U.S. Dep't of the Interior, Coquille Indian Tribe Restored
Lands Determination, Jan. 19, 2017**



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

JAN 19 2017

RECEIVED
17RD-0137
JAN 26 2017

BUREAU OF INDIAN AFFAIRS
NORTH-WEST REGIONAL OFFICE
OFFICE OF THE REGIONAL DIRECTOR

Memorandum

To: Regional Director, Northwest Regional Office
From: Director, Office of Indian Gaming *Stuart*
Subject: Coquille Indian Tribe, Restored Lands Determination

The Office of Indian Gaming has under review the Coquille Indian Tribe's application to acquire land in trust within the City of Medford in Jackson County, Oregon, pursuant to the Coquille Restoration Act ("CRA"), Pub. L. No. 101-42, 103 Stat. 9125 (1989). The Tribe has also requested that the Department of the Interior ("Department") determine whether the land will be eligible for gaming under the "Restored Lands Exception" of the Indian Gaming Regulatory Act, 25 U.S.C § 2719 (b)(1)(B)(iii).

The Solicitor's Office has completed its preliminary review of the Tribe's request for a determination of gaming eligibility, and initially finds that the land will qualify for the Restored Lands Exception if the land is acquired in trust pursuant to the CRA. The Department will finalize its determination when the Assistant Secretary – Indian Affairs completes his review and decision of the Tribe's trust acquisition application pursuant to 25 C.F.R. Part 151 and the National Environmental Policy Act. Accordingly, please proceed to process the Tribe's application pursuant to the Restored Lands Exception analysis.

Letter to Regional Director Bryan Mercier
Bureau of Indian Affairs
Comments Regarding DEIS / Medford Gaming Project
February 23, 2023
Page 26

EXHIBIT F: Evidence of Oregon's Assistance with the Confederated Tribes of Warm Springs' Gaming Projects

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Things To Do » Eat & Drink » Restaurants

CAFE 1297 – THREE RIVERS CASINO

Coos Bay, Oregon Coast

1297 Ocean Blvd. (877)374-8377
Three Rivers Casino
Coos Bay, Oregon 97420

WEBSITE [↗](#)

Located inside of Three Rivers Casino in Coos Bay, Cafe 1297 features Prime Rib for only \$20 every Friday night, daily breakfast and lunch specials, and a full-service bar. Open daily 8am – 10pm.

RELATED CONTENT

Coos Bay – North Bend Visitor and Convention Bureau
Coos Bay, Oregon Coast

Three Rivers Casino
Florence, Oregon Coast

Southern Oregon Coast

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Tradenam	Licensee Name	License Type	Mailing Address	Premises Address	Premises No.	License No.	Effective Date	License Expires	County	Secondary Location To License #
#1 FOOD 4 MART	FUN 4U INC	O	PO BOX 5026 BEAVERTON, OR 97006	729 SW 185TH ALOHA, OR 97006	28426	345287	04/01/2022	03/31/2023	WASHINGTON	
00 WINES	00 OREGON LLC	WY	937 NW GLISAN ST #1037 PORTLAND, OR 97209	801 N SCOTT ST CARLTON, OR 97111	58406	348891	04/13/2022	03/31/2023	YAMHILL	
1 800 WINESHOP.COM	1 800 WINESHOP.COM INC	DS		560 TECHNOLOGY WAY NAPA, CA 94558	60844	357565	01/01/2023	12/31/2023	OUTSIDE OR	
1 AM MARKET	1.A.M. MARKET INC	O		1931 NE STEPHENS ROSEBURG, OR 97470	4379	351020	07/01/2022	06/30/2023	DOUGLAS	
10 BARREL BREWING COMPANY	10 BARREL BREWING LLC	BRW	ONE BUSCH PLACE / 202-1 ST LOUIS, MO 63118	62950 & 62970 NE 18TH ST BEND, OR 97701	49506	357128	10/12/2022	09/30/2023	DESCHUTES	
10 BARREL BREWING COMPANY	10 BARREL BREWING LLC	BRW	ONE BUSCH PLACE / 202-1 ST LOUIS, MO 63118	1135 NW GALVESTON AVE BEND, OR 97703	57088	357129	10/12/2022	09/30/2023	DESCHUTES	357128
10 BARREL BREWING COMPANY	10 BARREL BREWING LLC	BRW	ONE BUSCH PLACE / 202-1 ST LOUIS, MO 63118	1411 NW FLANDERS PORTLAND, OR 97209	53856	358148	01/01/2023	12/31/2023	MULTNOMAH	
10 BARREL BREWING COMPANY	10 BARREL BREWING LLC	DIST	ONE BUSCH PLACE / 202-1 ST LOUIS, MO 63118	62950 & 62970 NE 18TH ST BEND, OR 97701	49506	355772	10/01/2022	09/30/2023	DESCHUTES	
10 BARREL BREWING COMPANY	10 BARREL BREWING LLC	DIST	ONE BUSCH PLACE / 202-1 ST LOUIS, MO 63118	1135 NW GALVESTON AVE BEND, OR 97701	60101	356811	10/01/2022	09/30/2023	DESCHUTES	355772
10 BARREL BREWING COMPANY	10 BARREL BREWING LLC	DIST	ONE BUSCH PLACE / 202-1 ST LOUIS, MO 63118	1411 NW FLANDERS PORTLAND, OR 97209	60102	356813	10/01/2022	09/30/2023	MULTNOMAH	355772
10 BARREL BREWING COMPANY	10 BARREL BREWING LLC	F-COM	ONE BUSCH PLACE / 202-1 ST LOUIS, MO 63118	1135 NW GALVESTON AVE BEND, OR 97703	57088	355773	10/01/2022	09/30/2023	DESCHUTES	
10 BARREL BREWING COMPANY	10 BARREL BREWING LLC	F-COM	ONE BUSCH PLACE / 202-1 ST LOUIS, MO 63118	62950 & 62970 NE 18TH ST BEND, OR 97701	49506	355774	10/01/2022	09/30/2023	DESCHUTES	
10 BARREL BREWING COMPANY	10 BARREL BREWING LLC	F-COM	ONE BUSCH PLACE / 202-1 ST LOUIS, MO 63118	1411 NW FLANDERS PORTLAND, OR 97209	53856	359814	01/01/2023	12/31/2023	MULTNOMAH	
10 BARREL BREWING COMPANY	10 BARREL BREWING LLC	WMBW	ONE BUSCH PLACE / 202-1 ST LOUIS, MO 63118	62950 & 62970 NE 18TH ST BEND, OR 97701	49506	356845	10/01/2022	09/30/2023	DESCHUTES	
10 BARREL BREWING COMPANY	10 BARREL BREWING LLC	WY	ONE BUSCH PLACE / 202-1 ST LOUIS, MO 63118	62950 & 62970 NE 18TH ST BEND, OR 97701	49506	355696	10/01/2022	09/30/2023	DESCHUTES	
10 BARREL BREWING COMPANY	10 BARREL BREWING LLC	WY	ONE BUSCH PLACE / 202-1 ST LOUIS, MO 63118	1411 NW FLANDERS PORTLAND, OR 97209	53887	355697	10/01/2022	09/30/2023	DESCHUTES	355696
10 BARREL BREWING COMPANY	10 BARREL BREWING LLC	WY	ONE BUSCH PLACE / 202-1 ST LOUIS, MO 63118	1135 NW GALVESTON AVE BEND, OR 97703	46579	355698	10/01/2022	09/30/2023	DESCHUTES	355696
101 BAR AND GRILL	FUN O ONE LLC	F-COM	PO BOX 363 BROOKINGS, OR 97415	98141 W BENHAM LN BROOKINGS, OR 97415	4210	350364	07/01/2022	06/30/2023	CURRY	
101 INSPIRATIONS	KIMBERLEY LAUGHLIN	O	PO BOX 1061 DEPOE BAY, OR 97341	1734 NE HWY 101 LINCOLN CITY, OR 97367	61782	350728	07/01/2022	06/30/2023	LINCOLN	
102ND STREET MARKET #1	SOFIA FOOD MART INC	O	16641 SE 82ND DR #101 CLACKAMAS, OR 97015	4646 NE 102ND AVE PORTLAND, OR 97220	324	358752	01/01/2023	12/31/2023	MULTNOMAH	
108 BAR & GRILL	BLEU POINTE CORPORATION	F-COM	10908 SE KNAPP ST PORTLAND, OR 97266	10845 NE HALSEY ST PORTLAND, OR 97213	254	358376	01/01/2023	12/31/2023	MULTNOMAH	
108 FUSION GRILL & SPORTS BAR	BTU 501 LLC	F-COM	15010 SW KINGBIRD DR BEAVERTON, OR 97007	37555 PORTLAND RD NE #1 SALEM, OR 97301	48058	346820	04/01/2022	03/31/2023	MARION	
1188 BREWING COMPANY	1188 BREWING COMPANY LLC	BP	141 E MAIN ST JOHN DAY, OR 97845	141 E MAIN ST JOHN DAY, OR 97845	51349	355689	10/01/2022	09/30/2023	GRANT	

Tradename	Licensee Name	License Type	Mailing Address	Premises Address	Premises No.	License No.	Effective Date	License Expires	County	Secondary Location To License #
PLAID PANTRY #66	PLAID PANTRIES INC	O	1585 SW MARLOW AVE, SL PORTLAND, OR 97225	735 SE 12TH PORTLAND, OR 97214	8021	351138	07/01/2022	06/30/2023	MULTNOMAH	
PLAID PANTRY #67	PLAID PANTRIES INC	O	1585 SW MARLOW AVE, SL PORTLAND, OR 97225	984 W BASELINE RD HILLSBORO, OR 97123	7373	346087	04/01/2022	03/31/2023	WASHINGTON	
PLAID PANTRY #7	PLAID PANTRIES INC	O	1585 SW MARLOW AVE, SL PORTLAND, OR 97225	2075 SW 1ST PORTLAND, OR 97201	5220	351127	07/01/2022	06/30/2023	MULTNOMAH	
PLAID PANTRY #75	PLAID PANTRIES INC	O	1585 SW MARLOW AVE, SL PORTLAND, OR 97225	950 SW MILL ST PORTLAND, OR 97201	5234	351139	07/01/2022	06/30/2023	MULTNOMAH	
PLAID PANTRY #8	PLAID PANTRIES INC	O	1585 SW MARLOW AVE, SL PORTLAND, OR 97225	10255 NE GLISAN PORTLAND, OR 97220	314	359650	01/01/2023	12/31/2023	MULTNOMAH	
PLAID PANTRY #80	PLAID PANTRIES INC	O	1585 SW MARLOW AVE, SL PORTLAND, OR 97225	1055 NE KANIE GRESHAM, OR 97030	419	359660	01/01/2023	12/31/2023	MULTNOMAH	
PLAID PANTRY #81	PLAID PANTRIES INC	O	1585 SW MARLOW AVE, SL PORTLAND, OR 97225	6480 SE FOSTER RD PORTLAND, OR 97206	5235	351140	07/01/2022	06/30/2023	MULTNOMAH	
PLAID PANTRY #83	PLAID PANTRIES INC	O	1585 SW MARLOW AVE, SL PORTLAND, OR 97225	9101 N LOMBARD PORTLAND, OR 97203	7963	359651	01/01/2023	12/31/2023	MULTNOMAH	
PLAID PANTRY #84	PLAID PANTRIES INC	O	1585 SW MARLOW AVE, SL PORTLAND, OR 97225	1715 NE 16TH PORTLAND, OR 97212	8148	359652	01/01/2023	12/31/2023	MULTNOMAH	
PLAID PANTRY #88	PLAID PANTRIES INC	O	1585 SW MARLOW AVE, SL PORTLAND, OR 97225	6660 NE GLISAN PORTLAND, OR 97213	680	359653	01/01/2023	12/31/2023	MULTNOMAH	
PLAID PANTRY #9	PLAID PANTRIES INC	O	1585 SW MARLOW AVE, SL PORTLAND, OR 97225	5414 SE WOODSTOCK PORTLAND, OR 97206	5221	351128	07/01/2022	06/30/2023	MULTNOMAH	
PLAID PANTRY #93	PLAID PANTRIES INC	O	1585 SW MARLOW AVE, SL PORTLAND, OR 97225	10218 SE HWY 212 CLACKAMAS, OR 97115	20228	346088	04/01/2022	03/31/2023	CLACKAMAS	
PLAID PANTRY #94	PLAID PANTRIES INC	O	1585 SW MARLOW AVE, SL PORTLAND, OR 97225	13541 S REDLAND RD OREGON CITY, OR 97045	14774	346089	04/01/2022	03/31/2023	CLACKAMAS	
PLAID PANTRY #99	PLAID PANTRIES INC	O	1585 SW MARLOW AVE, SL PORTLAND, OR 97225	2901 THATCHER RD FOREST GROVE, OR 97111	3361	346090	04/01/2022	03/31/2023	WASHINGTON	
PLAINVIEW GROCERY & AUTO PARTS	S & D LINDEN LLC	O	11800 NW CORNELIUS PAI PORTLAND, OR 97231		285	359661	01/01/2023	12/31/2023	MULTNOMAH	
PLAISANCE RANCH	JOSEPH GINET	WY	16955 WATER GAP RD WILLIAMS, OR 97544		42404	353865	10/01/2022	09/30/2023	JOSEPHINE	
PLANET EXPRESS SHIPPING	PLANET EXPRESS SHIPPING LLC	WH	12540 SW LEVETON DR TUALATIN, OR 97062	12540 SW LEVETON DR TUALATIN, OR 97062	64840	361156	01/24/2023	03/31/2023	WASHINGTON	
PLANET EXPRESS SHIPPING	PLANET EXPRESS SHIPPING LLC	WH	12540 SW LEVETON DR TUALATIN, OR 97062	12540 SW LEVETON DR TUALATIN, OR 97062	64840	361157	04/01/2023	03/31/2024	WASHINGTON	
PLANK TOWN'S HILL TOP BAR & GRILL	PLANKTOWN LLC	BP	346 MAIN ST SPRINGFIELD, OR 97477	35831 HWY 58 BLDG 2 SPA PLEASANT HILL, OR 97451	57371	352038	07/01/2022	06/30/2023	LANE	352037
PLANK TOWN'S HILL TOP BAR & GRILL	PLANKTOWN LLC	F-COM	346 MAIN ST SPRINGFIELD, OR 97477	35831 HWY 58 BLDG 2 SPA PLEASANT HILL, OR 97451	57372	352126	07/01/2022	06/30/2023	LANE	
PLANKER SANDWICHES	HORNCLAYTON LLC	L	2838 NE CANYON PARK DR BEND, OR 97701	824 NW WALL ST BEND, OR 97703	48239	354504	10/01/2022	09/30/2023	DESCHUTES	
PLANKTOWN BREWING CO	PLANKTOWN LLC	BP	346 MAIN ST SPRINGFIELD, OR 97477	346 MAIN ST / 150 4TH ST SPRINGFIELD, OR 97477	50718	352037	07/01/2022	06/30/2023	LANE	
PLANKTOWN BREWING CO	PLANKTOWN LLC	F-COM	346 MAIN ST SPRINGFIELD, OR 97477	346 MAIN ST SPRINGFIELD, OR 97477	50719	351816	07/01/2022	06/30/2023	LANE	
PLATA WINE PARTNERS	PLATA WINE PARTNERS LLC	CERA	855 BORDEAUX WAY #100 NAPA, CA 94558		57178	323308	01/01/2021	12/31/2025	OUTSIDE OR	
PLATA WINE PARTNERS	PLATA WINE PARTNERS LLC	DS	677 HANNA DR STE B WINDSOR, CA 95492		62223	358517	01/01/2023	12/31/2023	OUTSIDE OR	
PLATEAU TRAVEL PLAZA	INDIAN HEAD CASINO	F-COM	PO BOX 880 WARM SPRINGS, OR 97741	215 N CHERRY LN MADRAS, OR 97741	58189	354645	10/01/2022	09/30/2023	OUTSIDE OR	



Oregon Liquor Control Commission

Government – to – Government Annual Report 2017

The Eugene Regional Office issued several special event licenses for events at Seven Feathers Hotel & Casino Resort.

Eugene staff also issued several special event licenses for events held at Chinook Winds Casino Resort.

Staff conducted premises checks at both casinos at other times throughout the year and observed no issues.

Eugene staff conducted a premises visit at Three Rivers Casino Resort in Florence and provided education on preventing incidents of minors in possession of alcohol and visibly intoxicated patrons.

Bend Regional Office

The Bend Regional Office, which includes a satellite office in Pendleton, is responsible for licensing and enforcement in Crook, Deschutes, Grant, Harney, Jefferson, Malheur, Sherman, Wheeler, Baker, Gilliam, Morrow, Umatilla, Wallowa and Wasco Counties. This area includes the following licensed tribal facilities:

- Cottonwood Resort at Indian Head Casino (Warm Springs)
- Kah Nee Ta Vacation Resort (Warm Springs)
- Wildhorse Resort & Casino (Pendleton)

The Bend Regional Office worked with the Confederated Tribes of Warm Springs to issue several temporary permits to conduct summer concerts at Indian Head Casino.

Bend staff also issued an Off-Premises Sales license at the golf course at Kah Nee Tah Vacation Resort.

In October 2017, staff in the Pendleton satellite office contacted all nine tribes to obtain sample identification for training purposes. Pendleton staff also met with CTUIR staff regarding acceptable identification and liquor laws

Bend Regional Office staff engaged in consultation with food and beverage managers at Indian Head Casino to discuss the future licensing of a truck stop in Madras.

Medford Regional Office

The Medford Regional Office, which includes satellite offices in Coos Bay and Klamath Falls, is responsible for licensing and enforcement in Josephine, Jackson, Coos, Curry, Klamath and Lake Counties. This area includes the following licensed tribal facilities:

- Kla-Mo-Ya Casino (Chiloquin)
- The Mill Casino (North Bend)

- Three Rivers Casino (Florence)
- Three Rivers Casino Coos Bay (Coos Bay)

Staff in the Coos Bay satellite office approved several special event licenses for events held at Mill Casino in the summer of 2017. OLCC staff conducted a premises visit at the Mill Casino in September 2017 and observed no issues.

In October 2017, Coos Bay staff visited Three Rivers Casino in Florence and observed no issues.

Salem Regional Office

The Salem Regional office, which includes a satellite office in Warrenton, is responsible for licensing and enforcement in Columbia, Marion, Polk, Yamhill, Tillamook, and Clatsop Counties. This area includes the following licensed tribal facilities:

- Spirit Mountain Casino (Grand Ronde)

In August 2017, Salem Regional Office staff approved an application for an Off-Premises Sales license at Spirit Mountain Casino.

Portland Regional office

The Portland Regional office is located at OLCC Headquarters in Milwaukie and is responsible for licensing and enforcement in Clackamas, Hood River, Multnomah and Washington Counties. There are no licensed tribal facilities in this region.

Agency Contact Information

OLCC Executive Director:

Steven Marks
Oregon Liquor Control Commission
9079 McLoughlin Blvd
Portland, OR 97222
(503) 872-5000
Email: steven.marks@oregon.gov

Tribal Key Contact:

Kelly Routt
Statewide Licensing Manager
Oregon Liquor Control Commission
9079 SE McLoughlin Blvd
Portland, OR 97222
Tel.: (503) 872-5007
Email: kelly.routt@oregon.gov

OLCC website: www.oregon.gov/olcc

Official web site of
Oregon Secretary of State

(<https://sos.oregon.gov/blue-book>)

Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians (CTCLUSI)

Contact

Address: 1245 Fulton Ave., Coos Bay

97420

Phone: 541-888-9577, 888-280-0726

Email: lwander@ctclusi.org

(<mailto:lwander@ctclusi.org>)

Web: [ctclusi.org](http://www.ctclusi.org/) (<http://www.ctclusi.org/>)

About

Restoration Date: October 17, 1984

Number of Members: 1,314

Land Base Acreage: 15,313 acres of the 1.9 million acres of ancestral lands

Number of people employed by the Tribes: 562



Coos Bay. (Oregon State Archives Photo)

Economy

Three Rivers Casino & Hotel, Three Rivers Casino-Coos Bay, Ocean Dunes Golf Course, Restorative Economy

Points of Interest

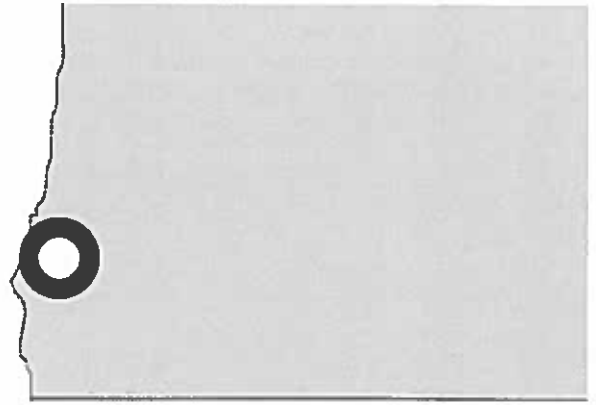
Three Rivers Casino-Coos Bay; Ocean Dunes Golf Course; Tribal Hall in Coos Bay; Laqauwiiyatas Gallery. The Tribe's Ancestral lands covers the Siuslaw Watershed, the Lower Umpqua Watershed and the Coos Watershed. Within this large area of lands and waters the tribes hold traditional activities, ceremonies, most of which are only open to Tribal Citizens but much of these lands and waters are open to visitors

History and Culture

The people of the miluk (Coos), hanis, (Coos), quuiich (Lower Umpqua) and sha'yuushtl'a (Siuslaw) Tribes have lived on the central to southern Oregon coast and inland along the rivers they belonged to, since time immemorial. These rivers today are called the Siuslaw



River, the Umpqua River and the Coos River, which take their linguistic heritage from the tribes. The tribes' ancestors worked to manage and steward the lands in a way that provided sustainable resources for future generations; they practiced a culture of abundance. This way of living was severely disrupted due to the exposure of European diseases, the removal of the people from their lands for Euro-American settlement, the boarding school era and the Western Oregon Termination Act of 1954. Despite all of this, the peoples' resiliency and hard work ethic regained them Federal Recognition as a sovereign nation in 1984. Since this time, CTCLUSI has rebuilt its culture of abundance by once again practicing the culture of their lands and waters: actively gathering and propagating first foods, weaving, carving and canoeing. They utilize the lessons from their ancestors, their elders and their culture to work with federal, tribal, state and local partners on restoration efforts within their ancestral lands and waters to bring back the abundance that was once here for everyone.



Tribal Court

Tribal Judge J. D. Williams, 1245 Fulton Ave., Coos Bay 97420; 541-888-9577

Tribal Council

Chief Doc Slyter (2030), Chair Brad Kneaper (2026), Vice-Chair Julie Siestreem (2023), Doug Barrett (2026), Enna Helms (2023), Teresa Spangler (2026) and Iliana Montiel (2023)



OREGON LIQUOR & CANNABIS COMMISSION

Licensed Businesses

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Tradenam	Licensee Name	License Type	Mailing Address	Premises Address	Premises No.	License No.	Effective Date	License Expires	County	Secondary Location To License #
#1 FOOD 4 MART	FUN 4U INC	O	PO BOX 5026 BEAVERTON, OR 97006	729 SW 185TH ALPHA, OR 97006	28426	345287	04/01/2022	03/31/2023	WASHINGTON	
00 WINES	00 OREGON LLC	WY	937 NW GLISAN ST #1037 PORTLAND, OR 97209	801 N SCOTT ST CARLTON, OR 97111	58406	348891	04/13/2022	03/31/2023	YAMHILL	
1 800 WINESHOP.COM	1 800 WINESHOP.COM INC	DS		560 TECHNOLOGY WAY NAPA, CA 94558	60844	357565	01/01/2023	12/31/2023	OUTSIDE OR	
1 AM MARKET	1.A.M. MARKET INC	O		1931 NE STEPHENS ROSEBURG, OR 97470	4379	351020	07/01/2022	06/30/2023	DOUGLAS	
10 BARREL BREWING COMPANY	10 BARREL BREWING LLC	BRW	ONE BUSCH PLACE / 202-1 ST LOUIS, MO 63118	62950 & 62970 NE 18TH ST BEND, OR 97701	49506	357128	10/12/2022	09/30/2023	DESCHUTES	
10 BARREL BREWING COMPANY	10 BARREL BREWING LLC	BRW	ONE BUSCH PLACE / 202-1 ST LOUIS, MO 63118	1135 NW GALVESTON AVE BEND, OR 97703	57088	357129	10/12/2022	09/30/2023	DESCHUTES	357128
10 BARREL BREWING COMPANY	10 BARREL BREWING LLC	BRW	ONE BUSCH PLACE / 202-1 ST LOUIS, MO 63118	1411 NW FLANDERS PORTLAND, OR 97209	53856	358148	01/01/2023	12/31/2023	MULTNOMAH	
10 BARREL BREWING COMPANY	10 BARREL BREWING LLC	DIST	ONE BUSCH PLACE / 202-1 ST LOUIS, MO 63118	62950 & 62970 NE 18TH ST BEND, OR 97701	49506	355772	10/01/2022	09/30/2023	DESCHUTES	
10 BARREL BREWING COMPANY	10 BARREL BREWING LLC	DIST	ONE BUSCH PLACE / 202-1 ST LOUIS, MO 63118	1135 NW GALVESTON AVE BEND, OR 97701	60101	356811	10/01/2022	09/30/2023	DESCHUTES	355772
10 BARREL BREWING COMPANY	10 BARREL BREWING LLC	DIST	ONE BUSCH PLACE / 202-1 ST LOUIS, MO 63118	1411 NW FLANDERS PORTLAND, OR 97209	60102	356813	10/01/2022	09/30/2023	MULTNOMAH	355772
10 BARREL BREWING COMPANY	10 BARREL BREWING LLC	F-COM	ONE BUSCH PLACE / 202-1 ST LOUIS, MO 63118	1135 NW GALVESTON AVE BEND, OR 97703	57088	355773	10/01/2022	09/30/2023	DESCHUTES	
10 BARREL BREWING COMPANY	10 BARREL BREWING LLC	F-COM	ONE BUSCH PLACE / 202-1 ST LOUIS, MO 63118	62950 & 62970 NE 18TH ST BEND, OR 97701	49506	355774	10/01/2022	09/30/2023	DESCHUTES	
10 BARREL BREWING COMPANY	10 BARREL BREWING LLC	F-COM	ONE BUSCH PLACE / 202-1 ST LOUIS, MO 63118	1411 NW FLANDERS PORTLAND, OR 97209	53856	359914	01/01/2023	12/31/2023	MULTNOMAH	
10 BARREL BREWING COMPANY	10 BARREL BREWING LLC	WMBW	ONE BUSCH PLACE / 202-1 ST LOUIS, MO 63118	62950 & 62970 NE 18TH ST BEND, OR 97701	49506	356845	10/01/2022	09/30/2023	DESCHUTES	
10 BARREL BREWING COMPANY	10 BARREL BREWING LLC	WY	ONE BUSCH PLACE / 202-1 ST LOUIS, MO 63118	62950 & 62970 NE 18TH ST BEND, OR 97701	49506	355696	10/01/2022	09/30/2023	DESCHUTES	
10 BARREL BREWING COMPANY	10 BARREL BREWING LLC	WY	ONE BUSCH PLACE / 202-1 ST LOUIS, MO 63118	1411 NW FLANDERS PORTLAND, OR 97209	53887	355697	10/01/2022	09/30/2023	DESCHUTES	355696
10 BARREL BREWING COMPANY	10 BARREL BREWING LLC	WY	ONE BUSCH PLACE / 202-1 ST LOUIS, MO 63118	1135 NW GALVESTON AVE BEND, OR 97703	46579	355698	10/01/2022	09/30/2023	DESCHUTES	355696
101 BAR AND GRILL	FUN O ONE LLC	F-COM	PO BOX 363 BROOKINGS, OR 97415	98141 W BENHAM LN BROOKINGS, OR 97415	4210	350364	07/01/2022	06/30/2023	CURRY	
101 INSPIRATIONS	KIMBERLEY LAUGHLIN	O	PO BOX 1061 DEPOE BAY, OR 97341	1734 NE HWY 101 LINCOLN CITY, OR 97367	61782	350728	07/01/2022	06/30/2023	LINCOLN	
102ND STREET MARKET #1	SOFIA FOOD MART INC	O	16641 SE 82ND DR #101 CLACKAMAS, OR 97015	4646 NE 102ND AVE PORTLAND, OR 97220	324	358752	01/01/2023	12/31/2023	MULTNOMAH	
108 BAR & GRILL	BLEU POINTE CORPORATION	F-COM	10908 SE KNAPP ST PORTLAND, OR 97266	10845 NE HALSEY ST PORTLAND, OR 97213	254	358376	01/01/2023	12/31/2023	MULTNOMAH	
108 FUSION GRILL & SPORTS BAR	BTU 501 LLC	F-COM	15010 SW KINGBIRD DR BEAVERTON, OR 97007	3755 PORTLAND RD NE #1 SALEM, OR 97301	48058	346920	04/01/2022	03/31/2023	MARION	
1188 BREWING COMPANY	1188 BREWING COMPANY LLC	BP	141 E MAIN ST JOHN DAY, OR 97845	141 E MAIN ST JOHN DAY, OR 97845	51349	355699	10/01/2022	09/30/2023	GRANT	

Trademark	Licensee Name	License Type	Mailing Address	Premises Address	Premises No.	License No.	Effective Date	License Expires	County	Secondary Location To License #
THREE FEATHERS ESTATE	3FWINE LLC	WYNC	PO BOX 835 NEWBERG, OR 97132	21995 SW FINNIGAN HILL F HILLSBORO, OR 97123	57635	347003	04/01/2022	03/31/2023	WASHINGTON	
THREE LAKES WINERY	FRUIT OF THE WOODS WINE CELLAR INC	DS	PO BOX 519 THREE LAKES, WI 54562	6971 GOCSEBIC ST THREE LAKES, WI 54562	64050	358241	01/01/2023	12/31/2023	OUTSIDE OR	
THREE MAGNETS BREWING CO	THREE MAGNETS BREWING CO	CERA		600 FRANKLIN ST SE #105 OLYMPIA, WA 98501	54871	306027	01/01/2020	12/31/2024	OUTSIDE OR	
THREE MARY'S CELLARS	THREE MARY'S CELLARS LLC	WYNC	PO BOX 398 DUNDEE, OR 97115	845 NE 5TH ST MCMINNVILLE, OR 97128	56910	348276	04/01/2022	03/31/2023	YAMHILL	
THREE MERMAIDS PUBLIC HOUSE	KAT'S LADLE LLC	F-COM		18041 SW LOWER BOONEL TIGARD, OR 97224	54532	346611	04/01/2022	03/31/2023	WASHINGTON	
THREE MUGS BREWING COMPANY	THREE MUGS BREWING COMPANY LLC	BP		2020 NE ALOCLEK DR #10E HILLSBORO, OR 97124	50831	348274	04/01/2022	03/31/2023	WASHINGTON	
THREE OF CUPS	THREE OF CUPS LLC	DS		18808 142ND AVE NE #4A WOODINVILLE, WA 98072	55149	358242	01/01/2023	12/31/2023	OUTSIDE OR	
THREE OLD GUYS DISTILLING	THREE OLD GUYS DISTILLING LLC	DIST	PO BOX 262 YAMHILL, OR 97148	23625 HWY 47 BLDG B YAMHILL, OR 97148	61299	348400	04/01/2022	03/31/2023	YAMHILL	
THREE RIVERS CASINO COOS BAY	CONFEDERATED TRIBES OF COOS LOWER UMPQUA & SIUSLAW INDIANS	F-COM	5647 HWY 126 FLORENCE, OR 97439	1297 OCEAN BLVD COOS BAY, OR 97420	54160	350090	07/01/2022	06/30/2023	OUTSIDE OR	
THREE RIVERS CASINO RESORT	CONF TRIBES OF COOS / LWR UMPQUA & SIUSLAW INDIANS	F-COM	5647 HWY 126 FLORENCE, OR 97439	5647 HWY 126 / 3345 MUNI FLORENCE, OR 97439	38226	350061	07/01/2022	06/30/2023	OUTSIDE OR	
THREE RIVERS GRILL	THREE RIVERS GRILL INC	F-COM		601 OAK ST HOOD RIVER, OR 97031	38026	355365	10/01/2022	09/30/2023	HOOD RIVER	
THREE RIVERS WINERY	FOLEY FAMILY WINES INC	DS	200 CONCOURSE BLVD SANTA ROSA, CA 95403	5641 W HWY 12 WALLA WALLA, WA 99362	42868	360366	01/01/2023	12/31/2023	OUTSIDE OR	
THREE SEVEN MARKET	DON CHO	O		410 NE COLUMBIA BLVD PORTLAND, OR 97211	16785	359842	01/01/2023	12/31/2023	MULTNOMAH	
THREE STICKS	THREE STICKS LLC	CERA	PO BOX 1869 SONOMA, CA 95476	21692 8TH ST E #280 SONOMA, CA 95476	48977	324357	01/12/2021	12/31/2025	OUTSIDE OR	
THREE T CELLARS	THREE T CELLARS LLC	WH		5825 SW ARCTIC DR BEAVERTON, OR 97005	63123	347571	04/01/2022	03/31/2023	WASHINGTON	
THREE TREES LANE	GEOFFREY CROWTHER	WY	PO BOX 273 AMITY, OR 97101	14000 NE QUARRY RD NEWBERG, OR 97132	40603	344552	04/01/2022	03/31/2023	YAMHILL	
THREE TREES LANE	GEOFFREY CROWTHER	WY	PO BOX 273 AMITY, OR 97101	9200 NE ABBEY RD CARLTON, OR 97127	40604	344553	04/01/2022	03/31/2023	YAMHILL	344552
THREE WINE COMPANY	MAC WINES LLC	CERA	PO BOX 2069 SONOMA, CA 95476	115 SPECHT RD SONOMA, CA 95476	44338	357506	01/01/2023	12/31/2027	OUTSIDE OR	
THREE WINE COMPANY	MAC WINES LLC	DS	PO BOX 2069 SONOMA, CA 95476	35265 WILLOW AVE #202 CLARKSBURG, CA 95612	45516	358243	01/01/2023	12/31/2023	OUTSIDE OR	
THRESHOLD BREWING & BLENDING	THRESHOLD BREWING AND BLENDING LLC	BP	855 NE 72ND AVE PORTLAND, OR 97213	403 SE 79TH AVE PORTLAND, OR 97215	58826	353227	07/07/2022	06/30/2023	MULTNOMAH	
THRIFTY MARKET	SAMMY ENTERPRISES INC	O		105 SW RAINBOW AVE DALLAS, OR 97336	3123	346436	04/01/2022	03/31/2023	POLK	
THROUGHLINE WINES	THROUGHLINE LLC	WY	9179 SW LEE RD GASTON, OR 97119	9179 SW LEE RD GASTON, OR 97119	64628	357446	10/24/2022	03/31/2023	WASHINGTON	
THUMBPRINT CELLARS	THUMBPRINT WINE GROUP INC	DS	102 MATHESON ST HEALDSBURG, CA 95448	18850 HASSETT LN BLDG I GEYSERVILLE, CA 95441	62841	358244	01/01/2023	12/31/2023	OUTSIDE OR	
THUMP COFFEE	THUMP ROASTERY LLC	L	549 NW YORK DR #200 BEND, OR 97703	549 NW YORK DR #200 BEND, OR 97703	58145	356677	10/01/2022	09/30/2023	DESCHUTES	
THUNDER ISLAND BREWING	THUNDER ISLAND BREWING COMPAN' LLC	BP	PO BOX 10 CASCADE LOCKS, OR 970	601 NW WA NA PA ST CASCADE LOCKS, OR 970	62357	356593	10/01/2022	09/30/2023	HOOD RIVER	
THUNDEREGG COFFEE CO	CHRIS HAUN	L		125 MAIN ST NYSSA, OR 97913	46921	356761	10/01/2022	09/30/2023	MALHEUR	

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Madras, Central Oregon

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Madras, Oregon 97741

541-777-2816

[Email](#)

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Coos Bay, Oregon 97420

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PRIVACY & TERMS

Letter to Regional Director Bryan Mercier
Bureau of Indian Affairs
Comments Regarding DEIS / Medford Gaming Project
February 23, 2023
Page 27

EXHIBIT G: Evidence of Assistance from the Attorney General's Office and Governor's Office for Signage Placement and Authorization of the Confederated Tribes of Warm Springs' Class II Facility

Archived: Thursday, February 16, 2023 8:02:40 AM

From: HENDRICKSON Jill M

Mail received time: Tue, 20 Feb 2018 13:59:47

Sent: Tue, 20 Feb 2018 21:59:29

To: 'KIRBY Michael L' 'JACKSON Lucinda D' 'KIRBY Michael L' 'JACKSON Lucinda D

Subject: FW: Madras/IHC Options

Importance: Normal

Sensitivity: None

Hi Mike & Lucinda,

Thanks, Jill

Jill Hendrickson | Program Coordinator | Outdoor Advertising Sign Program | Right of Way Section
Oregon Dept of Transportation | 4040 Fairview Industrial Drive SE, MS-2 | Salem, OR 97302
Voice: 503.986.3635 | Alt: 503.986.3656 | Fax: 503.986.3625

From: LIEBE Annette * GOV [mailto:Annette.LIEBE@oregon.gov]

Sent: Tuesday, February 20, 2018 1:47 PM

To: LIEBE Annette * GOV; PFEIFFER Amy L; HENDRICKSON Jill M

Cc: FARNSWORTH Gary C; LIEBE Annette * GOV; MCCARROLL Joel R; CLAUS Scott C; BRYANT Robert W

Subject: RE: Madras/IHC Options

Good day. Do we need to set up a call to talk through the draft agreement to identify changes needed to meet the statute/rules?

I was pinged again today about this issue relative to the timeframe of the travel center opening (March 1st).

Many thanks

Annette Liebe

Regional Solutions Coordinator

Office of Governor Kate Brown

1011 SW Emkay Dr., Suite 108

Bend, OR 97702

(541) 610-7215

www.regionalsolutions.oregon.gov

From: LIEBE Annette * GOV [mailto:Annette.LIEBE@oregon.gov]

Sent: Wednesday, February 14, 2018 2:00 PM

To: 'PFEIFFER Amy L' <Amy.L.PFEIFFER@odot.state.or.us>; HENDRICKSON Jill M <JillM.HENDRICKSON@odot.state.or.us>
Cc: FARNSWORTH Gary C <Gary.C.FARNSWORTH@odot.state.or.us>; LIEBE Annette * GOV <Annette.LIEBE@state.or.us>; MCCARROLL Joel R <Joel.R.MCCARROLL@odot.state.or.us>; CLAUS Scott C <Scott.C.CLAUS@odot.state.or.us>; BRYANT Robert W <Robert.W.BRYANT@odot.state.or.us>
Subject: RE: Madras/IHC Options

Thank you all.

I'd like us to review the agreement and propose changes to the agreement that would make the proposal consistent with statute.

Here are a couple of additional facts that may (or may not) be relevant.

There will be no rent paid to the city

The Tribes will have third party contractual relationships with utility providers, etc.

Did not hear that the city plans to advertise on the sign

Sign will be owned by the tribes

Annette Liebe

Regional Solutions Coordinator

Office of Governor Kate Brown

1011 SW Emkay Dr., Suite 108

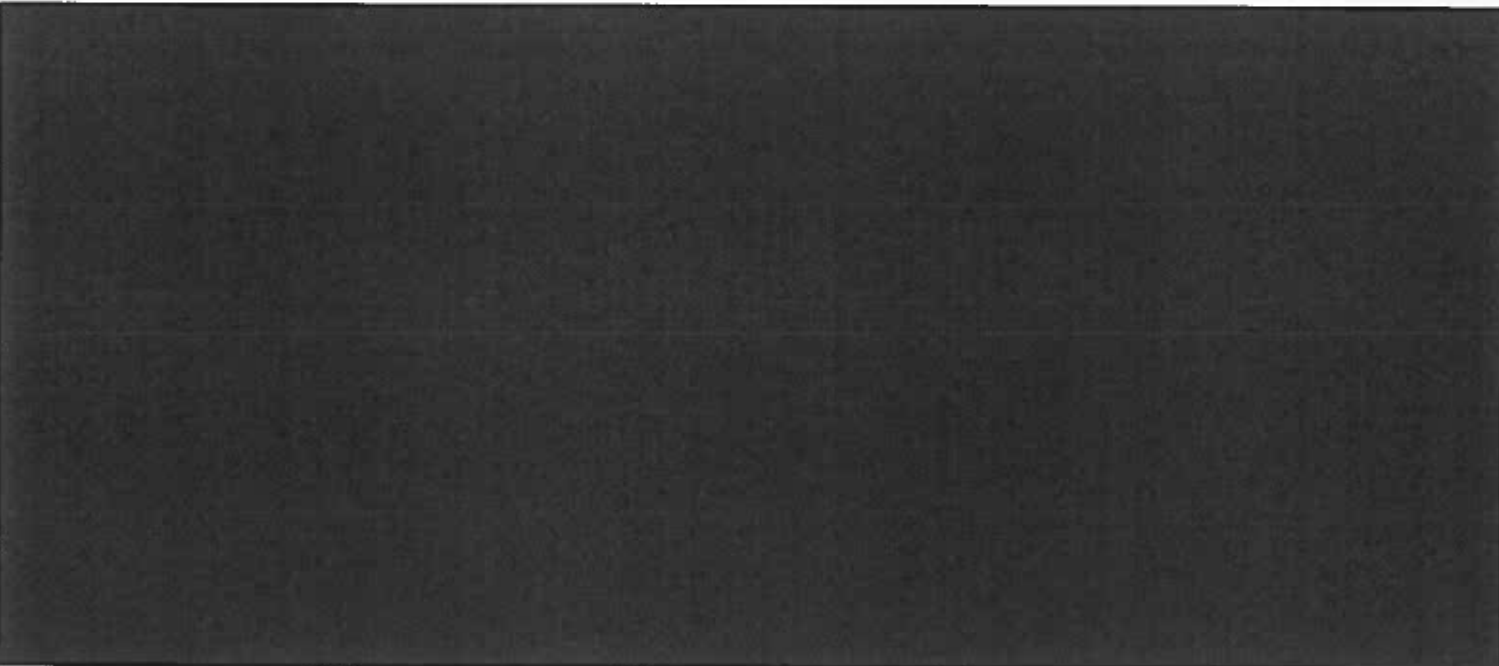
Bend, OR 97702

(541) 610-7215

www.regionalsolutions.oregon.gov

From: PFEIFFER Amy L [<mailto:Amy.L.PFEIFFER@odot.state.or.us>]
Sent: Wednesday, February 14, 2018 1:23 PM
To: HENDRICKSON Jill M <JillM.HENDRICKSON@odot.state.or.us>
Cc: FARNSWORTH Gary C <Gary.C.FARNSWORTH@odot.state.or.us>; LIEBE Annette * GOV <Annette.LIEBE@state.or.us>; MCCARROLL Joel R <Joel.R.MCCARROLL@odot.state.or.us>; CLAUS Scott C <Scott.C.CLAUS@odot.state.or.us>; BRYANT Robert W <Robert.W.BRYANT@odot.state.or.us>
Subject: FW: Madras/IHC Options





The Travel Center opens March 1, so there is a tentative plan to reconvene the group to meet on February 27 in the afternoon. It would be great if you and Scott Claus were available to call into that meeting. I will make sure you get the invitation with a call in number.

Amy Pfeiffer

ODOT Planning and Environmental Manager

63055 N Highway 97, Building M

Bend, OR 97703

541-388-6052

From: FARNSWORTH Gary C
Sent: Monday, February 12, 2018 10:15 AM
To: BRYANT Robert W; PFEIFFER Amy L
Subject: FW: Madras/IHC Options

FYI, will bring up at 10:00.

From: HENDRICKSON Jill M
Sent: Monday, February 12, 2018 7:23:40 AM
To: 'LIEBE Annette * GOV' (Annette.LIEBE@oregon.gov)
Cc: FARNSWORTH Gary C; MCCARROLL Joel R; KIRBY Michael L; CLAUS Scott C; JACKSON Lucinda D; JOYCE Amy B
Subject: FW: Madras/IHC Options

Hello Annette,



From: Jackson Lucinda D
Sent: Wed, 24 Jan 2018 18:35:07
To: 'Delcotto Adrienne M'Delcotto Adrienne M
Subject: FW: Travel Plaza Signage _ Warm Springs Indian Head Casino
Importance: Normal
Sensitivity: None
Archived: Thursday, February 16, 2023 8:03:18 AM

Lucinda D. Jackson
Senior Assistant Attorney General | Government Services Section
Oregon Department of Justice
1162 Court Street N.E. | Salem, Oregon 97310
503.947.4530

From: Jackson Lucinda D
Sent: Wednesday, January 24, 2018 9:49 AM
To: 'HENDRICKSON Jill M'
Subject: RE: Travel Plaza Signage – Warm Springs Indian Head Casino

Lucinda

Lucinda D. Jackson
Senior Assistant Attorney General | Government Services Section
Oregon Department of Justice
1162 Court Street N.E. | Salem, Oregon 97310
503.947.4530

From: HENDRICKSON Jill M [mailto:Jill.M.HENDRICKSON@odot.state.or.us]
Sent: Wednesday, January 24, 2018 9:43 AM
To: 'Jeremy Green'
Cc: 'Nick Snead'; KIRBY Michael L
Subject: RE: Travel Plaza Signage – Warm Springs Indian Head Casino

Good Morning Jeremy,

I wanted to get back to you and let you know that we did receive your message below and are working diligently to get a response composed; however, we've not been able to get all the moving parts and pieces together early this week, due to scheduling challenges.

Knowing that timing is significant, we will do our best to get our response back by early next week, and we appreciate your patience as we work through our processes.

Sincerely,
Jill Hendrickson | Program Coordinator | Outdoor Advertising Sign Program | Right of Way Section

Oregon Dept of Transportation | 4040 Fairview Industrial Drive SE, MS-2 | Salem, OR 97302
Voice: 503.986.3635 | Alt: 503.986.3656 | Fax: 503.986.3625

From: Jeremy Green [mailto:green@bljlawyers.com]
Sent: Friday, January 19, 2018 9:15 AM
To: HENDRICKSON Jill M
Cc: 'Nick Snead'; Ellen H. Grover; Nicole Precone
Subject: RE: Travel Plaza Signage – Warm Springs Indian Head Casino

Good morning, Jill. Would you mind providing us a status report concerning this matter? Thank you and have a good weekend.

Jeremy M. Green Attorney & Shareholder
E green@bljlawyers.com<mailto:green@bljlawyers.com> | P 541-382-4331 | F 541-389-3386 | 591 SW Mill
View Way, Bend, OR 97702 | www.bljlawyers.com<http://www.bljlawyers.com>
[cid:ii_13a23ae913571fc5]

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From: Jeremy Green
Sent: Thursday, January 04, 2018 2:57 PM
To: HENDRICKSON Jill M
<Jill.M.HENDRICKSON@odot.state.or.us<mailto:Jill.M.HENDRICKSON@odot.state.or.us>>
Cc: 'Nick Snead' <nsnead@ci.madras.or.us<mailto:nsnead@ci.madras.or.us>>; Ellen H. Grover
<ehg@karnopp.com<mailto:ehg@karnopp.com>>; Alan Dale
<Dale@bljlawyers.com<mailto:Dale@bljlawyers.com>>; Nicole Precone
<nicole@bljlawyers.com<mailto:nicole@bljlawyers.com>>
Subject: RE: Travel Plaza Signage – Warm Springs Indian Head Casino

Good afternoon, Jill. Attached you will find the requested draft sign agreement.

Please let me know if you have any questions. Thank you and have a great evening.

Jeremy M. Green Attorney & Shareholder
E green@bljlawyers.com<mailto:green@bljlawyers.com> | P 541-382-4331 | F 541-389-3386 | 591 SW Mill
View Way, Bend, OR 97702 | www.bljlawyers.com<http://www.bljlawyers.com>
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From: HENDRICKSON Jill M [mailto:Jill.M.HENDRICKSON@odot.state.or.us]
Sent: Thursday, December 28, 2017 8:28 AM
To: Jeremy Green <green@bljlawyers.com<mailto:green@bljlawyers.com>>
Cc: MCCARROLL Joel R
<Joel.R.MCCARROLL@odot.state.or.us<mailto:Joel.R.MCCARROLL@odot.state.or.us>>; FARNSWORTH Gary
C <Gary.C.FARNSWORTH@odot.state.or.us<mailto:Gary.C.FARNSWORTH@odot.state.or.us>>; KIRBY
Michael L <Michael.L.KIRBY@odot.state.or.us<mailto:Michael.L.KIRBY@odot.state.or.us>>; 'Nick Snead'

<nsnead@ci madras.or.us<mailto:nsnead@ci madras.or.us>>; Ellen H. Grover
<ehg@karnopp.com<mailto:ehg@karnopp.com>>; Alan Dale
<Dale@bljlawyers.com<mailto:Dale@bljlawyers.com>>; Nicole Precone
<nicole@bljlawyers.com<mailto:nicole@bljlawyers.com>>; CLAUS Scott C
<Scott.C.CLAUS@odot.state.or.us<mailto:Scott.C.CLAUS@odot.state.or.us>>
Subject: RE: Travel Plaza Signage – Warm Springs Indian Head Casino
Importance: High

Good Morning Jeremy,

I spoke with Nick on the phone last week and asked that he provide a copy of the agreement with the tribe that relates to the proposed sign and location. Nick indicated that the agreement was an unsigned draft and that you would forward that to ODOT for review.

We'll look forward to receiving that information, and hope to be able to respond to your request within a week of receiving the agreement.

Hope you are all having a great holiday season and we'll speak with you soon.

Sincerely,

Jill Hendrickson | Program Coordinator | Outdoor Advertising Sign Program | Right of Way Section
Oregon Dept of Transportation | 4040 Fairview Industrial Drive SE, MS-2 | Salem, OR 97302
Voice: 503.986.3635 | Alt: 503.986.3656 | Fax: 503.986.3625

From: Jeremy Green [mailto:green@bljlawyers.com]
Sent: Thursday, December 14, 2017 3:54 PM
To: HENDRICKSON Jill M
Cc: MCCARROLL Joel R; FARNSWORTH Gary C; KIRBY Michael L; 'Nick Snead'; Ellen H. Grover; Alan Dale; Nicole Precone
Subject: Travel Plaza Signage – Warm Springs Indian Head Casino

Good afternoon, Jill. Thank you and your team for taking the time to speak with me, Alan Dale, and Nick Snead on November 16, 2017 concerning the proposed travel plaza sign. City of Madras ("City") appreciates the assistance you and your team have provided.

As you are aware, ORS 377.700 et seq. restricts the placement of "outdoor advertising signs" visible to the traveling public from a state highway. In particular, ORS 377.715 provides that a permit must be obtained from ODOT to erect an outdoor advertising sign. ORS 377.710(21) defines an "outdoor advertising sign," in pertinent part, as (a) a sign that is not at the location of a business or an activity open to the public, or (b) a sign for which compensation or anything of value is given or received for the display of the sign or for the right to place the sign on another's property.

As you are aware, City's position is that the proposed sign will be at a location of an activity open to the public. City has further taken the position that City will not receive compensation or anything of value for display of the sign or the right to place the sign on City property. Consequently, the sign does not constitute an "outdoor advertising sign" under ORS 377.710 and an outdoor advertising sign permit is not required. Based upon your email of November 1, 2017 and our November 16 conference call, we understand that ODOT disagrees. Specifically, ODOT has taken the position that (a) the sign will not be at a location of an activity open to the public, and (b) City is being compensated (or receiving something of value) for the sign, i.e., City will be permitted to place its messages on the sign.

Attached to this email please find a letter dated December 8, 2017 to you from Olney Patt, Jr., Chair of the Warm Springs Indian Head Casino Board of Directors. Mr. Patt's letter supports City's position that the proposed sign is not an outdoor advertising sign subject to the permit requirements. In particular, Mr. Patt's letter explains the

unique “intergovernmental” relationship between the Confederated Tribes of Warm Springs Reservation, Indian Head Casino, and City. Mr. Patt’s letter also provides further details concerning the activities open to the public at the sign location and the non-compensatory aspects of the sign’s construction, installation, and operation. Please note that the activities proposed at the sign location now include a kiosk with rotating information, parking area (depicted on the attached site plan), and the permanent educational plaque initially contemplated.

Based upon this supplemental information, please advise whether ODOT is willing to acknowledge and agree that (a) the proposed sign does not constitute an outdoor advertising sign under ORS 377.710 et seq., and (b) a sign permit is not required for the proposed sign. If necessary, we (City) would be happy to jump on another conference call with you, your team, and tribal representatives. Time is of the essence. Therefore, thank you in advance for your prompt attention and assistance with this matter. We look forward to receiving your response soon.

Sincerely,

Jeremy M. Green Attorney & Shareholder
E green@bljlawyers.com<mailto:green@bljlawyers.com> | P 541-382-4331 | F 541-389-3386 | 591 SW Mill
View Way, Bend, OR 97702 | www.bljlawyers.com<http://www.bljlawyers.com>
[cid:ii_13a23ae913571fc5]

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—

From: HENDRICKSON Jill M

Mail received time: Tue, 6 Feb 2018 08:27:34

Sent: Tue, 6 Feb 2018 16:27:21

To: 'Nick Snead'Green@bjlawyers.com'Green@bjlawyers.com

Cc: 'KIRBY Michael L'JACKSON Lucinda D'LUND Deborah R'FARNSWORTH Gary C'MCCARROLL Joel R'KIRBY Michael LJACKSON Lucinda DLUND Deborah RFARNSWORTH Gary CMCCARROLL Joel R

Subject: Proposed City of Madras ROW Sign

Importance: Normal

Sensitivity: None

Archived: Thursday, February 16, 2023 8:03:44 AM

Good Morning Nick & Jeremy,

Thank you for all of the information you've provided the Outdoor Advertising Sign Program to facilitate our understanding of the proposed sign.

The Outdoor Advertising Sign Program (sign program) is a regulatory program that operates under the requirements of the Oregon Motorist Information Act (Oregon Revised Statutes 377.700 to 377.844 & 377.992) and the Oregon Administrative Rules (OAR) promulgated under that statutory authority. We appreciate your efforts to involve the Department early and your dedication to communicating with us, on this important development in the City of Madras. As we've discussed, the proposal is to locate a sign, on city-owned right of way, adjacent to US-26, at approximate milepoint 115.84, in the northwest corner of the intersection of US-26 and NW Cherry Lane.

The sign program has worked a two-pronged approach in trying to facilitate this request. Under the OMIA, a sign must either meet the requirements for being an "Exempt" sign under the OMIA, or it must have an outdoor advertising sign permit. To that end, we evaluate both possibilities in regard to the information you've provided.

To be an "Exempt" governmental unit (GVU) sign, the sign must meet all of the requirements in ORS 377.735, and OAR 734-060-0105. Below are the criteria, and which are met, or not met, per the information that has been provided to-date:

Met? Y/N

Requirement

Y

The sign must be within the territorial or zoning jurisdiction of the governmental unit

Y

The governmental unit must have the authority to declare, expound, administer, or apply the law within the area

N

The governmental unit may only erect the sign, or allow it to be erected, for the purpose of carrying out an official duty or responsibility directed or authorized by law

Y

Location. Signs permitted by this rule are prohibited on state highway right of way.

N

Size. Maximum area allowed is 200 square feet; maximum height or length allowed is 20 feet

Y

Number. A governmental unit may have two such permit exemptions. If the limitation on number of signs will cause undue hardship, a waiver for additional signing may be granted by the Director, or authorized representative, upon application by the sign owner

N

The entire message must be contained on one sign. Fragmentation of messages on separate sign panels is prohibited

Y

Signs erected under this rule are subject to the provisions of ORS 377.720 and to applicable federal requirements. Nothing in this rule is intended to permit a sign that is otherwise prohibited by a local government

N

No person may receive compensation for displaying the sign

As currently proposed, the sign would not be able to qualify as an "Exempt" governmental unit sign.

The other option to be "exempt" is for the sign to be (1) a sign for which no compensation, or anything of value, is exchanged for the messages displayed on the sign, or for the right to place the sign on another's property, and (2) for the sign to be at the location of a business or an activity open to the public.

Currently, there is no business activity, as defined in OAR 734-059-0020, at the proposed location, nor is there an activity open to the public as described in OAR 734-059-0025. Additionally, the information provided by the City during conference calls, as well as the 'draft' agreement sent, indicates that there will be compensation exchanged, as defined by the OMIA. Although the Agreement is still in "draft" form, it clearly indicates under the section labeled "AGREEMENT" in the opening paragraph that there will be "...good and valuable consideration..."; and goes on to describe that IHC will pay for and maintain the sign, but will be required to allow the City of Madras to utilize all portions of the sign, with the exception of the IHC sign locations, to advertise per Item #3.3. Item #6, clearly states that IHC will pay all costs and expenses associated with the sign, but that the City will "own" the sign. Additional sections describe that IHC will be required to maintain insurance

and landscaping for the sign that will be on owned by the City.

One of the options that we discussed in a teleconference at the end of 2017, was the option of placing the sign on the lot that abuts the City's right of way, and is owned by the CTWS. If the property is part of the Trust, a sign on that property would not be need to meet the requirements of the OMIA. If the land is not part of the Trust, as we discussed in the call, it could be developed into an activity open to the public, such as a parking area, or similar, and the sign could be placed there. Under that circumstance, if the sign owner wished to provide community announcements gratis to the City, they would be welcome to do so without an outdoor advertising sign permit.

I appreciate all of your time, and your efforts to communicate with us, and to provide the necessary information to assist us in evaluating this request, prior to the placement of any signage. Unfortunately, the sign, as proposed, would not meet with the statutory requirements of the OMIA, without an outdoor advertising permit. The outdoor advertising sign program is a cap-and-replace program, so in order to permit this sign, one of the parties would need to reach out to a current sign permit holder and arrange the purchase of either active sign permits, or relocation credits, to apply for new sign permits. Additionally, because the sign will have a digital or LED component, under statute, each side of the sign would need a separate permit, and each permit would need a minimum size of 250 sq ft. sign face size, per the requirements in ORS 377.831.

If circumstances change, or if I can provide any further assistance, please let me know.

Sincerely,

Jill Hendrickson | Program Coordinator | Outdoor Advertising Sign Program | Right of Way
Section
Oregon Dept of Transportation | 4040 Fairview Industrial Drive SE, MS-2 | Salem, OR
97302
Voice: 503.986.3635 | Alt: 503.986.3656 | Fax: 503.986.3625

Plateau Travel Plaza prepares to open

Holly M. Gill
Mar 8, 2018



The Plateau Travel Plaza, located just west of U.S. Highway 26, on Cherry Lane, is preparing to open its 24-hour business center.
Holly M. Gill

The opening of the new Plateau Travel Plaza was pushed back a couple weeks, but that hasn't stopped truckers and others from turning off U.S. Highway 26 at Cherry Lane, to check out the soon-to-open business.

The new truck stop, located just west of Highway 26 on 10.45 acres of land that the Confederated Tribes of Warm Springs have owned since 1977, is now set to open Saturday, March 24.

According to Belinda Chavez, marketing director for Indian Head Casino, which is overseeing the \$8.5 million project, the 13,000-square-foot facility includes full- and self-serve fueling stations for semitrucks and automobiles, a convenience store, restaurant and deli, with homestyle seating and takeout, gaming area with 30 Class II slot machines, restrooms and showers, and parking in the back for about 70 semitrucks.

"I think it's going to be beneficial for our local economy," said Chavez, adding that truckers will have a "large, secure place" to park their trucks.

"It's definitely going to add to the community," said Eric Angel, general manager of the Plateau Travel Plaza, who recently moved to Madras from Campo, California, where he managed the travel center portion of the Golden Acorn Casino and Travel Center.

Angel, who was hired by the tribes and started work Nov. 22, 2017, has been working to find and train employees for the business. So far, the tribes have hired 65-70 employees, about three-quarters of whom are tribal members.

"The big focus is going to be on training everyone," he said, "so that the day we open, the goal is to make it appear as though we've been doing this forever."

The fact that the center will be open 24 hours a day will be a tremendous benefit to truckers and other motorists, he pointed out.

"If you drive through downtown Madras, especially at night, there are (truck) drivers pulling off the side of the highway. We have the ability to have 75-80

trucks overnight," said Angel, noting that even though they're not yet open, truckers have already begun parking there overnight.

The convenience store, which accounts for about 3,000 square feet of the plaza features a checkout area with five cashiers, with one of those dedicated to diesel pumps, plus a backup cashier in the deli area for lunch hours and other busy times.

An entire aisle in the store is devoted to tools and supplies truckers might need to make a repair, or get back on the road. Diesel exhaust fluid is available at the pump, or by the jug.

"We will also have a display case for CB radios and trucker electronics," said Angel.

Another display case will eventually be used for artwork on consignment from tribal members.

Near the entrance for truckers at the back of the building, there are four public showers — one of which is ADA-accessible. Cost of showers will be \$12, but \$5 of that will be refunded when the key card is returned, Angel said.

Shelves and refrigerated cases are already stocked with everything but perishable items, such as milk and eggs. The self-serve beverage area is set up to serve fountain drinks, specialty coffees and tea, as well as milkshakes.

"The deli is set up to be grab and go," said Angel, who hopes to attract workers from the Madras Industrial Site.

The facility also houses the general manager's office, server room gaming commission office, an employee break room, and a security office.

"We'll have 24-hour security inside and outside," said Angel.

When the weather warms up, there will be tables and chairs for outdoor dining.

Kirby Nagelhout broke ground on the project in April 2017. "All the inspections have been finalized, and we're looking for our certificate of occupancy," said Chris Neumaier, project manager for Kirby Nagelhout. "It was an excellent project and a good team effort."

The tribes are working with the Oregon Department of Transportation to install a sign at Cherry Lane. "We have a few more things to clear up with ODOT," he said. "Right now, we're finalizing last-minute details."

The tribes are planning a grand opening on Friday, April 6, but will announce details later.

Letter to Regional Director Bryan Mercier
Bureau of Indian Affairs
Comments Regarding DEIS / Medford Gaming Project
February 23, 2023
Page 28

EXHIBIT H: Joint Committee on Gambling Regulation Interim Report and Key Observation Letter
(December 7, 2022)

Chair:
Rep. John Lively
Sen. Sara Gelsler Blouin

Members:
Rep. Andrea Valderrama
Rep. Kim Wallan
Rep. Boomer Wright
Sen. Dick Anderson
Sen. Lynn Findley
Sen. Chris Gorsek

Staff:
Leslie Porter, LPRO Analyst
Michael Lantz, LPRO Analyst
Sarah Clampitt, Committee Assistant



81st LEGISLATIVE ASSEMBLY
JOINT COMMITTEE ON GAMBLING REGULATIONS

State Capitol
900 Court St. NE, Rm. 453
Salem, OR 97301
503-986-1813
FAX 503-986-1814

Dear Speaker Rayfield and President Courtney,

Thank you for giving us the opportunity to co-chair the Interim Joint Committee on Gambling Regulation. We have enjoyed this opportunity and believe it has been a worthy endeavor with the potential for much more exploration and possible policy recommendations. In addition to the formal report regarding the work of the committee, we wanted to share our own observations and recommendations. These come from our experience on the committee as well as from our meetings (some jointly, some separately) with many stakeholders in this policy area. We hope these observations and recommendations will be helpful to you as you weigh how the Legislature might most effectively manage this complex policy area.

Key Observations from the Co-Chairs

General

- Gambling is a complex policy area that touches a wide variety of stakeholders—from Tribal Nations to local lottery retailers to for profit entrepreneurs from out of state. Despite this, our review of regulation in Oregon suggests that the state has lacked a coordinated strategy for considering these issues. As a result, we have a series of “one off” decisions that can be confusing and/or costly. For instance, the lack of understanding of emerging technology and the impact of that technology on Tribal nations led to honest mistakes that were costly and controversial with the Flying Lark project.
- Each of the federally recognized tribes in Oregon has an interest in Tribal gaming, but these issues are not always aligned. It is critical to recognize there are different needs and priorities driving the actions and positions of each Tribe and sometimes these needs and priorities create competition and even acrimony between Tribes. It is critical when exploring these issues to have distinct conversations with each Tribe.
- Although we may engage in significant discussions about tribal gaming and the process of siting new casinos is very political, the Oregon Legislature does not have authority to

regulate Tribal Gaming. Further, we could find no evidence that any “One Tribe, One Casino” policy by the Federal Government or State of Oregon has been formally adopted or exists in any written form.

- For tribal communities, gambling revenue is not just about market share and profitable business. Gambling revenue is key to funding essential services for tribal communities including health care, education, and public safety. When outside competition encroaches on the revenues of tribal casinos, this translates into reduced essential services for the people of Oregon’s indigenous communities.
- The history of treaties, land acquisition and loss and destruction of natural resources that supported tribal economies are directly relevant to discussions of Tribal gaming and the potential impacts of expansion of state or private efforts to increase revenues from gambling.

Technology and Games

- Technology has outpaced regulation in Oregon and most policy makers are not aware of how this technology has changed the gambling experience. This is relevant to issues such as addiction and problem gambling, which non-tribal gambling activities impact Tribal casinos and the ability for lottery retailers to maintain a customer base with their existing technology.
- Prior to modern advances in technology, a player could generally see a distinct difference between a slot machine, a bingo game, and a historic horse racing terminal. Today, technology is deployed in a way that allows both Bingo and Historic Horse Racing to present as traditional slot machines. Although the mechanism by which the player’s “luck” is determined varies across these categories, the player experience is often indistinguishable.
- Technology may have the capacity to work around many existing gambling regulations.

Horse Racing

- Despite what appears to be a relatively small presence of horse racing activities in Oregon, millions of dollars from other states flow through the Oregon Racing Commission from races that are run in other states.
- A few County fairs in Oregon support horse racing as one of the activities available to local citizens who attend the fairs, however they are struggling with revenue needed to support horse racing at the local level.
- For some, horse racing is about betting and business. For others, it’s about a way of life and a sport. When considering issues related to racing it’s important to recognize these distinct interests.
- Betting on historic horse racing is not connected to live horse racing, but has been offered in several different formats over the years in Oregon.

Poker

- Though this committee did not explore poker, we did receive many inquiries from those interested in poker. This ranged from individuals concerned that Oregon's current social poker statutes are contradictory and could put some honest players or hosts at risk of prosecution to out of state organizations that would like to expand Texas style poker rooms into Oregon.

Mobile Sports Betting

- There is significant interest from a variety of proprietors in the expansion of mobile sports betting in Oregon. Sport Oregon is also a significant and vocal proponent of this expansion.
- Other states have seen significant increased revenue from expanded sports betting. Along with the increased revenue has come increased addiction and problem gambling.
- Oregon's structure for taxing sports betting is different than most states. It is unclear how Oregon would recognize public revenue under this structure for endeavors outside the Oregon lottery system.
- Tribes, lottery retailers and advocates for treatment of problem gambling express significant concerns about the expansion of this product.
- Increasing interest in this area comes from many different groups and game providers urging expansion often based on "lost revenue" and/or illegal betting already taking place.

Lottery

- The Oregon Legislature has much more authority to regulate Oregon Lottery operations than previously understood. While the Oregon Lottery is identified in the Oregon State Constitution, significant regulatory control was actually placed into statute. This is contrary to what we believe was the common understanding of the Legislature's potential authority to create policies under which the Oregon Lottery Commission must operate.
- Oregon's system of leasing lottery terminals to lottery retailers creates unique challenges related to technology. An individual retailer is not able to upgrade their machines. Instead, machine upgrades and replacements must be done equitably on a statewide basis. This makes it very difficult to move Oregon away from antiquated machines that have fewer options for play and to implement technology used in many other markets to address problem gambling.
- Oregon has a significant commitment to Oregon lottery bonds and any changes in lottery regulation could affect Oregon's bond rating or require the use of general fund to meet lottery bond debt obligations.
- Expansion of handheld/remote lottery games raises concerns for both lottery retailers and Tribes. Both express concerns about loss of revenue should such games be expanded. Such expansion also raises significant concerns for those in the treatment

and problem gambling community, as such games increase the risk for problem gamblers.

Treatment and problem gambling

- Despite some dedicated funding for problem gambling treatment, Oregon's capacity to meet the needs of problem gamblers is not sufficient.
- There is a neurobiological basis for gambling addiction and problem gambling that is not well understood. High quality, evidence-based treatment is essential to helping those trying to address problem gambling.
- Treatment for problem gambling is frequently overlooked in other discussions related to treatment and recovery. Yet, problem gambling can be as destructive as substance or alcohol misuse.

Recommendations

- Gambling is a complex policy area with profound economic impacts on Tribal nations, small business owners, gambling consumers, out of state organizations and individuals. There are also substantial impacts on health, well-being and culture across the state. It is important that moving forward, any policy proposals related to gambling regulation consider these issues. It would be most ideal to have a dedicated policy committee for all related bills to flow to.
- This committee has just scratched the surface of these issues. Perhaps with the exception of an expansion of treatment services, it may be wise to put a "pause" on any expansion of gambling in Oregon or implementation of new policies until the Legislature is able to complete a comprehensive study.
- The Legislature should pay careful attention to the upcoming release of the Secretary of State's audit of the Oregon Racing Commission.
- Although not required by statute, we believe it is essential that any future consideration of non-tribal gaming expansion includes exhaustive examination of the potential impacts on Tribal economies and services as well as to the impact on addiction and problem gambling.
- We need further examination of whether there are policies or practices that contribute to the negative impacts of gambling on BIPOC and rural communities.
- The Legislature should embrace its statutory authority to create parameters under which the Oregon Lottery Commission should operate.
- The Legislature should examine whether current policies are sufficient to regulate non-tribal gaming in Oregon given advances in technology.

Finally, we respectfully recommend that the presiding officers appoint a Joint Committee on Gambling Regulation for the 2023 session that would meet intermittently. This committee would be able to consider any policy proposals that do come forward related to gambling, including the Oregon Lottery, sports betting, racing, poker and problem gambling treatment and prevention. It would also be able to continue its study of these issues so that Oregon can

be better prepared to create a thoughtful regulatory framework moving forward. We do not anticipate this committee would need to meet regularly, but rather simply at the call of the Chairs as time allows and as policies are referred to the committee. We also recommend the Joint Committee continue in the interim to continue building a long-term framework for handling these issues with the time and focus the interim will allow.

Thank you again for allowing us the opportunity to explore this fascinating policy area. We look forward to answering any questions you might have and watching this work continue to evolve in the months and years ahead.

Sincerely,



Senator Sara Gelsner Blouin, Co-Chair



Representative John Lively, Co-Chair



*Prepared by
Legislative Policy and
Research Office*

**Joint Interim Committee
on Gambling Regulation**

Interim Progress Report

December 2022

TASK FORCE MEMBERS

Senate

Senator Sara Gelser Blouin, Senate District 8, Co-Chair

Senator Dick Anderson, Senate District 5

Senator Lynn Findley, Senate District 30

Senator Chris Gorsek, Senate District 25

House

Representative John Lively, House District 12, Co-Chair

Representative Andrea Valderrama, House District 47

Representative Kim Wallan, House District 6

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A publication of the Oregon Legislative Policy and Research Office, which provides centralized, professional, and nonpartisan research, issue analysis and committee management services for the Legislative Assembly. The Legislative Policy and Research Office does not provide legal advice. This document contains general information that is current as of the date of publication. Subsequent action by the legislative, executive, or judicial branches may affect accuracy.

Co-Chairs

Senator Sara Gelser Blouin
Representative John Lively

Staff:

Michael Lantz, LPRO Analyst
Leslie Porter, LPRO Analyst
Sarah Clampitt, Committee Assistant



Members:

Senator Dick Anderson
Senator Lynn Findley
Senator Chris Gorsek
Representative Andrea Valderrama
Representative Kim Wallan
Representative Boomer Wright

81ST LEGISLATIVE ASSEMBLY
JOINT INTERIM COMMITTEE ON GAMBLING REGULATION

State Capitol
900 Court St. NE, Rm. 453
Salem, OR 97301
Phone: 503-986-1813
FAX: 503-364-1814

December 7, 2022

Senate President Peter Courtney and House Speaker Dan
Rayfield:

Submitted herewith is the Interim Progress Report of the
Joint Interim Committee on Gambling Regulation. This
committee was appointed on April 15, 2022 for the purpose
of studying gambling regulation in the State of Oregon.

Sincerely,

Handwritten signature of Sara A. Gelser Blouin in black ink.

Senator Sara Gelser Blouin, Co-Chair

Handwritten signature of John Lively in black ink.

Representative John Lively, Co-Chair

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EXECUTIVE SUMMARY

The Joint Interim Committee on Gambling Regulation (Committee) was appointed by the Speaker of the House, Representative Dan Rayfield, and the President of the Senate, Senator Peter Courtney, on April 15, 2022. It was charged with reviewing the status of gambling regulation in the State of Oregon and met six times between June and December. The Committee heard from stakeholders and learned about the types of gambling available in Oregon, gambling regulation, legislative authority, and Oregon State Lottery revenue.

Note: The terms “gaming” and “gambling” are often used interchangeably to refer to games of skill or chance. This Committee’s name uses the term “gambling.” However, many state and federal agencies use the term “gaming.” Due to the latter, and for consistency, this report uses “gaming” throughout. However, when referring to “gambling addiction,” the report uses the terms provided by the experts in that field.

Membership

The eight-member Committee includes four Representatives and four Senators, with two Democrats and two Republicans from each chamber.

Process

The Committee met for the first time on June 1, 2022 and met six times between June and December. The meetings were organized by topic, with several topics requiring more than one meeting to address. See below for meeting dates and topics.

Meeting Dates and Topics

June 1, 2022. The first meeting served as the Organizational Meeting. The Committee also learned about the basics of gaming and the types of gaming in Oregon.

July 20, 2022. The second meeting focused on the impact of gaming on Oregon’s nine federally recognized tribes, the regulation of tribal casinos, and the history of tribal lands. The Committee heard testimony from seven tribes and learned about the different needs and perspectives held by each community.

August 26, 2022. The third meeting was a continuation of the types of gaming and regulation.

September 21, 2022. The fourth meeting focused on gambling addiction and access to treatment, Oregon State Lottery (Lottery) revenue, and legislative budget authority. The members discussed potential legislative concepts for the 2023 legislative session. The Committee decided to not request legislative concepts related to gaming at this time.

October 27, 2022. The fifth meeting focused on legislative authority over gambling regulations, how Lottery beneficiaries allocate their funds, and about economic challenges facing county fair horse racing.

December 7, 2022. [insert summary]

Access to Full Report

The full report can be found online at:

<<<https://olis.oregonlegislature.gov/liz/202111/Committees/JGAMRG/2022-12-07-14-30/MeetingMaterials>>>.

SECTION 1: COMMITTEE PROCESS

Charge

The Joint Interim Committee on Gambling Regulation (Committee) was appointed by the Speaker of the House, Representative Dan Rayfield, and the President of the Senate, Senator Peter Courtney on April 15, 2022. The eight-member Committee includes four Representatives and four Senators, with two Democrats and two Republicans from each chamber. The Committee is charged with reviewing the status of gambling regulation in the State of Oregon.

Background

Different types of gambling are available in Oregon, the major categories of which are discussed briefly below.

Tribal Gaming. In 1988, Congress passed the Indian Gambling Regulatory Act (IGRA), which regulates gaming on tribal lands.¹ It divided games into three classes. Class I games are traditional or social games played for minimal prizes and are regulated by tribal governments.² Class II games are often referred to as “bingo-based” and are regulated primarily by tribal governments after approval by the National Indian Gaming Commission (NIGC).³ Class III games are broadly defined to include any games that are not defined as Class I or Class II games, including slot machines and table games.⁴ For a Class III casino to be authorized, a compact must be entered into with the state and approved by the federal Secretary of the Interior.⁵

In Oregon, eight tribes operate Class III casinos.⁶ Subject to the compacts, these casinos are regulated by the NIGC, the Oregon State Police (OSP), and the gaming commission set up by each tribe.⁷ Two tribes also operate Class II casinos.⁸ Casinos are a major source of revenue for the tribes and fund community development activities and social services.⁹

¹ National Indian Gaming Commission, *History*, <<https://www.nigc.gov/commission/history>> (last visited November 17, 2022)

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ *Id.*

⁶ Ariel Low, Oregon Legislative Policy and Research Office, *Tribal Casinos in and Around Oregon*, <<https://olis.oregonlegislature.gov/liz/202111/Downloads/CommitteeMeetingDocument/256597>> (last visited November 17, 2022)

⁷ See U.S. Department of Interior – Indian Affairs – Oregon Gaming Compacts, <https://www.bia.gov/as-ia/oig/gaming-compacts?year=all&field_us_state_s_value=OR&field_tribe_s_target_id=All> (last visited November 17, 2022)⁷ See U.S. Department of Interior – Indian Affairs, Oregon Gaming Compacts, <https://www.bia.gov/as-ia/oig/gaming-compacts?year=all&field_us_state_s_value=OR&field_tribe_s_target_id=All> (last visited November 17, 2022)

⁸ Low, *Tribal Casinos in and Around Oregon*

⁹ Robert Whelan, ECONorthwest, *The Contributions of Indian Gaming to Oregon's Economy in 2018 and 2019*, <<https://www.otga.net/wp-content/uploads/FINAL-2018-2019-OTGA-report.pdf>> (last visited November 18, 2022)

Oregon State Lottery. The Oregon Lottery Commission was authorized by a constitutional referendum in 1984.¹⁰ The Oregon State Lottery (Lottery) has broad authority to offer games.¹¹ Current offerings include video lottery terminals, jackpot games like Powerball and Mega Millions, keno, scratch-its, and sports betting through the mobile Draft Kings application.¹²

For the 2021–2023 biennium, it is estimated that Lottery will return \$1.8 billion in revenue to the state, with approximately 82 percent of that coming from video lottery.¹³ Lottery revenue goes to fund a variety of constitutional and statutory programs including the Education Stability Fund, the Parks and Natural Resources Fund, the Veterans' Services Fund, the Outdoor School Fund, and economic development programs among others.¹⁴ Additionally, one percent of Lottery revenue is dedicated to gambling addiction treatment programs.¹⁵

Oregon Racing Commission. The Oregon Racing Commission (ORC) was established in 1933 to regulate the animal racing industry and related gambling.¹⁶ Gambling on horse races occurs at county fairs and at off-site locations.¹⁷ Greyhound racing has not occurred in Oregon for some time and the issuance of new race licenses was prohibited via statute in 2022.¹⁸

The ORC also licenses and regulates Multi-Jurisdictional Simulcasting and Interactive Wagering Totalizer Hubs based in Oregon.¹⁹ These online sites offer betting on horse and greyhound racing events held across the United States as well as in other countries.²⁰

Finally, the ORC is authorized by statute to license locations for historical horse racing (HHR) machines.²¹ These machines were previously operated at Portland Meadows.²² A plan to license HHR machines at Grants Pass Downs was rejected after an Oregon Department of Justice opinion found that the games are a prohibited lottery and that the concentration of such games at the Grants Pass site would be an unconstitutional

¹⁰ David Fang Yen, Office of Legislative Counsel, *Gambling Law in Oregon*, <<https://olis.oregonlegislature.gov/liz/202111/Downloads/CommitteeMeetingDocument/257346>> (last visited November 18, 2022)

¹¹ *Id.*

¹² Barry Pack, Oregon State Lottery, *The Oregon State Lottery*, <<https://olis.oregonlegislature.gov/liz/202111/Downloads/CommitteeMeetingDocument/255667>> (last visited November 18, 2022)

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ Connie Winn and Karen Parkman, Oregon Racing Commission, *Overview of the Oregon Racing Commission (ORC)*, <<https://olis.oregonlegislature.gov/liz/202111/Downloads/CommitteeMeetingDocument/255654>> (last visited November 18, 2022)

¹⁷ *Id.*

¹⁸ Fang Yen, *Gambling Law in Oregon*

¹⁹ Winn and Parkman, *Overview of the Oregon Racing Commission (ORC)*

²⁰ *Id.*

²¹ Fang Yen, *Gambling Law in Oregon*

²² *Id.*

casino.²³ HHR games were also briefly allowed to operate on the online Luckii application; however, the legislature withdrew the authorization for online HHR games in 2021.²⁴

The ORC generates revenue through bets made at Oregon race meets and off-site betting locations.²⁵ The ORC also charges licensing fees on the racing Hubs and taxes gross wagering receipts.²⁶ Most of this revenue is returned to the ORC to fund its operations and to help support race meets at county fairs.²⁷

Other Activities – Charitable and Social Games. Certain charitable, religious, and fraternal organizations may hold bingo, lotto, and raffle games, as well as Monte Carlo events, to benefit their organizations.²⁸ The Oregon Department of Justice oversees the licensing and regulation of these games.²⁹

Private card games, referred to in statute as “social games” are also allowed in Oregon as long as the relevant local government authorizes them.³⁰ These games can be played in a private residence, club, or business.³¹ When played in a club or business, the “house” cannot make income directly from the game, though it can charge an entrance fee and sell food and drinks.³²

Meetings and Materials

The Committee met six times between June and December beginning with the first meeting June 1, 2022. The meetings were organized by topic, with several topics requiring more than one meeting to address.

See Table 1, on page 6, for dates, topics, and agenda items for each meeting.

See Section 2 on page 7, for meeting summaries.

See [Appendix A](#) for hyperlinked meeting materials.

²³ Renee Stineman, Oregon Department of Justice, *OP-2022-1*, <<https://www.doj.state.or.us/wp-content/uploads/2022/02/OP-2022-1.pdf>> (last visited November 18, 2022)

²⁴ Fang Yen, *Gambling Law in Oregon*

²⁵ Legislative Fiscal Office, *2021-23 Legislative Approved Budget – Detailed Analysis*, <<https://www.oregonlegislature.gov/lfo/Documents/2021-23%20LAB%20Detailed.pdf>> (last visited November 18, 2022)

²⁶ *Id.*

²⁷ *Id.*

²⁸ Elizabeth Grant, Oregon Department of Justice, *Nonprofit Gaming Regulation*, <<https://olis.oregonlegislature.gov/liz/202111/Downloads/CommitteeMeetingDocument/255538>> (last visited November 18, 2022)

²⁹ *Id.*

³⁰ Fang Yen, *Gambling Law in Oregon*

³¹ *Id.*

³² *Id.*

Table 1: Meeting Dates, Topics, and Agenda Items

Meeting Date	Topics	Agenda Items
<u>June 1, 2022</u>	<ul style="list-style-type: none"> • Organizational Meeting • Gaming Basics • Types of gaming 	<ul style="list-style-type: none"> • Adoption of Committee Rules • Gambling 101 • Overview of Oregon State Lottery • Overview of the Oregon Racing Commission • Overview of Oregon Department of Justice Charitable Activities Section
<u>July 20, 2022</u>	<ul style="list-style-type: none"> • Tribal gaming and regulation 	<ul style="list-style-type: none"> • Impact of Gambling on Oregon's Federally Recognized Tribes • Overview of Regulation of Oregon's Tribal Casinos
<u>August 26, 2022</u>	<ul style="list-style-type: none"> • Types of gaming and its impacts • Gaming regulation 	<ul style="list-style-type: none"> • Types of Gambling Machines and Games • Overview of Sports Betting • OSP Gambling Regulatory Activities • Impacts of Video Lottery on Retailers
<u>September 21, 2022</u>	<ul style="list-style-type: none"> • Gambling addiction and treatment • Lottery Revenue • Potential Legislative Concepts 	<ul style="list-style-type: none"> • Socially Responsible Gambling Regulation • Overview of Treatment in Oregon • Overview of Oregon Lottery Revenue and Legislative Budget Authority • Discussion about Potential Legislative Concepts for the 2023 Legislative Session
<u>October 27, 2022</u>	<ul style="list-style-type: none"> • Legislative Authority • Lottery Beneficiaries • County Fair Horse Racing 	<ul style="list-style-type: none"> • Overview and History of Legislative Authority • Overview of Oregon State Lottery Revenue Beneficiaries • Overview of County Fair Horse Racing
<u>December 7, 2022</u>	<ul style="list-style-type: none"> • New ORC Director • County Fair Horse Racing • Interim Committee Report 	<ul style="list-style-type: none"> • Introduction of new ORC Director • County Fair Horse Racing (<i>continued</i>) • Discussion of Interim Committee Report

Source: Legislative Policy and Research Office

SECTION 2: MEETING SUMMARIES

The Committee met six times between June and December. It focused on gaming, its impact, and its current regulatory structure. The Committee also learned how the relevant agencies are funded and how Lottery revenue is allocated. The meetings were organized by topic, with several topics requiring more than one meeting to address.

This section provides information about each meeting, including a summary and a list of the presenters. See [Appendix A](#) for hyperlinked meeting materials.

Meeting 1: June 1, 2022

The first meeting served as the Organizational Meeting, during which the members adopted committee rules. Through various presentations (see below), the Committee learned the basics of gaming and the types of legalized gaming in Oregon.

The Committee received oral testimony from the individuals listed below:

- Jackson Brainerd, Program Principal, Fiscal Affairs Program, National Conference of State Legislatures
- Barry Pack, Executive Director, Oregon State Lottery
- Connie Winn, Oregon Racing Commission
- Karen Parkman, Oregon Racing Commission
- Elizabeth Grant, Attorney in Charge, Charitable Activities Section, Oregon Department of Justice

See [Appendix A](#) for hyperlinked meeting material.

Meeting 2: July 20, 2022

During its second meeting, the Committee learned about the impact of gambling on Oregon's federally recognized tribes. All nine tribes were invited to testify and seven attended the meeting.

Each tribe gave a brief tribal history—including information about historic lands—before addressing tribal gaming. They provided information about their respective gaming facility(ies), and the significant impacts of gaming revenue, which is used to fund essential services, including health care, education, public safety, and other important programs. The revenue also creates jobs and allows the tribes to donate to nonprofit organizations. Tribal leaders explained that loss of revenue is more than business; it is one of the few revenue sources available to meet the needs of these communities.

Several additional issues were discussed, including IGRA and its relationship to state regulations; the concept of one casino per tribe; competition for tribal gaming—including the expansion of gaming by the state—and its impacts on tribal gaming. Additionally, tribes expressed concern about the growth of a gap between affluent and less affluent tribes, due to tribal gaming revenue.

The Committee also learned about the Oregon Association of Indian Gaming Commissions and its background, and about the overlap of tribal gaming regulations with those of the federal and state governments.

The Committee received oral testimony from the following individuals:

- Brad Kneaper, Chairperson, Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians
- Brenda Meade, Chairperson, Coquille Indian Tribe
- Michael Langley, Council Secretary, Confederated Tribes of the Grand Ronde
- Justin Martin, Lobbyist, Confederated Tribes of the Grand Ronde
- Clayton Dumont, Chairperson, The Klamath Tribes
- Keith Hescocock, Chairperson, Klamath Tribal Regulatory Gaming Commission
- Delores Pigsley, Chairperson, Confederated Tribes of Siletz Indians
- Kat Brigham, Chairperson, Confederated Tribes of the Umatilla Indian Reservation
- Gary George, CEO, Wildhorse Resort and Casino
- Michael Rondeay, CEO, Cow Creek Band of Umpqua Tribe of Indians
- Alicia McAuley, Deputy Director, Cow Creek Band of Umpqua Tribe of Indians
- Shawna Gray, Chairperson, Oregon Association of Indian Gaming Commissions

See [Appendix A](#) for hyperlinked meeting material.

Meeting 3: August 26, 2022

The third meeting was a continuation of the types of gaming and its impacts, and gaming regulation. The Committee learned about: the types of gambling machines and games; the basics of, and responsible, sports betting; impacts of video lottery on retailers; and, how, and what, state gaming activity OSP regulates.

Additionally, the Committee heard about the significant technological advancements in casino games. In particular, the Committee learned that “bingo” and HHR machines often look similar to slot machines, and, as a result, such activities can present direct competition to tribal casinos.

The Committee received oral testimony from the individuals listed below:

- James Acres, President, Acres Bonusing, Inc.
- Barry Pack, Director, Oregon State Lottery
- Kevin Cochran, Director, Draft Kings
- Julie Hynes, Senior Manager, Responsible Gaming, Draft Kings
- Jim Etzel, CEO, Sport Oregon
- Nathan Nayman, External Affairs and Special Projects, Sport Oregon
- Captain Tim Fox, Gaming Enforcement Division, Oregon State Police
- Greg Astley, Director of Government Affairs, Oregon Restaurant and Lodging Association
- Bill Perry, Lobbyist, Balance Point Strategies

See [Appendix A](#) for hyperlinked meeting material.

Meeting 4: September 21, 2022

The fourth meeting focused on gambling addiction and access to treatment, Lottery revenue, and legislative budget authority.

The Committee heard presentations about socially responsible gambling regulation and treatment services in Oregon, which included presentations from local service providers, who expressed concern about inadequate resources. The Committee learned about the neurobiological basis of problem gambling and that high quality, evidence-based treatment is necessary for successful support and recovery.

The Committee also heard, and discussed, how Lottery revenue is allocated, through both the Oregon Constitution and the biennial legislatively appropriated budget process.

The Committee received oral testimony from the individuals listed below:

- Jeff Marotta, President and Senior Consultant, Problem Gambling Solutions, Inc.
- Steve Allen, Director of Behavioral Health, Oregon Health Authority
- Tim Murphy, CEO, Bridgeway Recovery Services
- Nate Peterson, Lead Counselor, Volunteers of America Problem Gambling Services
- River McKenzie, Mental Health Program Director, Emergence
- Amanda Beitel, Legislative Fiscal Officer, Legislative Fiscal Office

See [Appendix A](#) for hyperlinked meeting material.

Meeting 5: October 27, 2022

The fifth meeting focused on the history of legislative authority over gaming regulation and on the beneficiaries of Lottery revenue. The Committee heard from the Office of the Legislative Counsel, the Legislative Fiscal Office, and from agencies representing the categories of beneficiaries (see Background). The Committee was also presented an overview of economic challenges facing horse racing at county fairs.

The Committee learned that the Oregon Constitution prohibits the Lottery from offering certain games that, when the Lottery was established, may have created competition for other existing gaming entities. It also heard about the full extent of legislative authority to regulate the Lottery. Although the Constitution provides for how some Lottery funds must be used, the Lottery's mission to maximize net revenues is contained in statute and could be modified by the Legislative Assembly, which also has the ability to set standards for the operation of the Lottery.

The Committee received oral testimony from the individuals listed below:

- David Fang-Yen, Senior Deputy Legislative Counsel, Office of the Legislative Counsel
- Tom MacDonald, Deputy Legislative Fiscal Officer, Legislative Fiscal Office
- Chris Havel, Associate Director, Oregon Parks and Recreation Department

- Colt Gill, Director, Oregon Department of Education
- Amanda Dalton, Association of Oregon Counties (AOC)
- Kenechi Onyeagusi, Chief Operating Officer, Business Oregon
- Kelly Fitzpatrick, Director, Oregon Department of Veterans' Affairs
- Lynelle Fox Smith, Executive Director, Oregon Thoroughbred Owners and Breeders Association.

See [Appendix A](#) for hyperlinked meeting material.

Meeting 6: December 7, 2022

[insert summary]

The Committee received oral testimony from the individuals listed below.

- Connie Winn, Executive Director, Oregon Racing Commission
- Dave Nelson, Board of Directors, Oregon Quarter Horse Association
- Leslie Porter, Legislative Analyst, Oregon Legislative Policy and Research Office

See [Appendix A](#) for hyperlinked meeting material.

SECTION 3: APPENDICES

Appendix A: Meeting Material

Table 2 lists the meeting materials made available at Committee meetings and provides links to those materials posted on the Oregon Legislative Information System (OLIS).

Table 2: Meeting Material

Meeting Date	Meeting Material
<p><u>June 1, 2022</u></p>	<p>Staff</p> <ul style="list-style-type: none"> • 2022 JGAMRG Committee Rules (adopted) <p>National Conference of State Legislatures</p> <ul style="list-style-type: none"> • Gambling 101 <p>Oregon State Lottery</p> <ul style="list-style-type: none"> • Overview of Oregon State Lottery <p>Oregon Racing Commission</p> <ul style="list-style-type: none"> • Oregon Racing Commission Overview <p>Oregon Department of Justice</p> <ul style="list-style-type: none"> • Oregon Department of Justice Charitable Activities Section
<p><u>July 20, 2022</u></p>	<p>Staff</p> <ul style="list-style-type: none"> • 08.12.2021 Smoke Signals news article (POST-MEETING follow-up meeting requested by Committee) • Ballot Measure 75 - 2010 (POST-MEETING follow-up meeting requested by Committee) • Ballot Measure 83 - 2012 (POST-MEETING follow-up meeting requested by Committee) • Contributions of Indian Gaming to Oregon's Economy 2018-2019 (POST-MEETING follow-up) • ORC Policy on Consultation with Tribes (POST-MEETING follow-up meeting requested by Committee) • Public Law 97-391 - 1982 (POST-MEETING follow-up meeting requested by Committee) • Rosenbaum Hoyle Opposition Letter (POST-MEETING follow-up meeting requested by Committee) • SoS Risk Assessment Management Letter to ORC (POST-MEETING follow-up meeting requested by Committee) • Tribal Leader Meeting Request (POST-MEETING follow-up meeting requested by Committee) <p>Tribes</p> <ul style="list-style-type: none"> • Coquille Indian Tribe (POST-MEETING follow-up) • The Klamath Tribes (testimony) • Cow Creek Band of Umpqua Tribe of Indians (Indian Gaming and Oregon's Economy 2018-2019) • Cow Creek Band of Umpqua Tribe of Indians (Historical Horse Racing Machines)

Meeting Date	Meeting Material
	<ul style="list-style-type: none"> • <u>Cow Creek Band of Umpqua Tribe of Indians (Examination of Historical Horse Racing)</u> • <u>Confederated Tribes of Siletz Indians (Memorandum)</u> • <u>Confederated Tribes of Siletz Indians (POST-MEETING follow-up)</u> <p>Oregon Association of Indian Gaming Commissions</p> <ul style="list-style-type: none"> • <u>Oregon Association of Indian Gaming Commissions (presentation)</u> • <u>Oregon Association of Indian Gaming Commissions (Tribal-State Minimum Internal Control Standards)</u> • <u>Oregon Association of Indian Gaming Commissions (Title 25)</u> • <u>Oregon Association of Indian Gaming Commissions (STGC TICS)</u> • <u>Oregon Association of Indian Gaming Commissions (STGC Regulations)</u> • <u>Oregon Association of Indian Gaming Commissions (Minimum Internal Control Standards for Class II)</u> • <u>Oregon Association of Indian Gaming Commissions (Indian Gaming and Oregon's Economy 2018-2019)</u>
<u>August 26, 2022</u>	<p>Staff</p> <ul style="list-style-type: none"> • <u>Glossary of Gaming Terms</u> • <u>Oregon Tribal Casinos Map in and Around Oregon (map)</u> <p>Acres Bonusing, Inc.</p> <ul style="list-style-type: none"> • <u>Overview of Gambling Machines and Games</u> <p>Oregon State Lottery</p> <ul style="list-style-type: none"> • <u>Overview of Sports Betting</u> <p>Draft Kings</p> <ul style="list-style-type: none"> • <u>Overview of Sports Betting</u> <p>Sport Oregon</p> <ul style="list-style-type: none"> • <u>Overview of Sports Betting</u> <p>Oregon State Police</p> <ul style="list-style-type: none"> • <u>Oregon State Police Gambling Regulatory Activities</u>
<u>September 21, 2022</u>	<p>Legislative Fiscal Office</p> <ul style="list-style-type: none"> • <u>Overview of Oregon Lottery Revenue and Legislative Budget Authority</u> <p>Problem Gambling Solutions, Inc.</p> <ul style="list-style-type: none"> • <u>Socially Responsible Gambling Regulation</u> <p>Oregon Health Authority and Treatment Providers</p> <ul style="list-style-type: none"> • <u>Overview of Treatment in Oregon</u> • <u>Overview of Treatment in Oregon</u> • <u>Problem Gambling Data (POST-MEETING follow-up meeting requested by Committee)</u>
<u>October 27, 2022</u>	<p>Office of the Legislative Counsel</p> <ul style="list-style-type: none"> • <u>Overview and History of Legislative Authority</u>

Meeting Date	Meeting Material
	<p>Legislative Fiscal Office</p> <ul style="list-style-type: none"> • Overview of Oregon State Lottery Revenue Beneficiaries <p>Oregon Parks and Recreation Department</p> <ul style="list-style-type: none"> • Overview of Oregon State Lottery Revenue Beneficiaries <p>Oregon Department of Education</p> <ul style="list-style-type: none"> • Overview of Oregon State Lottery Revenue Beneficiaries • Oregon Department of Education (POST-MEETING follow-up meeting requested by Committee) <p>Association of Oregon Counties</p> <ul style="list-style-type: none"> • Overview of Oregon State Lottery Revenue Beneficiaries (Shared Lottery Revenue History) • Overview of Oregon State Lottery Revenue Beneficiaries (AOC LC 2309) • LC 2309 DRAFT 2023 Regular Session <p>Business Oregon</p> <ul style="list-style-type: none"> • Overview of Oregon State Lottery Revenue Beneficiaries <p>Oregon Department of Veterans' Affairs</p> <ul style="list-style-type: none"> • Overview of Oregon State Lottery Revenue Beneficiaries <p>Oregon Thoroughbred Owners and Breeders Association</p> <ul style="list-style-type: none"> • Overview of County Fair Horse Racing
<u>December 7, 2022</u>	<p>Oregon Racing Commission</p> <ul style="list-style-type: none"> • Introduction of New Oregon Racing Commission Executive Director – Connie Winn (presentation) <p>Dave Nelson, Board of Director, Oregon Quarter Horse Association</p> <ul style="list-style-type: none"> • Overview of County Fair Horse Racing, Continued – Dave Nelson (testimony) <p>Staff</p> <ul style="list-style-type: none"> • Draft Interim Committee Report <p>Co-Chair Lively</p> <ul style="list-style-type: none"> • Co-Chair letter to Speaker Rayfield and President Courtney

Source: Legislative Policy and Research Office

Letter to Regional Director Bryan Mercier
Bureau of Indian Affairs
Comments Regarding DEIS / Medford Gaming Project
February 23, 2023
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EXHIBIT I: Letter from Joint Committee Co-Chair Representative John Lively on One-Casino Policy

JOHN LIVELY
STATE REPRESENTATIVE
DISTRICT 7



HOUSE OF REPRESENTATIVES

February 21, 2023

Bryan Newland, Esq.
Assistant Secretary – Indian Affairs
United States Department of the Interior
1849 C Street N.W.
Washington, D.C. 20240

Paula Hart, Director
Bureau of Indian Affairs, Office of Indian Gaming
1849 C. Street N.W.
MS-3657-MIB
Washington, DC. 20240

On December 9, 2022 The Joint Committee on Gambling Regulations, which I was Co-Chair of, issued its report and provided a letter to the Speaker of the House and the President of the Senate summarizing our findings to date and recommendations for moving forward in the 2023 session. One of the key observations listed was:

“Although we may engage in significant discussions about tribal gaming and the process of siting new casinos is very political, the Oregon Legislature does not have authority to regulate Tribal Gaming. Further we could find no evidence that any “One Tribe, One Casino” policy by the Federal Government or State of Oregon has been formally adopted or exists in written form.”

I recognize that some Governor’s in the past have negotiated with tribes and signed compacts limiting tribes for some stated time to one Casino. However, that too has varied depending on the Governor, and was never approved by the Legislature or codified. As we stated, we found no evidence of a formally written or adopted policy regarding “One Tribe, One Casino.”

Let me know if you have any questions.

Thank you,

A handwritten signature in black ink that reads "John Lively".

John Lively
State Representative HD 7-Springfield



Letter to Regional Director Bryan Mercier
Bureau of Indian Affairs
Comments Regarding DEIS / Medford Gaming Project
February 23, 2023
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EXHIBIT J: Responses to the Existence of an Oregon "One Casino" Policy

On or about December 15, 2022, a Cow Creek attorney made several unsupported statements at the first public hearing on the Medford fee-to-trust Draft Environmental Impact Statement. Below we quote each relevant statements made by this attorney and provide our response.

Cow Creek Attorney Statement	Response
<p>One Casino / Tribe Policy Appears in several “contracts” between the State and Tribes</p>	<p>This is simply false. Let us explain why. The Indian Gaming Regulatory Act (“IGRA”) is a federal law that regulates Indian gaming. When Congress passed that law it adopted an approach that balances state, federal and tribal interests by allowing each of them certain powers and limitations.</p> <p>The Cow Creek Band and former Governor Brown wish to disrupt the balance by concocting a new unilateral “rule”. Both the Cow Creek Band and the State of Oregon have an economic incentive to do so because they each operate relative gaming monopolies. They attempt to argue that the State of Oregon can preempt the IGRA by announcing a phantom policy to unilaterally dictate the scope and scale of allowable tribal gaming over and above the careful sideboards erected in the IGRA.</p> <p>This type of unilateral anti-sovereignty “policy” is, however, precisely what the IGRA was designed to prevent. Any state policy, such as the supposed “one casino” state law, is pre-empted by the IGRA. Moreover, IGRA provides that a State must negotiate with a Tribe making a request for a compact for a gaming facility on a specific parcel over which it exercised jurisdiction. Nothing in IGRA excuses a State from its obligation based on the Tribe having a compact for gaming on a different parcel.</p> <p>The very compact provisions that our opponents reference say the exact opposite of their claims.</p>
<p>“Distinctions between class II and class III are becoming obsolete”</p>	<p>This comment is purely speculative and nongermane to the DEIS. Cow Creek is free to speak up if they believe that a device used in any approved facility is not an appropriate class II machine. This decision, however, is about whether Class II gaming of any type can take place on this proposed trust parcel. Moreover, <u>Class II gaming as defined by IGRA is not casino gaming and therefore it falls outside of any “one casino” policy even if such a policy existed (it does not) or was lawful (it is not).</u></p>
<p>“Coquille’s compact states that ‘at no time will more than one gaming facility be</p>	<p>This quote comes from the Tribe’s original compact authorizing a temporary gaming facility, which is no longer in effect. That compact has since been amended and restated. The entire quote from the original compact reveals the true intent of this language, which is to ensure that the Tribe’s <u>class III</u></p>

<p>open to the general public under this compact”</p>	<p>temporary gaming facility would be shuttered when the permanent <u>class III</u> facility opened. Nothing in any Coquille compact limits the conduct of class II gaming. See below, with relevant phrases emphasized in bold text:</p> <p>"Gaming Facility" means any building or structure in which the Tribe conducts Class III gaming under this Compact, and includes both the Permanent Gaming Facility and the Temporary Gaming Facility as those terms are defined in this Compact</p> <p>G. Temporary Gaming Facility. This subsection applies only to the Temporary Gaming Facility. This subsection shall expire and have no further effect once the Permanent Gaming Facility is opened to the public.</p> <p>I. Authority for Temporary Gaming Facility, The Tribe is authorized to develop a Temporary Gaming Facility as provided in this subsection. It is the Tribe's intention to use its best efforts to have the land at North Bend, Oregon, taken into trust, and to complete and open to the public the Permanent Gaming Facility at the Mill Site. At no time will more than one Gaming Facility be open to the general public under this Compact. The Tribe's intent is to use the Temporary Gaming Facility to generate revenue and to train tribal gaming employees while the approval process for taking the Mill Site into trust and the construction of the Permanent Gaming Facility are being completed.</p> <p>Again, the language quoted above has since been replaced. The Coquille Tribe's current compact states</p> <p>A. Gaming at Another Location or Facility. For a period of five (5) years, the Tribe hereby waives any right it may have under IGRA to negotiate a Compact for Class III gaming at any other location or facility, unless another Tribe that is operating a gaming facility in this State as of December 31, 1997, signs a Compact that authorizes that Tribe to operate more than one gaming facility simultaneously, or is otherwise authorized to operate more than one gaming facility simultaneously, or unless a physical calamity occurs that makes operation at the existing location unfeasible.</p>
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<p>“Every single class III compact between the state of Oregon and tribes explicitly limits them to one facility through its gaming at another location or facility clause. Those clauses all state that the Tribe hereby waives any right it might have under IGRA to negotiate a compact for class III gaming at any other location or facility, and that the waiver of that right lasts for varying amounts of time.”</p>	<p>The Cow Creek’s claims are unsupported by the language of the Coquille compact. Other Oregon tribal class III gaming compacts have similar or identical language.</p> <ol style="list-style-type: none"> 1. This is incorrect. Every single Oregon tribal class III gaming compact authorizes a single Class III gaming facility, there is no uniform compact provision <u>limiting</u> every tribe to only one gaming facility. 2. A minority of Oregon tribes—including the Cow Creek Band—agreed to language waiving their ability to open a second Class III gaming facility: <ul style="list-style-type: none"> “A. Gaming at Another Location or Facility. The Tribe hereby waives any right it may have under IGRA to negotiate a Compact for Class III Gaming at any different or additional location or facility, unless another Tribe that is operating a gaming facility in this State signs a Compact that authorizes that Tribe to operate more than one Class III Gaming Facility simultaneously, or is otherwise authorized to operate more than one Class III Gaming Facility simultaneously.” (Cow Creek Compact (2006) Article XIV(A)). 3. In most compacts, however, the State expressly agrees not to limit tribes to a single Class III facility. 4. Every Oregon gaming compact disclaims any limitation on Class II gaming using virtually identical language. See, e.g., the following excerpt from the Cow Creek gaming compact: <ul style="list-style-type: none"> “Nothing in this Compact shall be deemed to affect the operation by the Tribe of any Class II gaming as defined in IGRA or to confer upon the State any jurisdiction over such Class II gaming conducted by the Tribe.” (Cow Creek Compact (2006) Article V(C)). 5. Cow Creek advised the Department that the Oregon class III gaming compacts reveal the truth of the “one casino policy.” We urge you to take their advice. Based on the text of the compacts, the State of Oregon’s “policy” on class II gaming <u>is neutrality</u>. The alleged “one casino policy”, even if nonfiction, would apply only to class III gaming. Moreover, the concession that the compacts that do limit a Tribe to only one class III casino “for varying amounts of time” reveal the State’s acknowledgment of the Tribes’ right to more than one class III casino – this is particularly true now that all of the time restrictions in Oregon compacts have long-since expired. 6. Moreover, the argument made by Cow Creek is inconsistent with the Department. On December 4, 2013, the Bureau’s Office of Indian Gaming wrote Senator Ron Wyden, stating a position that aligns with the text of the Oregon class III gaming compacts:
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Your letter states that a second gaming facility for any one tribe, whether class II or class III, is a clear expansion of the “one casino per tribe” policy. The operation of a class II facility would not, however, represent an expansion of “casino” gaming. Class II games, as defined in IGRA, consist of games of chance including bingo and card games. *See* 25 U.S.C. § 2703 (7)(A). Class II games do not include slot machines or banking card games such as blackjack. *See id.* at §2701 (7)(B). Such games are classified as class III games and are casino-type games. *See id.* at § 2703 (8). Accordingly, the Tribe’s class II gaming facility would not be an expansion of casino gaming in the community.

7. Indeed, the Coquille Indian Tribe’s compact indicates no such limitation (see excerpt below with emphasis added in bold):

SECTION 13. DISCLAIMERS AND WAIVERS.

A. Gaming at Another Location or Facility. For a period of five (5) years, the Tribe hereby waives any right it may have under IGRA to negotiate a Compact for Class III gaming at any other location or facility, unless another Tribe that is operating a gaming facility in this State as of December 31, 1997, signs a Compact that authorizes that Tribe to operate more than one gaming facility simultaneously, or is otherwise authorized to operate more than one gaming facility simultaneously, or unless a physical calamity occurs that makes operation at the existing location unfeasible.

B. Status of Class II Gaming. Nothing in this Compact shall be deemed to affect the operation by the Tribe of any Class II gaming as defined in the Indian Gaming Regulatory Act or to confer upon the State any jurisdiction over such Class II gaming conducted by the Tribe

The State’s executive branch (via the Coquille Compact) and legislative branch (via the Joint Committee on Gambling Regulation) (see Exhibits H and I to the Coquille Tribe’s February 23, 2023 letter) have both disclaimed any “one casino” policy.

<p>Some compacts called the limitation out explicitly such as the Warm Springs 2010 compact which states at 5(c) "In accordance with state policy to authorize only one casino per tribe, the nine class three gaming compacts in the state of Oregon, each authorized only one class three casino per tribe"</p>	<p>The referenced language, which is copied below this sentence, appears in a gaming compact that remains ineffective. No currently effective Oregon gaming compact includes this language.</p> <p>"In accordance with State policy to authorize only one casino per tribe, the nine Class III Gaming compacts in the State of Oregon each authorize only one Class III casino per tribe. The parties to this Compact agree to continue the "one casino-per-tribe" policy."</p> <ol style="list-style-type: none"> 1. Words matter. This ineffective language expressly applies only to class III compacts. In general Class III gaming can occur only in the context of a gaming compact approved by the State and the DOI. In this sense compacts "authorize" class III gaming. The state "policy" described here has no applicability to class II gaming facilities because the state does not "authorize" that activity. 2. The phrase "one casino per tribe" is placed into quotes in the Warm Springs/Cascade Locks compact because it is not an actual policy. It is only a reference to then-Governor Kitzhaber's approach to authorize only one class III gaming facility for each tribe, which (a) is not a policy; and (b) is irrelevant to the federal decision over whether to authorize class II gaming. This reflects the careful balance struck in the IGRA, which the State now unilaterally attempts to disturb. 3. The Warm Springs compact, like all other compacts states, "The State's public policy concerning gaming is reflected in the Constitution, statutes and administrative rules of the State, which, at the time of execution of this Compact, authorize a variety of games classified as Class III Gaming under IGRA." If there is a desire to limit tribes to one class III casino each, it is not a Policy as that term is used in the compact. Policy in this context should not reference the mere day to day preferences of elected officials. This further indicates that the State of Oregon's approach to gaming is inconsistent with the words it has used in its own gaming compacts. 4. Neither the Coquille Tribe or the Department of the Interior are bound by this (erroneous and likely unlawful) statement in the Warm Springs/Cascade Locks Compact. In fact, the Warm Springs Tribe also is likely not bound by the same text because the referenced Warm Springs/Cascade Locks compact is ineffective. 5. The State agrees with our interpretation of these Warm Springs compact provisions. This was demonstrated when the State did not object to the opening of a second Warm Springs (class II) gaming facility for the Warm Springs. In fact, the State has facilitated the opening of this class
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	<p>II gaming facility in Madras, Oregon by providing assistance with tourism promotion, transportation and signage assistance and liquor licensing assistance as shown in Exhibits F and G to the Tribe's February 23, 2023 response letter.</p> <p>6. The State did not object to the class II Warm Springs gaming center because the "one casino" text quoted above does not apply to class II facilities. The same should be true of our Medford Oregon proposal.</p> <p>7. The Warm Springs/Cascade Locks compact referenced by the Cow Creek's attorneys does not apply to any current casino and therefore does not bind even the Warm Springs current operation of two gaming facilities, much less any other tribe. The current Warm Springs compact provides that its text does not apply to any other tribe's rights or obligations, "This Compact is exclusively for the benefit of and governs only the respective authorities of and the relations between the [Warm Springs] Tribe and the State."</p> <p>8. This is what the currently effective Warm Springs gaming compact says about the compact cited by Cow Creek's attorneys:</p> <p>3. Cascade Locks Compact. The parties acknowledge that the "Amended and Restated Tribal-State Compact for Regulation of Class III Gaming Between the Confederated Tribes of the Warm Springs Reservation and the State of Oregon" regarding Class III gaming at Cascade Locks, Oregon, dated November, 2010, has been deemed approved by the Secretary of Interior effective March 1, 2011, 76 Fed Reg 11258-02. However, that compact does not authorize gaming at Cascade Locks unless and until at least all of the following events occur: 1) the Department of Interior takes the casino site into trust pursuant to 25 CFR, Part 151, 2) the Secretary of Interior issues a "two-part" determination making the casino site eligible for gaming pursuant to IGRA Section 20 (b)(1)(A), and 3) the Governor concurs in the two-part determination. Neither the fact that the Governor is entering into this Highway 26 Compact nor any of the provisions of this Highway 26 Compact shall be construed as a limitation on, or affecting in any way, the current Governor's discretion, or the discretion of any future governor, to concur or decline to concur with a two-part determination pursuant to 25 U.S.C. Sec. 2719(b)(1)(A).</p> <p>4. If the State authorizes the Tribe to conduct Class III Gaming at a location other than the Highway 26 Facility, the Tribe shall cease all Class III Gaming at the</p>
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	<p>Highway 26 Facility prior to conducting Class III Gaming at the other authorized location.</p> <p>Context is important. A State’s concurrence to a two-part determination is a meaningful concession that justifies the State as consideration to include terms in compacts that do not otherwise comply with IGRA’s good faith negotiation requirements. Hence, in that context, the Warm Springs/Cascade Locks Compact is an outlier and critically distinguishable from all other Oregon compacts.</p> <p>9. Here is what the currently effective Warm Springs Compact says about additional gaming facilities: SECTION 14. DISCLAIMERS AND WAIVERS.</p> <p>A. Gaming at Another Location or Facility. Except as provided in this Compact, the Tribe hereby waives any right it may have under IGRA to negotiate a compact for Class III Gaming at any additional location or facility.</p> <p>B. Status of Class II Gaming. Nothing in this Compact shall be deemed to affect the operation by the Tribe of any Class II Gaming or to confer upon the State any jurisdiction over such Class II Gaming conducted by the Tribe.</p>
<p>Several other compacts explicitly call out the one casino per tribe policy.</p>	<p>We do not see such text in any other compact.</p>
<p>The One Casino Policy is stated in Kitzhaber 2013 white paper</p>	<p>This ten-year old aspirational “white paper” by a former administration addresses only class III compacting. It is not a state policy, does not apply to class II gaming, and has no bearing on the current application. Our opponents have failed to identify a single item in Oregon state policy (as defined in the compacts) that limits the Department’s authority to approve a Medford class II facility.</p>
<p>It appears in a letter from Wyden/Merkley</p>	<p>As noted above, the fictitious “one casino” approach has always been referenced only with regard to class III compacting. It simply does not apply to class II gaming. Moreover, the post-enactment statements of individual legislators do not constitute legislative history and are not entitled to deference. (<u>Am. Rivers v. FEREC</u>, 201 F.3d 1186, 1209 (9th Cir. 1999)). It should go without saying that members of Congress have no power, once a statute has been passed, to alter its interpretation by post-hoc “explanations” of what it means; there may be societies where “history” belongs to those in power, but ours is not among them. In our scheme of things, we consider legislative history because it is just that: <i>history</i>. It forms the background against which Congress adopted the relevant statute. Post-enactment statements are a different matter, and they are not to be considered by an agency or by a</p>

	<p>court as legislative history. An agency has an obligation to consider the comments of legislators, of course, but on the same footing as it would those of other commenters; such comments may have, as Justice Frankfurter said in a different context, "power to persuade, if lacking power to control." <i>Skidmore v. Swift & Co.</i>, 323 U.S. 134, 140, 65 S.Ct. 161, 164, 89 L.Ed. 124 (1944); <i>Hazardous Waste Treatment Council v. U.S. E.P.A.</i>, 886 F.2d 355, 365 (D.C. Cir. 1989). Such <i>post hoc</i> statements of a congressional Committee are not entitled to much weight. <i>Consumer Product Safety Comm'n v. GTE Sylvania, Inc.</i>, 447 U.S. 102, 118, and n. 13, 100 S.Ct. 2051, 2061, and n. 13, 64 L.Ed.2d 766 (1980).)</p> <p>We assume that the solicitation of Congressional opposition is an attempt to exert undue political influence over an administrative and ministerial decision.</p> <p>What we do know is that Congress adopted the Coquille Restoration Act mere months after passing the IGRA, with full knowledge of the import of their actions and plenary authority to insert whatever Secretarial restrictions they might have desired.</p> <p>On November 15, 2022, the Coquille Tribe submitted several questions and requests for clarification from Senator Wyden (attached). The Senator's office acknowledged that all of the Coquille Tribe's questions were reasonable and fair. To date the Senator has provided no other response. We believe that Senator Wyden is using his political power to persuade the Department of Interior to engage in unlawful activity. We encourage the Department to draw appropriate inferences from the Senator's silence in the wake of his unprecedented involvement in this administrative process.</p> <p>The Honorable Barbara Roberts served as Oregon governor in the early years after adoption of the IGRA (1991-1995).</p>
<p>It appears in a 2016 letter from Barbara Roberts</p>	<p>Her compact negotiation actions are at severe odds with her much later words regarding the "one casino policy" Again, words matter.</p> <p>Take as one example, the below language from the Coquille Class III gaming compacts signed by Governor Roberts. This text, with emphasis added in bold, is virtually identical to all others signed by Governor Roberts (with one exception providing for the Siletz Tribes to explore a possible Salem casino project):</p>

COQUILLE:

Section 2

FINDINGS:

AND WHEREAS, the public policy of the State is reflected in the Constitution, statutes and administrative rules of the State, and the Constitution provides that the "Legislative Assembly has no power to authorize, and shall prohibit casinos from operation in the State";

AND WHEREAS, IGRA provides for a system of joint regulation by Indian Tribes and the Federal government (to the exclusion of the State) of Class I and II gaming on Tribal lands as defined in IGRA;

AND WHEREAS, IGRA establishes a system of agreements between Indian Tribes and States for the regulation of Class III gaming as defined in that Act;

Subsection 13 A:

Except as expressly provided in this Compact, the Tribe hereby waives any right it might have under IGRA to negotiate a Compact for Class III gaming at any other location in this State for a period of three (3) years from the effective date of this Compact.

AND WHEREAS, IGRA does not extend State jurisdiction or the application of State laws for any purpose other than jurisdiction and application of State laws to gaming conducted on Tribal land as set forth in this Compact;

AND WHEREAS Congress recognized a role for State public policy and State law in the regulation of Class III Gaming;

AND WHEREAS, nothing in the Tribal-State Compact shall be construed to extend to any other activities or as an abrogation of other reserved rights of the Tribe or of the Tribe's sovereignty;

AND WHEREAS, IGRA is intended to expressly preempt the field in the governance of gaming activities on Tribal lands;

Subsection 13 B:

Nothing in this Compact shall be deemed to affect the operation by the Tribe of any Class III gaming as defined in the Act or to confer upon the State any jurisdiction over such Class II gaming conducted by the Tribe.

EXCEPTION: Governor Roberts included all of the above provisions in the State's Class III gaming compact with the Siletz Tribes. Notably, the Compact she signed with Siletz is at odds with her later statements about the "one casino policy". The ostensible one casino policy would have prohibited the highlighted text below. Clearly no such policy existed even for class III gaming.

SECTION 13. DISCLAIMERS AND WAIVERS.

A. Gaming at Another Location or Facility,

1. Except as provided in paragraph 4.A.2 above and paragraph 2 of this subsection, the Tribe hereby waives any right it may have under IGRA to negotiate a Compact for Class III gaming at any other location or facility for a period of three (3) years from the effective date of this Compact.

2. Notwithstanding paragraph 1 of this subsection, the Tribe may request negotiations under IGRA after a period of two (2) years from the effective date of this Compact for its land in Northeast Salem if that land is taken into trust by the Secretary of the Interior for gaming purposes, and the land qualifies for gaming under IGRA

Finally Governor Roberts was not involved in any compact negotiated after December 1995, including any compact amendments involving the Coquille Indian Tribe. Therefore, she lacks the

	<p>requisite knowledge to speak with authority or experience on any such subsequent compact negotiations.</p>
<p>It was supported by Governor Brown</p>	<p>In truth, Governor Brown's record is much more nuanced. She did not oppose or even mention the second gaming facilities for the Confederated Tribes of Coos Lower Umpqua and Siuslaw Indians or the Confederated Tribes of Warm Springs. In fact, her administration, and indeed her office, facilitated class II expansion (see Exhibits 28 and 29 to the Coquille Tribe's February 23, 2023 letter), which raises questions regarding her opposition to Coquille's proposal.</p> <p>Governor Brown also did not oppose a second class III facility if certain conditions are met, which is why she never announced opposition to the Siletz project in Salem.</p> <p>Governor Brown signed amendments and restatements of compacts that either affirmed the exclusion of Class II gaming from state control or regulation. Also, during Governor Brown's tenure, the Oregon Lottery entered into negotiations with the Cow Creek Band to explore the possibility of operating a Lottery-sanctioned class III gaming facility at the Seven Feathers Truck Stop.</p>
<p>DOI relied on this statement in its 2020 denial</p>	<p>DOI's 2020 denial was unlawful, a self-inflicted violation of its legal and fiduciary obligations and an offense to all of Indian country. It has been subsequently reversed and repudiated. Reliance on it is akin to reliance on the now overturned and roundly condemned <i>Dred Scott</i> decision. We applaud the current administration for taking pro-active steps to correct this historical injustice.</p>
<p>It is clearly the policy of the executive branch, not the legislative because it is not a statute.</p>	<p>This statement was an effort to distract the Department from the Oregon Joint Legislative Committee on Gambling Regulation's finding that no One Casino policy exists. There is simply no Oregon Administrative Rule, Oregon statute, Oregon Attorney General legal opinion, Oregon Constitutional provision, or Oregon court opinion supporting even the existence of this policy, much less its extension beyond class III compacting to cover class II gaming.</p>

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EXHIBIT K: Ilani Casino Resort — Video Lottery Impact One Year Later June, 2018



Together, we do good things.

Ilani Casino Resort — Video Lottery Impact One Year Later June, 2018

Initial Impact Estimates • Updated Impact Estimate • Insights • Future

Ilani Casino Resort Update | Original Impact Estimates

Multiple sources projected substantial impacts to Oregon gaming interests in the year following the opening of Ilani Casino.

Video Lottery

- Lose **\$110 million** in the first year
- A separate source expected declines akin to those seen after the 2007 smoking ban.

Spirit Mountain Casino

- Lose more than **\$100 million** in the first year.

Oregonian Gaming Spend in Washington

- Increase from **\$58 million** per year in 2016 to **\$436 million** per year in 2018.

Ilani Casino Resort Update | Current Impact Estimate

- **After one year with Ilani Casino in the gaming market, the statewide annual impact to Oregon Lottery is estimated to have been -\$9.5 to -\$12.3 million, or 1.0% to 1.3% of annual Video Lottery net sales.**
- Original impact estimates across the board were overly aggressive.
- The current estimate was developed through an analysis of casino travel time and Video Lottery sales changes across geography and time between April 2015 and April 2018.
- Recent reporting from the Confederated Tribes of Grand Ronde indicates that revenue losses at Spirit Mountain Casino have also been considerably less than originally projected.

Ilani Casino Resort Update | Impact Factors

Industry internal and external factors potentially buffered the impact of Ilani Casino on gaming revenues in Oregon.

Gaming Styles

In Oregon, Video Lottery and Class III casinos offer Las Vegas-style games as compared to the Tribal Lottery System operated in Washington.

Traffic

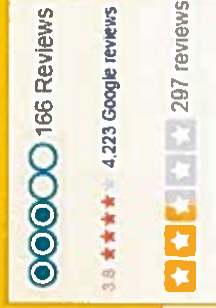
- Portland was ranked as having the 12th worst commute in the country in 2017.
- Bridge lifts across the I-5 Interstate Bridge have been more frequent in recent months.

WA Players

- A decrease in Video Lottery jackpot winners from Washington aligns with heavily impacted areas.
- Directional trend indicating players from Washington have shifted gaming spend to Ilani Casino.

Perception

- Operational growing pains as reflected in customer feedback.
- A lack of a buffet, beverage availability, and wait times among greatest criticisms. Reviews are improving.



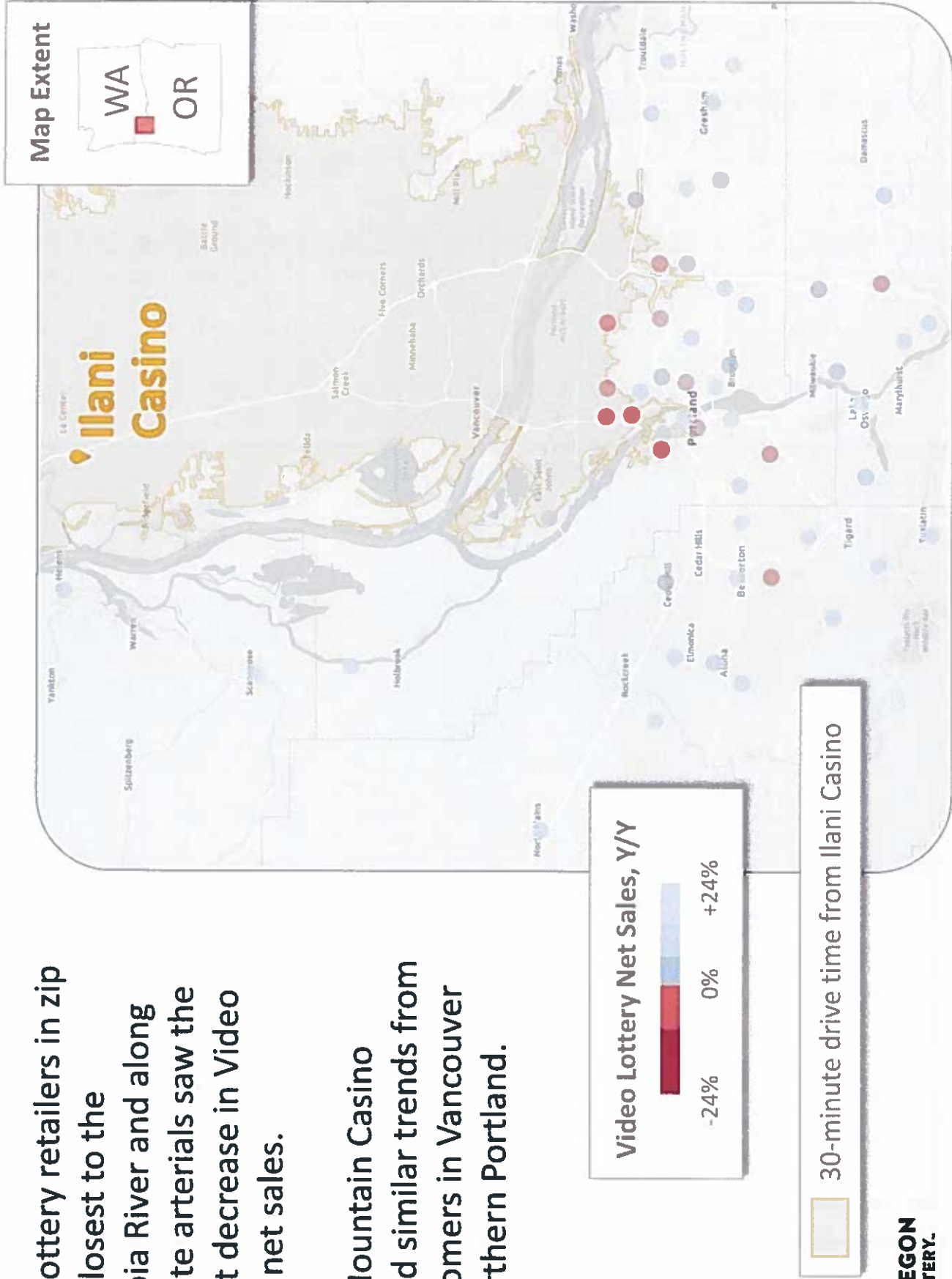
Gaming Market

- Within a two-hour drive of Ilani, there are 5 destination casinos & 1,000 Video Lottery retailers.
- Two cardrooms have closed in recent years indicating flattening revenues, growing costs, and pressure from the casino.

Ilani Casino Resort Update | Impact by Zip Code

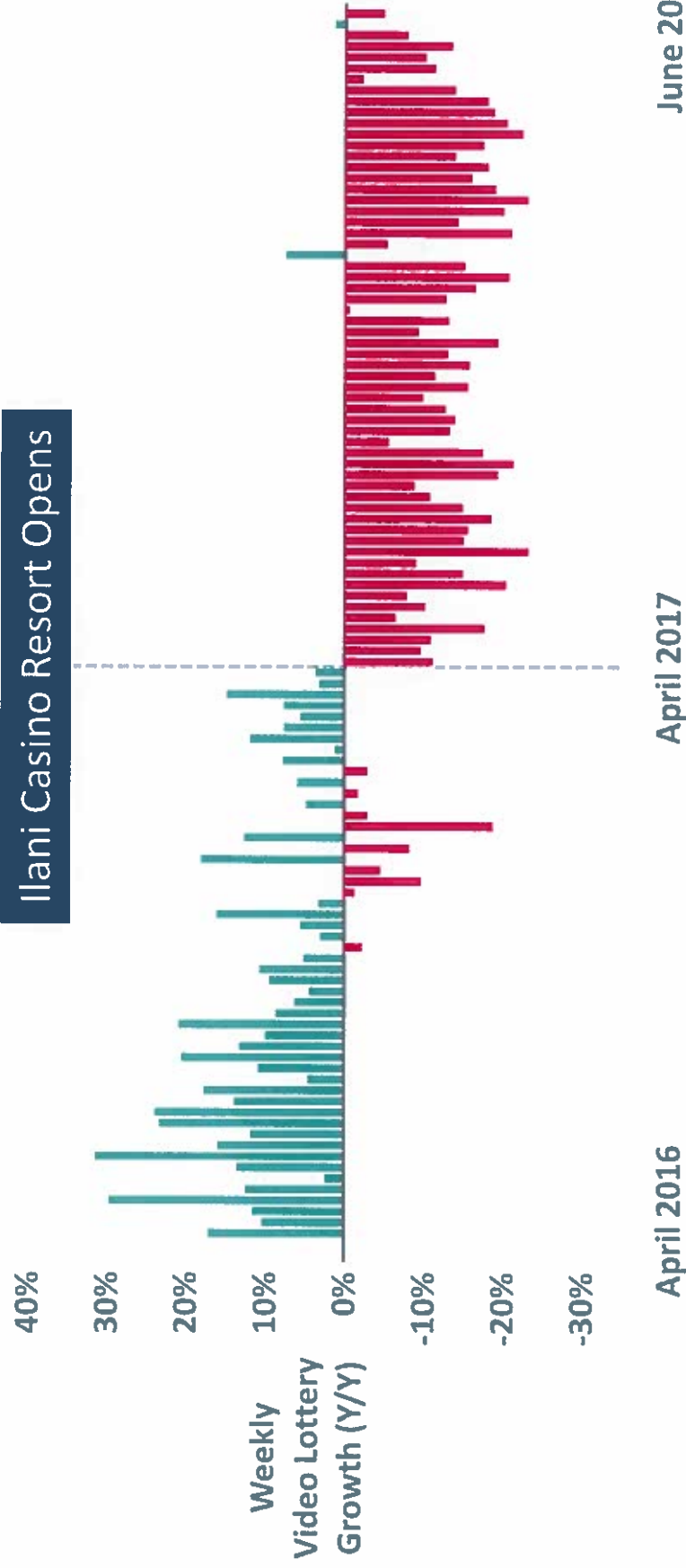
Video Lottery retailers in zip codes closest to the Columbia River and along interstate arterials saw the greatest decrease in Video Lottery net sales.

Spirit Mountain Casino reported similar trends from its customers in Vancouver and northern Portland.



Ilani Casino Resort Update | Impact Over Time - 97217

- North Portland zip code 97217 experienced the greatest Video Lottery performance impact since the opening of Ilani (44% of total impact).
- Zip code represents the Hayden Island, Kenton, Arbor Lodge, and Overlook areas.
- **Impact manifested quickly after the launch of Ilani Casino, yet the region has since shown resistance to further erosion.**



Ilani Casino Resort Update | Future Considerations

Only one year in the market, Ilani Casino continues to mature and Oregon Lottery will maintain monitoring efforts on gaming activities in the region.

Current Growth

- During the first few years of operation, many casinos experience revenue ramp-up.
- Ilani revenues grew double digits in the first quarter of calendar 2018 versus the final quarter of 2017.

Reinvestment

- A hotel and parking garage are options for phase two of the Ilani project, likely two years away after a 2018 market study.
- A tobacco outlet and convenience store are being considered for construction near the casino.

Customer Data

- Casino player database reached 214,000 in March, up from 190,000 at end of 2017.
- 7,000 to 11,000 visitors per day.
- Anticipating enhanced marketing initiatives yielding greater customer trial and retention.

Entertainment

- Ilani Casino has begun utilizing a 30,000 square-foot event center with acts including Jay Leno, Eddie Money, Vanilla Ice, Salt-N-Pepa, and Little Big Town.
- Forthcoming acts include Amy Schumer, Buddy Guy, and Pitbull.

Sports Betting

- Wagering on sports at Ilani Casino being considered if allowed by WA State.
- For WA State, a referendum or two-thirds supermajority in the Legislature is needed to change the state's current laws on gaming.



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EXHIBIT L: 2006 Bond Financing Document Excerpt

NEW ISSUES; BOOK-ENTRY ONLY

UNDERLYING RATINGS:
Fitch Ratings: "BBB-"

RATINGS (Series 2006B Bonds):
S&P Ratings: "A" (ACA Insured)

In the opinion of Dorsey & Whitney LLP, Bond Counsel, under federal law in effect on the date of delivery of the Series 2006C Bonds, and assuming compliance by the Cow Creek Band of Umpqua Tribe of Indians with certain continuing requirements of the Internal Revenue Code of 1986, as amended to the date of delivery of the Bonds, interest on the Series 2006C Bonds is not included in gross income of the recipients thereof for federal income tax purposes and is not an item of tax preference for purposes of determining the federal alternative minimum tax imposed on all taxpayers (but such interest is included in determining the federal alternative minimum tax imposed on corporations). Such opinion of Bond Counsel only applies to the Series 2006C Bonds; the Series 2006A Bonds and the Series 2006B Bonds are being issued on a taxable basis. See "Tax Matters" herein.

THE COW CREEK BAND OF UMPQUA TRIBE OF INDIANS
\$27,305,000 Taxable Tax Revenue Bonds, Series 2006A
\$33,995,000 Taxable Tax Revenue Bonds, Series 2006B
\$38,700,000 Tax-Exempt Tax Revenue Bonds, Series 2006C

Bonds Dated: Date of Delivery

Maturities: as shown in the inside front cover

The Taxable Tax Revenue Bonds, Series 2006A (the "Series 2006A Bonds"), the Taxable Tax Revenue Bonds Series 2006B (the "Series 2006B Bonds") and the Tax-Exempt Tax Revenue Bonds, Series 2006C (the "Series 2006C Bonds"), are being issued by the Cow Creek Band of Umpqua Tribe of Indians, a federally recognized Indian tribe (the "Tribe"). The Series 2006A Bonds, the Series 2006B Bonds and the Series 2006C Bonds (together, the "Bonds") are being issued pursuant to a resolution of the Tribal Board of Directors (the "Bond Resolution"), and secured by a Trust Indenture dated as of June 15, 2006 (the "Indenture") between the Tribe and Wells Fargo Bank, National Association, Portland, Oregon, as trustee (the "Trustee"). The Bonds are also secured, together with all other Senior Debt, by the Pledged Assets, pursuant to a Collateral Trust and Security Agreement dated as of June 15, 2006 (the "Collateral Trust and Security Agreement") by and among the Tribe, the Umpqua Indian Development Corporation (the "UIDC") acting by and through its Seven Feathers Resort Division (the "Seven Feathers Division"), the Trustee, Umpqua Bank (the "Bank") and U.S. Bank National Association (the "Collateral Trustee" and "Custody Bank"), and by a limited Guaranty Agreement dated June 15, 2006 (the "Guaranty") given by the UIDC acting by and through the Seven Feathers Division to the Collateral Trustee for the benefit of the holders of the Senior Debt. As further provided herein, concurrently with the issuance of the Series 2006B Bonds, ACA Financial Guaranty Corporation ("ACA"), which is an indirect wholly-owned subsidiary of ACA Capital Holdings, Inc., will issue its bond insurance policy (the "Policy") insuring the scheduled payment of the principal and interest on the Series 2006B Bonds when due as set forth in the form of the Policy included as an exhibit to this Limited Offering Memorandum.



Contemporaneously with the issuance and delivery of the Bonds, the Tribe will enter into a loan agreement (the "Loan Agreement") with the Bank for a total committed amount of \$25,000,000 (the "Loan"). The Loan will be governed by the Loan Agreement and the Collateral Trust and Security Agreement, and secured by the Pledged Assets on a pari passu basis with the Bonds. The Bonds, the Loan, and any other debt permitted to be incurred and secured pari passu with the Bonds and the Loan under the Collateral Trust and Security Agreement ("Additional Senior Debt"), are the "Senior Debt."

The Bonds will be issued as registered bonds in minimum denominations of \$100,000 and integral multiples of \$5,000 in excess of \$100,000, and will be registered in the name of Cede & Co., as bond owner and nominee for the Depository Trust Company, New York, New York ("DTC"). DTC will act as securities depository for the Bonds, and purchasers will not receive certificates representing their respective interests in Bonds purchased. Principal will be due and paid each October 1, as illustrated in the Maturity Schedule. Interest on the Bonds will be paid semiannually on April 1 and October 1 of each year beginning October 1, 2006. Principal of and interest on the Bonds will be payable by the Trustee as further described herein. For so long as the Bonds remain in a "book-entry only" transfer system, the Trustee will make such payments only to DTC, which will in turn remit such principal and interest to its participants for subsequent disbursement to Beneficial Owners of the Bonds as further described herein under the caption "Book-Entry System."

Proceeds of the Bonds will be used to (i) refinance the Tribe's Taxable Revenue Bonds, Series 1998A and Revenue Bonds, Series 1998B (Tax Exempt), (ii) refinance the Tribe's 2002 loan with Umpqua Bank, (iii) fund completion of certain governmental and non-governmental improvements in the Creekside Project, (iv) fund construction of additional non-governmental projects, (v) reimburse the Tribe for its investment in governmental and non-governmental facilities constructed as part of the Creekside Project, (vi) fund the Reserve Fund, (vii) fund the Costs of Issuance and (viii) pay fees and costs in connection with the Loan.

The Bonds are special, limited revenue obligations of the Tribe payable, on a parity with all other Senior Debt, solely from that portion of the Tribe's Gaming Net Revenue Tax which, under the Tribe's Gaming Revenue Code, is allocated to Tribal economic development (the "Pledged Taxes"), and in certain events from the UIDC acting by and through the Seven Feathers Division on a limited recourse basis, pursuant to the Guaranty. The Bonds are equally and ratably secured by a pledge of and first lien on the Trust Estate on a parity basis with each other and by amounts on deposit in certain Funds created in the Indenture, each as described herein. In addition, the Bonds are secured on a pro rata basis by the amounts on deposit under the Collateral Trust and Security Agreement held by the Custody Bank from time to time.

The Bonds are subject to redemption prior to maturity as described herein. See "THE BONDS-Redemption of Bonds."

THE BONDS HAVE NOT BEEN REGISTERED UNDER THE SECURITIES ACT OF 1933, AS AMENDED (THE "SECURITIES ACT") AND MAY NOT BE OFFERED OR SOLD EXCEPT PURSUANT TO AN EXEMPTION FROM THE REGISTRATION REQUIREMENTS OF THE SECURITIES ACT. ACCORDINGLY, THE BONDS ARE BEING OFFERED HEREBY ONLY TO "QUALIFIED INSTITUTIONAL BUYERS" (AS DEFINED IN RULE 144A OF THE SECURITIES ACT) IN RELIANCE ON THE EXEMPTION FROM THE REGISTRATION REQUIREMENTS OF THE SECURITIES ACT PROVIDED BY RULE 144A. PROSPECTIVE PURCHASERS ARE HEREBY NOTIFIED THAT SELLERS OF THE BONDS ARE RELYING ON THE EXEMPTION FROM THE PROVISIONS OF SECTIONS OF THE SECURITIES ACT PROVIDED BY RULE 144A. FOR CERTAIN RESTRICTIONS ON REALES, SEE "NOTICE TO INVESTORS" HEREIN.

NONE OF THE NATIONAL INDIAN GAMING COMMISSION, THE BUREAU OF INDIAN AFFAIRS, OR ANY OTHER FEDERAL OR STATE AGENCY HAS PASSED UPON THE ACCURACY OR ADEQUACY OF THIS OFFERING MEMORANDUM OR THE INVESTMENT MERITS OF THE SECURITIES OFFERED HEREBY. ANY REPRESENTATION TO THE CONTRARY IS UNLAWFUL.

The Bonds are offered for delivery when, as and if issued and received by Kinsell, Newcomb & De Dios, Inc. (the "Initial Purchaser"), subject to the opinion as to the validity of the Bonds and the tax exempt status of the Series 2006C Bonds of Dorsey & Whitney LLP, Minneapolis, Minnesota, Bond Counsel, and to certain other conditions. Certain legal matters will be passed upon for the Initial Purchaser by its counsel, Peck, Shaffer & Williams LLP, Denver, Colorado. The approval of certain legal matters for the Tribe and the UIDC will be passed on by its Tribal General Counsel, Wayne A. Shammel, Esq., Roseburg, Oregon. The Tribe expects the Bonds to be available for delivery to DTC in New York, New York on or about June 15, 2006.

KINSELL, NEWCOMB  DE DIOS, INC.
INVESTMENT BANKING

The Date of this Limited Offering Memorandum is June 9, 2006

MATURITY SCHEDULE

THE COW CREEK BAND OF UMPQUA TRIBE OF INDIANS

\$27,305,000
Taxable Tax Revenue Bonds
Series 2006A

\$10,625,000 6.875% Bonds due October 1, 2011, Price: 100.00%, to Yield 6.875%;
CUSIP[†] 223577AE7

\$16,680,000 6.850% Term Bonds due October 1, 2016, Price: 97.825%, to Yield 7.150%;
CUSIP[†] 223577AF4

\$33,995,000
Taxable Tax Revenue Bonds
Series 2006B

\$33,995,000 [^] 7.000% Term Bonds due October 1, 2022[#], Price: 102.00%, to Yield 6.794%;
CUSIP[†] 223577AG2

\$38,700,000
Tax Exempt Revenue Bonds
Series 2006C

\$3,705,000 4.875% Term Bonds due October 1, 2008, Price: 100.00%, to Yield 4.875%;
CUSIP[†] 223577AH0

\$34,995,000 5.625% Term Bonds due October 1, 2026[#], Price: 100.00%, to Yield 5.625%;
CUSIP[†] 223577AJ6

[^] Payment of principal and interest (but not premium) when due on the Series 2006B Bonds will be insured by a Bond Insurance Policy to be issued by ACA Financial Guaranty Corporation ("ACA") simultaneously with the delivery of the Series 2006B Bonds.

[#] The Series 2006B Bonds are not subject to optional redemption.

[†] CUSIP Copyright 2006, American Bankers' Association. CUSIP data herein is provided by Standard & Poor's CUSIP Service Bureau, a division of The McGraw-Hill Companies, Inc. The Tribe does not guarantee the accuracy of the CUSIP data.



The Seven Feathers Hotel & Casino Resort (the "Center") is located adjacent to Interstate 5 in Canyonville, Oregon. The City of Eugene (population 143,910) is approximately 97 miles to the north and the City of Medford (population 68,080) is located 70 miles to the south.

The Tribe has ancillary businesses on the west side of Interstate 5 which have been acquired or constructed in order to increase traffic to the Center. They include the following:

- The Seven Feathers Truck & Travel Center, a wholly-owned division of the UJDC, was acquired in 1998. The Truck & Travel Center is a full service truck stop with a 24-hour restaurant and shuttle service to the Center.
- The Tribe has constructed a new 196-slip RV park which is scheduled to open on July 1, 2006. The RV park includes a clubhouse with a heated pool.

The Tribe's infrastructure improvements on the west side of Interstate 5 include:

- a 365 acre foot lined water reservoir;
- a water purification system capable of providing 500,000 gallons of drinking water per day;
- a 1.025 million gallon water storage tank;
- waste treatment lagoon system;
- a reservoir for the storage of treated irrigation water;
- a gravity charged water and irrigation supply system; and
- restoration of lower Jordan Creek.



A 33-foot, 10,000 pound bronze eagle adorns the main entrance of the Center. Named "Skookum Hyak", meaning "Power Surge", the piece is the largest bronze eagle casting in the world, according to the Tribe. The entrance to the 147-room hotel can be seen in the background to the right of the sculpture. The hotel experienced an average annual occupancy of 92.1% in 2005.

SUMMARY STATEMENT

This Summary Statement is subject in all respects to more complete information contained in this Offering Memorandum, including the Appendices. Capitalized terms used but not defined in this Summary Statement are defined in Appendices A-1 and A-2. No person is authorized to detach this Summary Statement from the Offering Memorandum or otherwise to use it without the entire Offering Memorandum.

- The Bonds** The Bonds are being issued in three separate series, designated respectively as the Taxable Tax Revenue Bonds, Series 2006A, the Taxable Tax Revenue Bonds, Series 2006B and the Tax-Exempt Tax Revenue Bonds, Series 2006C. The Bonds, together with the Loan and any Additional Senior Debt (both as described below) are collectively referred to herein as the "Senior Debt." See "THE BONDS" herein.
- The Issuer** The Bonds will be issued by the Cow Creek Band of Umpqua Tribe of Indians (the "Tribe"). The Tribe is a federally recognized Indian tribe pursuant to the Cow Creek Band of Umpqua Tribe of Indians Recognition Act of December 29, 1982 (Public Law 97-391), as amended. See "THE COW CREEK BAND OF UMPQUA TRIBE OF INDIANS" herein.
- Authority for Issuance** The Bonds will be issued pursuant to a resolution of the Tribal Board of Directors and pursuant to a Trust Indenture dated as of June 15, 2006 (the "Indenture") between the Tribe and Wells Fargo Bank, National Association, Portland, Oregon, as trustee (the "Trustee").
- Use of Funds, including Refinancing, Reimbursement and the Projects** Proceeds of the Series 2006A Bonds and the Series 2006B Bonds will be used to (i) refund the Tribe's Taxable Revenue Bonds, Series 1998A, presently outstanding in the amount of \$21,750,000 (such amount will be reduced on July 1, 2006 from sinking fund redemptions to \$19,235,000 and this amount, together with accrued interest thereon will be redeemed at par, without premium, on July 10, 2006), (ii) refund a portion of the Tribe's Revenue Bonds, Series 1998B (Tax Exempt), presently outstanding in the principal amount of \$11,210,000 (such amount will be reduced on July 1, 2006 from sinking fund redemptions to \$9,835,000 and this amount, together with accrued interest thereon will be redeemed at par, without premium, on July 10, 2006), (iii) refinance the Tribe's \$7,000,000 2002 Loan with Umpqua Bank presently outstanding in the amount of approximately \$4,200,000, (iv) fund completion of certain non-governmental improvements in the Creekside Project, (v) fund construction of additional non-governmental projects, (vi) reimburse the Tribe for its investment in non-governmental facilities constructed as part of the Creekside Project, (vii) fund a portion of the Reserve Fund, (viii) fund a portion of the Costs of Issuance and (ix) pay fees and costs in connection with the Loan.
- Proceeds of the Series 2006C Bonds will be used to (i) refund the remaining portion of the Tribe's Revenue Bonds, Series 1998B (Tax Exempt), (ii) fund completion of certain essential governmental improvements within the Creekside Project, (iii) reimburse the Tribe for its investment in essential governmental facilities constructed as part of the Creekside Project, (iv) fund a portion of the Reserve Fund, and (v) fund a portion of the Costs of Issuance. See "THE PROJECTS" herein.

The Creekside Project

The Creekside Project is the Tribe's \$61 million infrastructure and facilities development project. The project commenced in February 2003 and includes an expansion of UIDC's Truck & Travel Center and the construction of a 196-slip RV park. The major infrastructure improvements include (i) a 365 acre foot (approximately 118 million gallons) lined water reservoir, of which the Seven Feathers Hotel & Casino Resort (the "Center") is anticipated to require approximately 20% of its capacity (prior to the construction of the hotel addition, as described herein), (ii) a water purification system anticipated to provide 500,000 gallons per day of potable water, (iii) a 1.025 million gallon steel-lined water storage tank, (iv) waste treatment facilities, (v) lagoons for the storage of sewage, (vi) a gravity charged water and irrigation supply system and (vii) ancillary infrastructure improvements to support such a system. The infrastructure improvements were constructed in excess of the requirements of the Center as the Tribe has a number of projects planned for future development, which projects are anticipated to be served thereby.

**Security and Source of
Payment of Bonds;
Limited Guaranty**

The Bonds are special, limited revenue obligations of the Tribe secured by the Trust Estate and payable solely from Pledged Taxes and amounts on deposit in certain Funds created under the Indenture. The Umpqua Indian Development Corporation (the "UIDC"), a federally chartered corporation established by the Tribe, acting by and through its Seven Feathers Resort Division (the "Seven Feathers Division"), has agreed to provide a limited guaranty for the benefit of the holders of Senior Debt, pursuant to the Guaranty Agreement (the "Guaranty") dated June 15, 2006 between the UIDC and the Collateral Trustee (hereinafter defined). The Collateral Trust and Security Agreement (hereinafter defined) provides that certain security interests will be granted to the Collateral Trustee for the benefit of holders of Senior Debt, including the Bonds, and gives the Collateral Trustee authority with respect to enforcement of certain rights and remedies relating thereto. See "SECURITY FOR AND PAYMENT OF THE BONDS" as well as "FORMS OF THE INDENTURE, THE COLLATERAL TRUST AND SECURITY AGREEMENT, THE GUARANTY AGREEMENT AND THE ACCOUNT AGREEMENT," Appendix A-1.

The Tribal Gaming Net Revenue Tax; Enhancement Amount

Under the Tribe's Gaming Revenue Code, the Tribe imposes a tax (the "Gaming Net Revenue Tax") equal to 100% of net revenues of all Class II and Class III gaming (as defined in the Indian Gaming Regulatory Act of 1998 ("IGRA")) facilities within the jurisdiction of the Tribe, which includes any directly connected facilities ancillary to such gaming operations including, without limitation, food and beverage revenues, gift shop revenues, hotel revenues and event revenues. The Tribe's payments on the Bonds will be made from and secured in part by 80% of the Gaming Net Revenue Tax (being the maximum amount allowed by Tribal law to be pledged for economic development purposes, and referred to herein as the "Pledged Taxes"). The Pledged Taxes also secure all other Senior Debt on a pari passu basis pursuant to the Collateral Trust and Security Agreement (the "Collateral Trust and Security Agreement") dated June 15, 2006 among the Tribe, the UIDC, Umpqua Bank (the "Bank"), the Trustee and U.S. Bank National Association as Collateral Trustee and Custody Bank (the "Collateral Trustee"). The Collateral Trust and Security Agreement restricts the Tribe's use of proceeds of the Pledged Taxes upon the occurrence of (i) certain events which would require the funding of the Springing Reserve Account or (ii) an event of default under the Collateral Trust and Security Agreement. In addition, pursuant to the Guaranty, the UIDC, acting by and through the Seven Feathers Division, will agree to guaranty payments due on all Senior Debt but with recourse limited to, and a security interest granted in, the Enhancement Amount. "Enhancement Amount" means revenues of the Seven Feathers Division in an amount equal to 80% of the amount of depreciation accruing on the books of the Seven Feathers Division during a Corporate Obligation Period and that is deductible by the UIDC for the purpose of calculating the net revenues that are subject to the Gaming Net Revenue Tax. The Pledged Taxes and the Enhancement Amount are collectively referred to as the "Pledged Assets." See "SECURITY FOR AND PAYMENT OF THE BONDS – Security Interest in the Pledged Assets" for a complete description of the Pledged Assets.

Per Capita Distributions

The Tribe allocates 5% of the Gaming Net Revenue Tax to its Gaming Distribution Fund which is held for the Tribe's approximately 1,325 members. The balance of this fund was approximately \$5,400,000 as of May 31, 2006. The members receive annual distributions from this fund in the amount of \$599 per annum, except for members over the age of 60, who receive an additional \$300 per month.

Gaming Compact With State of Oregon

Under IGRA, as amended, federally recognized Indian tribes may conduct "Class III" (*i.e.*, casino-style) gaming operations on tribal land, pursuant to tribal-state compacts. The Tribe and the State of Oregon have entered into such a compact, which has been approved by the U.S. Secretary of the Interior (the "Compact"). Among other things, the Compact establishes the scope of gaming that can be conducted by the Tribe, provides the method of regulating the conduct of such gaming, provides for the licensure of employees and parties contracting with the gaming operation, and provides that the Tribe will annually contribute six percent (6%) of the Tribe's net income from Class III gaming activities to a special fund established for community benefit purposes. See "UMPQUA INDIAN DEVELOPMENT CORPORATION — State Regulation; Tribal-State Compact" for information about the Compact, including its terms.

OFFERING MEMORANDUM

THE COW CREEK BAND OF UMPQUA TRIBE OF INDIANS

\$27,305,000 Taxable Tax Revenue Bonds, Series 2006A	\$38,700,000 Tax-Exempt Tax Revenue Bonds, Series 2006C
\$33,995,000 Taxable Tax Revenue Bonds, Series 2006B	

INTRODUCTORY STATEMENT

The Cow Creek Band of Umpqua Tribe of Indians, a federally recognized Indian tribe (the "Tribe"), has prepared this Offering Memorandum regarding its \$27,305,000 Taxable Revenue Bonds, Series 2006A (the "Series 2006A Bonds"), its \$33,995,000 Taxable Revenue Bonds, Series 2006B (the "Series 2006B Bonds"), and its \$38,700,000 Tax-Exempt Tax Revenue Bonds, Series 2006C (the "Series 2006C Bonds"). The Series 2006A Bonds, the Series 2006B Bonds and the Series 2006C Bonds (together, the "Bonds") are being issued pursuant to a resolution of the Tribal Board of Directors (the "Bond Resolution"), and a Trust Indenture dated as of June 15, 2006 (the "Indenture") between the Tribe and Wells Fargo Bank, National Association, Portland, Oregon, as trustee (the "Trustee"). See "THE BONDS" herein. The Bonds are also secured, together with Additional Senior Debt, by the Pledged Assets (hereinafter described), pursuant to a Collateral Trust and Security Agreement dated as of June 15, 2006 (the "Collateral Trust and Security Agreement") by and among the Tribe, the Umpqua Indian Development Corporation ("UIDC") the Trustee, Umpqua Bank (the "Bank") and U.S. Bank, National Association (the "Collateral Trustee" and "Custody Bank"), and by a limited Guaranty Agreement dated June 15, 2006 (the "Guaranty") given by the UIDC, acting by and through its Seven Feathers Resort Division (the "Seven Feathers Division"), to the Collateral Trustee for the benefit of the holders of all Senior Debt (as defined herein). The Seven Feathers Division operates the Seven Feathers Hotel & Casino Resort (the "Center"), which generates the Tribe's primary source of revenue. See "SECURITY FOR AND PAYMENT OF THE BONDS" and "THE CENTER" herein.

Proceeds of the Series 2006A Bonds and the Series 2006B Bonds will be used to (i) refund the Tribe's Taxable Revenue Bonds, Series 1998A, presently outstanding in the amount of \$21,750,000 (such amount will be reduced on July 1, 2006 from sinking fund redemptions to \$19,235,000 and this amount, together with accrued interest thereon will be redeemed at par, without premium, on July 10, 2006), (ii) refund a portion of the Tribe's Revenue Bonds, Series 1998B (Tax Exempt), presently outstanding in the principal amount of \$11,210,000 (such amount will be reduced on July 1, 2006 from sinking fund redemptions to \$9,835,000 and this amount, together with accrued interest thereon will be redeemed at par, without premium, on July 10, 2006), (iii) refinance the Tribe's \$7,000,000 2002 Loan with Umpqua Bank presently outstanding in the amount of approximately \$4,200,000, (iv) fund completion of certain non-governmental improvements in the Creekside Project, (v) fund construction of additional non-governmental projects, (vi) reimburse the Tribe for its investment in non-governmental facilities constructed as part of the Creekside Project, (vii) fund a portion of the Reserve Fund, (viii) fund a portion of the Costs of Issuance and (ix) pay fees and costs in connection with the Loan.

Proceeds of the Series 2006C Bonds will be used to (i) refund the remaining portion of the Tribe's Revenue Bonds, Series 1998B (Tax Exempt), (ii) fund completion of certain essential governmental improvements within the Creekside Project, (iii) reimburse the Tribe for its investment in essential governmental facilities constructed as part of the Creekside Project, (iv) fund a portion of the Reserve Fund, and (v) fund a portion of the Costs of Issuance. See "THE PROJECTS" herein.

The audited financial statements of the Tribe for the fiscal years ended December 31, 2004 and 2003 are attached to this Offering Memorandum as Appendix B. The audited financial statements of the UIDC for the fiscal years ended December 31, 2004 and 2003 are attached to this Offering Memorandum as Appendix C. The audited financial statements of the Seven Feathers Division for the fiscal years ended December 31, 2005, 2004 and 2003 are attached to this Offering Memorandum as Appendix D.

The Bonds are special, limited revenue obligations of the Tribe secured by the Trust Estate, including amounts on deposit in certain Funds created in the Indenture and payable solely from the Pledged Taxes, and by amounts on deposit in certain Funds created in the Indenture, each as described herein. The Series 2006A Bonds, the Series 2006B Bonds and the Series 2006C Bonds are equally and ratably secured under the Indenture. The Collateral Trust and Security Agreement permits the Tribe to incur additional parity indebtedness including but not limited to the Loan (the "Additional Senior Debt" and, together with the Bonds, "Senior Debt") which will share equally and ratably with the Bonds in the Pledged Assets. The Collateral Trust and Security Agreement provides that certain security interests will be granted for the benefit of holders of Senior Debt, and gives the Collateral Trustee authority with respect to enforcement of certain rights and remedies relating thereto. Contemporaneously with the issuance and delivery of the Bonds, the Tribe will enter into a term loan with the Bank with a total committed amount of \$25,000,000 (the "Loan"). As noted above, the Loan will constitute Senior Debt to the extent advances are made to the Tribe thereunder. Pursuant to the Collateral Trust and Security Agreement, the Tribe and the UIDC, acting by and through the Seven Feathers Division, have granted to the Collateral Trustee, for the benefit of the holders of all Senior Debt, a security interest in the Pledged Assets, which include the Pledged Taxes and the Enhancement Amount (the latter pursuant to the Guaranty and hereinafter defined). The Loan and any other Additional Senior Debt permitted to be incurred will not have any security interest in Funds created under the Indenture, but will share pro rata and pari passu with other Senior Debt in a security interest in the funds held under the Collateral Trust and Security Agreement and, in certain events, in the Tribe's Economic Development Fund, as permitted under the Collateral Trust and Security Agreement. The UIDC, acting by and through the Seven Feathers Division, has agreed to provide the Guaranty for the benefit of the holders of Senior Debt, with recourse for its obligations under the Guaranty limited to the Enhancement Amount during a Corporate Obligation Period. The Trust Estate and the Guaranty are further described herein under "SECURITY FOR AND PAYMENT OF THE BONDS."

"Enhancement Amount" means revenues of the Seven Feathers Division in an amount equal to 80% of the amount of depreciation accruing on the books of the Seven Feathers Division during a Corporate Obligation Period and that is deductible by the Seven Feathers Division for purposes of calculating the net revenues that are subject to the Gaming Net Revenue Tax under the Gaming Revenue Code of the Tribe, Cow Creek Tribal Legal Code, Title 100 (the "GRC").

"Corporate Obligation Period" means any period (A) during which an obligation to fund the Springing Reserve Account (hereinafter defined) exists, or (B) from and after the occurrence and during the continuation of an Event of Default under the Collateral Trust and Security Agreement.

"Pledged Taxes" means the 80% portion of Gaming Net Revenue Tax that is allocated to Tribal economic development under the GRC.

Capitalized terms used but not otherwise defined have the meanings assigned thereto in Appendices A-1 and A-2 respectively entitled "FORMS OF THE INDENTURE, THE COLLATERAL TRUST AND SECURITY AGREEMENT, THE GUARANTY AGREEMENT AND THE ACCOUNT AGREEMENT" and "FORMS OF THE LOAN AGREEMENT AND RELATED BANK DOCUMENTS." The summaries herein describing the Bonds, the Indenture, the Guaranty, the Collateral Trust and Security Agreement, the Loan Agreement with Umpqua Bank and related documents do not purport to be comprehensive or definitive. Copies of such documents are attached hereto as Appendices A-1 and A-2. Any reproduction or distribution of such documents, in whole or in part, and any disclosure of their contents to any other person, is prohibited.

terms by which the tribe may conduct Class III Gaming. IGRA contemplates that states and tribes will utilize the compacting process to address public policy issues of mutual concern. IGRA provides a representative list of the types of provisions that may be included in a tribal-state compact. Among other things, Congress sought through the compact process to accommodate significant governmental interests of the states. At the same time, IGRA's compacting process affords reciprocal protection for the significant governmental interests of tribes by requiring a state to negotiate over a form of Class III Gaming as long as the State permits it for any purpose by any person. The mechanism for entering into a tribal-state compact is set forth in IGRA. The terms of gaming compacts vary from state to state; in Oregon tribal-state gaming compacts tend to be substantially similar.

The Compact. The Tribe and the State of Oregon have entered into an Amended and Restated Tribal-State Compact for Regulation of Class III Gaming, dated as of April 25, 1997 (the "Compact"), which has been approved by the U.S. Secretary of the Interior. The Compact authorizes the Tribe to conduct the following Class III games: video lottery games of chance, keno, off-race course mutuel wagering, blackjack, craps, roulette, pai-gow poker, mini-Baccarat, let-it-ride, and Big 6 Wheel. The Tribe may also offer limited race and sports bookmaking. In addition, the Tribe may engage in any other Class III game that has been approved by the Nevada Gaming Commission ("Nevada Games"); provided that no more than one Nevada Game may be introduced in each calendar quarter.

The number of Class III video lottery machines operated by the Tribe may not exceed 1,300, and the Tribe may operate a maximum of sixty tables of table games. The maximum wager for any table game or counter game (except for race or sports book) is \$500. In addition, the Compact requires the Tribe to coordinate certain regulatory matters with the Oregon State Police.

The Compact provides for the establishment of a "Community Benefit Fund" whose assets are to be expended for the benefit of the public within Douglas, Jackson, Klamath, Coos, Josephine, Lane and Deschutes Counties. Grants from the Community Benefit Fund may be made for a variety of public and charitable purposes. The Tribe has agreed in the Compact to make an annual contribution to the Community Benefit Fund in an amount equal to six percent (6%) of the Tribe's net income from Class III Gaming (as shown in the audited financial statements of the Center), less certain costs paid by the Tribe to the Oregon State Police for gaming regulatory services as specified in the Compact. For the fiscal years ended December 31, 2005 and 2004, the Tribe's contributions to the Community Benefit Fund were \$1,790,000 and \$1,630,000, respectively.

The Compact does not contain periodic renewal or expiration terms. Rather, the Compact remains in effect until such time as: (1) it is terminated by the written agreement of both parties; (2) the State of Oregon amends its Constitution or laws to criminally prohibit all Class III Gaming authorized by the Compact (whether for profit or not for profit); (3) a court of competent authority makes a final determination that all Class III games are criminally prohibited under Oregon law, and such determination has become final and enforceable; (4) the federal government amends or repeals IGRA so that a tribal-state gaming compact is no longer required for the exercise of Class III Gaming; or (5) either the Tribe or the State materially breaches the Compact and the dispute resolution and cure provisions of the Compact have been exhausted.

The Compact provides for automatic amendment under certain circumstances, including: (1) the Tribe's authority to conduct any Nevada Game authorized by the Compact will expire if and when the Oregon Constitution or Oregon statutes are amended to criminally prohibit such Nevada Game; and (2) the Tribe's authority to conduct any Class III Game authorized by the Compact will expire if and when a court rules that such Class III Game is criminally prohibited. However, the Compact provides that the Tribe shall be required to cease operating such games only if and under the same circumstances as the State or any other affected person must cease operating such games.

Litigation Concerning Compacts. Tribal-state compacts have been the subject of litigation in 13 states. In 1996, the U.S. Supreme Court ruled in the case of *Seminole Tribe of Florida v. Florida* that the provision of IGRA that permits Indian tribes to sue states in federal court to force them to negotiate tribal-state gaming compacts in good faith is unconstitutional, as applied to an unconsenting state, by virtue of the Eleventh Amendment to the U.S. Constitution. In Oregon, there has been no successful litigation challenging the validity of any gaming compact executed between the State and an Oregon tribe.

Tribal Regulation

Tribal Gaming Ordinance. Under IGRA, except as otherwise provided in a tribal-state compact, Indian tribal governments have primary regulatory authority over Class III Gaming on land within the tribe's jurisdiction. Therefore, UIDC's gaming operations, and persons engaged in gaming activities, are guided by and subject to the provisions of the Tribe's ordinances and regulations regarding gaming. IGRA requires that the NIGC review tribal gaming ordinances, and authorizes the NIGC to approve such ordinances only if they meet certain requirements. The Tribe adopted its Amended and Restated Tribal Gaming Ordinance on July 15, 1994 (the "Gaming Ordinance"), and the NIGC approved the Gaming Ordinance on October 27, 1994.

Tribal Gaming Commission. The Tribal Gaming Commission is composed of three members who oversee a staff including an executive director, seven Tribal gaming inspectors (on-site at the Center 24 hours per day) and sixteen Center surveillance personnel. The Tribal Gaming Commission implements and oversees Compact, Gaming Ordinance and IGRA compliance, including gaming licensing (in cooperation with the Oregon State Police) and Center health and safety regulations.

Possible Changes in Federal and State Law

Several bills have been proposed during the current and recent sessions of Congress that could affect Indian gaming. Certain of such bills, if enacted, could impair the ability of the Tribe to expand its gaming operations and adversely affect the future growth of the Tribe's revenue base. In addition, from time to time, various government officials have proposed taxing Indian casino gaming or otherwise limiting or restricting the conduct of gaming operations by Indian tribes. No assurance can be given that such legislation, if and when enacted by Congress, would not have a material adverse effect on the operations of the Tribe. See "BONDHOLDERS' RISKS – Compact Termination; Litigation Challenging Validity of Tribal-State Gaming Compacts; Change in Law." In addition, under federal law, gaming on the Tribe's lands may be dependent upon the permissibility under Oregon law of certain forms of gaming or similar activities. If Oregon were to make various forms of gaming illegal or against public policy (or the courts were to similarly rule), or otherwise to take a legal position adverse to the Tribe, such actions could have a material adverse effect on the Tribe's ability to conduct its gaming operations as currently conducted.

THE BONDS – PAYMENT AND REDEMPTION

Principal Amount, Date, Interest Payment and Maturities

The Series 2006A Bonds will be issued in the principal amount of \$27,305,000 and will be dated and bear interest from the date of their original issuance and delivery. The Series 2006A Bonds will consist of a \$10,625,000 Term Bond due October 1, 2011 and a \$16,680,000 Term Bond due October 1, 2016.

The Series 2006B Bonds will be issued in the principal amount of \$33,995,000 and will be dated and bear interest from the date of their original issuance and delivery. The Series 2006B Bonds will consist of a \$33,995,000 Term Bond due October 1, 2022.

The Series 2006C Bonds will be issued in the principal amount of \$38,700,000 and will be dated and bear interest from the date of their original issuance and delivery. The Series 2006C Bonds will consist of a \$3,705,000 Term Bond due October 1, 2008 and a \$34,995,000 Term Bond due October 1, 2026.

The Bonds will bear interest (payable semiannually on April 1 and October 1, commencing October 1, 2006) at the respective rates as set forth on the inside cover page of this Offering Memorandum. Interest on the Bonds will be computed on the basis of a 360-day year of twelve 30-day months. The Bonds will be available in minimum denominations of \$100,000 and integral multiples of \$5,000 in excess of \$100,000 (the "Authorized Denominations").

The principal of and premium, if any, on the Bonds will be payable in lawful money of the United States of America upon surrender thereof at the principal operations office of the Trustee, which is presently located in Portland, Oregon. Interest will be payable in lawful money of the United States of America by check or draft mailed to the registered owners of the Bonds (initially Cede & Co.) as shown on the registration books kept by the Trustee

The 2006C Bonds maturing on October 1, 2026 shall be subject to mandatory redemption, in part, by lot, from mandatory sinking fund payments by the Tribe into the Sinking Fund Account at a redemption price equal to the principal amount thereof to be redeemed, without premium, plus accrued interest to the redemption date on October 1 of each of the years and in the amounts as follows:

<u>Redemption Year</u>	<u>Principal Amount</u>
2022	\$3,700,000
2023	7,195,000
2024	7,600,000
2025	8,025,000
2026*	8,475,000

* Final maturity

Credit Against Mandatory Sinking Fund Redemption Payments. At the option of the Tribe, the Tribe may (i) deliver to the Trustee for cancellation Bonds in an aggregate principal amount desired by the Tribe, or (ii) specify a principal amount of Bonds which have been previously redeemed (otherwise than through the operation of such sinking fund) and canceled by the Trustee and which have not yet been applied as a credit against any sinking fund redemption obligation for Bonds. Each such Bond so delivered or previously redeemed shall be credited by the Trustee, at 100% of the principal amount thereof, against the obligation of the Tribe to redeem Bonds of the series and maturity date so delivered or previously redeemed, as the case may be, on the sinking fund redemption date or dates specified by the Tribe.

Selection of Bonds to be Redeemed. If less than all of the outstanding Bonds of a series shall be redeemed, the Bonds to be redeemed shall be selected by series and maturity by the Tribe in such manner as the Tribe may determine (with less than all Bonds of a single series and maturity to be selected by lot in such manner as the Trustee shall determine, giving proportionate weight to Bonds in denominations larger than \$100,000). In case a Bond is of a denomination larger than \$100,000, a portion of such Bond (\$5,000 or any integral multiple thereof) may be redeemed, but the unredeemed portion of such Bond shall not be less than \$100,000.

Notice of Redemption; Cessation of Interest. In the event any of the Bonds are called for redemption, the Trustee will cause notice of the call for redemption to be given not less than 30 days prior to the redemption date by mailing a copy of the notice by first class mail to the registered owners of the Bonds to be redeemed, at their addresses shown on the registration books; provided, however, that failure to give such notice, or any defect in the notice, will not affect the validity of any proceedings for the redemption of such Bonds. All Bonds called for redemption will cease to bear interest on the specified redemption date, provided funds for their redemption are on deposit at the place of payment at that time, and will no longer be deemed to be outstanding under the provisions of the Indenture.

SECURITY FOR AND PAYMENT OF THE BONDS

The Pledged Assets and other Security for Holders of Bonds

The Series 2006A Bonds, the Series 2006B Bonds and the Series 2006C Bonds are being issued as parity indebtedness under a single Indenture and will be limited obligations of the Tribe payable from and secured equally and ratably (alongside and in parity with the Loan and any Additional Senior Debt) by the Pledged Assets, as identified and defined below. The Series 2006B Bonds will be insured by ACA. See "BOND INSURANCE."

The Bonds alone are secured by the Reserve Fund established under the Indenture and all other accounts established pursuant to the Indenture (excluding the Rebate Fund).

In addition, the Bonds (in parity with the Loan and any Additional Senior Debt) will be secured by the Guaranty, under the terms of which the UIDC, acting by and through the Seven Feathers Division, will agree to guaranty payments due under the Senior Debt but with recourse limited to the amount of the Enhancement Amount.

The Tribal Gaming Net Revenue Tax

Gaming Net Revenue Tax. Under the Tribal Gaming Revenue Code (Title 100 of the Tribal Legal Code; the "GRC"), the Tribe imposes a tax (the "Gaming Net Revenue Tax") equal to 100% of the net revenues of all Class II and Class III gaming facilities within the jurisdiction of the Tribe, which includes any directly connected facilities ancillary to such gaming operations. The Gaming Net Revenue Tax is imposed "to strengthen Tribal government and Tribal self-sufficiency and to support Tribal economic development and provide for the health and welfare of the Tribe and its members." Under the GRC, the Gaming Net Revenue Tax is collected and remitted to the Tribe monthly; 80% of the proceeds of the Gaming Net Revenue Tax are allocated to provide funding for Tribal economic development and the remaining 20% of Gaming Net Revenue Tax proceeds are legally dedicated to Tribal governmental operations (10%), long-term investment programs (5%), and Tribal member per capita benefits (5%).

The Center is the only facility the operations and revenues of which are subject to the Gaming Net Revenue Tax. The Tribe will pledge 80% of the Gaming Net Revenue Tax (the "Pledged Taxes," being the amount allocated to Tribal economic development purposes) to the Collateral Trustee to the extent required to pay amounts owing under the Bonds, the Loan and any Additional Senior Debt. The Collateral Trustee will remit to the Trustee, the Bank and any other holders of Senior Debt, out of the Pledged Taxes, such available amount as is necessary to provide for the current payments of principal and interest on the Senior Debt and other amounts payable in connection therewith and any required monthly deposits relating thereto.

Collateral Agent as Tax Designee. The GRC allows the Tribe to designate one or more Additional Gaming Tax Revenue Designees (the "Tax Designees") for purposes of receiving a specific percentage (up to 80%, in the case of economic development) of Gaming Net Revenue Tax proceeds. A Tax Designee may take possession of, either on or off Tribal trust lands, the specific amount or percentage of Gaming Net Revenue Tax proceeds otherwise due to the Tribe without such designated amount or percentage passing first through the direct possession of the Tribe. The Tribe will designate the Collateral Trustee as a Tax Designee entitled to receive up to the full amount of the Pledged Taxes. Further, the Tribe has covenanted not to designate any Tax Designees other than the Collateral Trustee unless such designation is subordinate to the rights of the Collateral Trustee. See "— Additional Senior Debt" below.

The Tribe has covenanted in the Collateral Trust and Security Agreement that it will take no action to reduce the level or frequency of the Gaming Net Revenue Tax that is imposed pursuant to the GRC, to amend the property or income which is subject to the levy of the Gaming Net Revenue Tax, to change the percentage of Gaming Net Revenue Tax revenues that is allocated to Tribal economic development under the GRC, to change the method of calculation of the Gaming Net Revenue Tax from that presently set forth in the GRC and as shown in the financial statements of the Seven Feathers Division for the fiscal year ended December 31, 2005, or to repeal its designation of the Collateral Trustee as an "Additional Gaming Tax Revenue Designee" pursuant to the GRC and the Bond Resolution.

Net Revenues of the Center. The net revenues (calculated in accordance with Generally Accepted Accounting Principles) on which the Gaming Net Revenue Tax is imposed are all receipts, revenues and rents from the operation of any portion of the Center, including without limitation the following (but less operation and maintenance expenses):

- (a) Class II and Class III gaming operations;
- (b) on-site hotel, RV parks or other lodging facilities, excluding the 8% hotel lodging tax that funds Tribe operations;
- (c) on-site dining, food service, beverage, restaurant and other concessions;
- (d) on-site gift shops; and
- (e) the operation of the Convention Center.

Deposit and Security Interest in Economic Development Fund. The Tribe maintains a fund the moneys in which are used for the purpose of furthering Tribal economic development (the "Economic Development Fund").

Under the Collateral Trust and Security Agreement, the Tribe will covenant that it will deposit into the Economic Development Fund, as received, all Pledged Taxes, other than any proceeds used for the payment of current obligations under the Senior Debt or otherwise required by the Collateral Trust and Security Agreement to be paid directly to the Collateral Trustee, and will grant to the Collateral Trustee a present security interest in all amounts on deposit in the Economic Development Fund. The Collateral Trust and Security Agreement will not restrict the Tribe's use of moneys in the Economic Development Fund prior to an Event of Default under the Collateral Trust and Security Agreement, and the Tribe presently uses the Economic Development Fund for various economic development purposes; as a result, there can be no assurance that, upon an Event of Default, there will be any funds on deposit in the Economic Development Fund.

Limited Recourse

The Bonds are not general obligations of the Tribe, and neither the full faith and credit nor the taxing power of the Tribe, except for the Tribe's ability and obligation to levy the Gaming Net Revenue Tax, is pledged to repayment of the Bonds. Furthermore, aside from the Trust Estate and the Pledged Assets, none of the assets of or associated with the Center, the Projects, the UIDC or the Tribe serve as collateral for the Bonds. The Guaranty is not a general obligation of the UIDC, and recourse pursuant to the Guaranty is limited to the Enhancement Amount.

Security Interest in the Pledged Assets

The following paragraphs summarize certain provisions of the Collateral Trust and Security Agreement relating to security interests granted and accounts established for the benefit of holders of Senior Debt. For further provisions and definitions of the terms used in the following discussion, see "FORMS OF THE INDENTURE, THE COLLATERAL TRUST AND SECURITY AGREEMENT, THE GUARANTY AGREEMENT AND THE ACCOUNT AGREEMENT," Appendix A-1. Section references herein shall be to, and terms not otherwise defined herein shall have the meanings as used, in the Collateral Trust and Security Agreement.

As security for the payment and performance of Senior Debt, ratably on parity with each other, the Tribe and the UIDC will grant to the Collateral Trustee a pledge of, a lien on and a present security interest in the following (the "Pledged Assets"): the Pledged Taxes; the revenues of the Seven Feathers Division (with recourse thereto limited to the Corporation Recourse Amount); all amounts credited to the Corporation Revenue Account (with recourse thereto limited to the Corporation Recourse Amount) and subject to certain limitations set forth below; all amounts in the Springing Reserve Account; all amounts held in the Senior Debt Account; funds in the Economic Development Fund; and proceeds of the foregoing. The Pledged Assets do not include the Operating Account or the Corporate Account.

Notwithstanding the foregoing, (A) the Tribe may expend all funds in the Economic Development Fund in the absence of an Event of Default under the Collateral Trust and Security Agreement, and (B) the UIDC shall be entitled to (i) withdraw and expend all funds in the Operating Account at any time in its discretion regardless of the occurrence and continuation of an Event of Default, (ii) withdraw and expend all funds in the Corporate Account at any time regardless of the occurrence and continuation of an Event of Default, and (iii) receive and expend all funds in the Corporation Revenue Account in excess of the Corporation Recourse Amount at any time in its discretion regardless of the occurrence and continuation of an Event of Default.

The Collateral Trust and Security Agreement creates a separate account in the name of the Collateral Trustee, in its capacity as such, designated as the "Corporation Revenue Account." Each day, the UIDC will deposit with the Collateral Trustee, for credit to the Corporation Revenue Account, all revenues of its Seven Feathers Division received by the UIDC to the date of such deposit. Funds will not be retained by the Collateral Trustee in the Corporation Revenue Account, but will be transferred and applied, as received, as described below.

If no Event of Default under the Collateral Trust and Security Agreement has occurred and is continuing and a Springing Reserve Period does not exist, upon receipt of any funds the Collateral Trustee will immediately credit such funds to the Corporation Revenue Account and apply those funds in the following order of priority in each month. Funds will be transferred pursuant to the following clauses until the requirement of each such clause is satisfied. Thereafter, the transfers in the succeeding clauses will be made, in order, through the end of each month,

History

On April 29, 1992, the Tribe opened Oregon's first legal Indian gaming facility. The "Cow Creek Indian Gaming Center" employed 35 people and offered high stakes bingo, pull tabs and a snack bar. The gaming center exceeded budgeted expectations. After eighty slot machines were placed in the gaming center in early 1993, it became apparent to management that the original gaming center was too small to maximize market potential. The first major additions to the gaming center opened on April 29, 1994, which included adding 450 slot machines, blackjack tables and the Cow Creek Restaurant. Within two years of the initial expansion, the Tribe realized there was sufficient local support for gaming to begin developing the gaming center into a regional destination resort. This led to the construction of the Center in its substantially present form in 1996-97.

In 2003, the Tribe completed an expansion of the Center's gaming floor and added a second story (which is presently the new location of Bingo and the Bingo Snack Bar), added a storage and administration building in the rear of the property, expanded for a new, larger gift gallery, expanded for a larger poker room, remodeled for a new sports bar, and added new convention sales offices and a meeting room, and expanded for a new non-smoking casino area. These areas were finished at different times during 2003 and were in full use for all of 2004. In addition, a new slot accounting system was installed in 2003 for better guest tracking and marketing and better slot accounting management.

In 2005, the Center began the build-out and completion of the second story above the slot area that was expanded in 2003. This second story is the new location of Bingo and the Bingo Snack Bar. During 2006, the prior Bingo area has been transformed into an area that expands the count room, expands the sports bar kitchen, and provides an area for a convention buffet/beer garden. The balance of the floor space of the prior Bingo area will become slot floor area where an additional 300 gaming machines will be added on or about June 1, 2006.

The Facilities

The Center is located on the east side of Interstate 5 at Exit 99 in Canyonville, Oregon which is approximately halfway between the cities of Eugene and Medford, Oregon as well as approximately halfway between Seattle, Washington and San Francisco, California and is within driving distance of several tourist attractions, including the Crater Lake National Park, Wildlife Safari, and the Umpqua and Rogue Rivers. The real property on which the Center is located encompasses approximately 39 acres. The Center is approximately 215,000 square feet in size and includes the following facilities:

Gaming Facilities. A 24-hour, 7 days per week 40,000 square foot gaming facility, which includes approximately 1,000 slot machines, 22 table games (including Black Jack, Let it Ride, Craps and Roulette), a poker room operating seven days a week and featuring Seven Card Stud, Texas Hold 'em, Seven Card High-Low Split, and Omaha High-Low Split, a 350 seat bingo hall and a live Keno lounge. The approximately 1,000 slot machines are being expanded to include an additional 300 machines which are expected to be installed for operation in June 2006. The Tribe hopes to add even more machines over the next few years for a total of approximately 2,000 machines by the end of 2008. An amendment to the Tribal-State Compact would be required to exceed the 1,300 slot machine limit.

The Hotel. A 147-room hotel was completed in August, 1997. The Hotel offers 55 king rooms, 96 queen rooms, three double rooms and a luxury suite. The Hotel also offers room service, concierge service, valet service, a large indoor pool, two spas, a sauna and a recreation room. The Tribe plans to add up to 250 rooms to the hotel through an expansion to the south and east of the present building.

The Convention Center. The Convention Center is a 22,000 square foot meeting and convention center with seating capacity for up to 1,800 people. The facility can also be configured to fit 150 to 300 people in each of six separate rooms. The convention center has played host to entertainment acts such as Wynonna Judd, the Temptations, Chuck Berry, Chubby Checker, Ty Herndon, Herman's Hermits, Mark Chestnut as well as the Seven Feathers Jubilee and a quarterly renewed musical theatrical production in cooperation with Greg Thompson Productions. In addition, the convention center has hosted big band dinner socials and professional boxing. There are also two separate rooms available for smaller groups.

Restaurants. The Center provides several different dining alternatives for patrons, including fine dining at the Camas Room (22 tables plus private dining for up to 20 people), the 24-hour Cow Creek Restaurant (48 tables and counter seating for 12 people), Scoop's ice cream parlor and pastry shop (29 tables), Stix Sports Bar, a full service cocktail lounge (23 tables plus bar seating), a bingo hall snack bar and hotel room service as well as parking lot shuttle service.

Other. The Center also offers secure and lighted valet parking, RV parking, truck parking and parking shuttle services. A video arcade and gift shop are also part of Center facilities.

The convention center and restaurants are operated principally to serve and accommodate casino traffic. As an example, the convention center, with gross revenue of approximately \$710,000 in 2005 and \$650,000 in 2004, has consistently lost money when its financial results are considered on a stand-alone basis; however, its operation is deemed important by management to the operations and financial success of the casino and hotel. Similarly, the food and beverage service and associated restaurants are not profitable or are marginal when considered as operating units but are deemed necessary by management to service casino and hotel patrons as well as attract patrons to the Center.

A portion of the proceeds of the Bonds will be used to refinance certain existing indebtedness and finance improvements relating to the Center. See "THE PROJECTS – The Center" herein.

Ancillary Facilities

Tribal non-gaming holdings on the west side of Interstate 5 have been acquired or constructed to enhance the patronage of the Center. The primary non-gaming operations which are ancillary and beneficial to the operation of the Center include the following:

Truck & Travel Center. The Seven Feathers Truck & Travel Center, which is wholly-owned by a division of the UIDC, was acquired in 1998. The Truck & Travel Center includes a full service truck stop, a fueling station for motor vehicles and a 24-hour restaurant. There is a shuttle service from the Truck & Travel Center to the Center.

RV Park. The Center presently has on site a small RV park on the lot on the north side of the Center; the operating profit of this facility is included in the financial results of the Seven Feathers Division. This RV park is being closed, with the freed-up space to be used for additional parking. The Tribe has, as a component of its Creekside Project which is described herein, constructed a 23 acre, 196-slip RV park on the west side of Interstate 5 to capture the tourism traffic that visits the region. The RV park is scheduled to open July 1, 2006 and features full service hook-ups, washer and dryer facilities and barbeque areas. The RV park is easily accessible off the freeway, with an underpass that channels traffic to the Center. The Tribe plans to have a shuttle bus that travels from the RV park to the Center which will run every thirty minutes. The Tribe has constructed an administration building for easy visitor check-in and an 8,200 square foot clubhouse. The operating results of the new RV park will not be included in the operating results of the Seven Feathers Division.

The above ancillary facilities, owned and operated by separate legal divisions of the UIDC, do not form part of the Center. The net revenues of these ancillary facilities are not subject to the Gaming Net Revenue Tax nor are the revenues of these facilities subject to the Guaranty provided by the UIDC, acting by and Through the Seven Feathers Division; hence neither the revenues, net revenues nor the assets of these ancillary facilities are pledged as security to the Bonds.

The Market for the Center

The casino, hotel and convention center have a mutually beneficial commercial relationship. The markets for the casino and hotel have been assessed individually by the Tribe in a feasibility study prepared for the proposed construction of the hotel addition. See "BONDHOLDERS' RISKS – Reliance on Limited Market."

The Tribe reports that the casino had approximately 1.5 million non-unique visitors in 2005. The Tribe believes that the casino draws its patrons from a number of sources including (i) the approximate 670,000 adults that reside within a 100-mile radius which generate approximately 70% to 80% of gaming floor traffic, (ii) motorists exiting off of Interstate 5 (an estimated 11,500 non-local, through traveling vehicles pass on this route per day),

(iii) overnight patrons at local hotels and the hotel at the Center (approximately 49,000 room nights were occupied at the Center in 2005), (iv) busing and shuttle programs (v) general area tourism (approximately 900,000 overnight tourists visited the Roseburg/Medford/Grants Pass area in 2005), (vi) additional tourists that travel in RVs and stay in local RV parks, and (vii) visitors from events held at the convention center.

The demand in the lodging market of Southwestern Oregon is reported by the Tribe to be approximately 40% to 60% commercial, 35% to 55% leisure and 5% group, with the range in demand attributable to the seasonality of tourism. The source of demand at the Center, however, has varied from the general trend due to the gaming-related business that is available. The casino and casino promotions accounted for 62% of the rooms occupied in 2005. The balance was comprised of leisure trips (17%), group trips (14%) and tribal, government and corporate stays (7%). The present 147-room hotel has seen a steady climb in average annual occupancy rates generated by this market mix, from approximately 82% in 2000 to 92.1% in 2005.

Management

The Center operates under the management of the UIDC by and through the Seven Feathers Division. The following individuals are employees of the Seven Feathers Division and provide management services at the Center. None of these individuals are subject to long-term employment contracts.

Bruce Schoneboom, *General Manager*, has a thirty-seven year career in the hospitality and gaming industries. He was previously Food and Beverage Director for five years with the Ute Mountain Casino, Hotel and Resort, located in Towaoc, Colorado. Mr. Schoneboom joined the Seven Feathers Hotel & Casino Resort in 2000 as Food & Beverage Manager and assumed the General Manager position in 2003. Mr. Schoneboom is responsible for the overall performance of the Center.

Travis Hill, *Director of Hotel Operations*, a member of the Cow Creek Tribe, commenced his career in the hospitality industry in August 1996 with the opening of the Seven Feathers Hotel. He has previously held positions as a Reservations Agent, Night Auditor, Front Office Supervisor and Front Office Manager. In March of 2000, Mr. Hill took a position with a competing Tribal gaming facility as Rooms Division Manager. In January 2003 he returned to Seven Feathers Hotel & Casino Resort as Director of Hotel Operations and presently has 113 employees in nine departments reporting to him.

Daniel A. McCue, *CPA, Director of Finance and Administration*, joined the Seven Feathers Hotel & Casino Resort in July 1999 in his current position. Mr. McCue is responsible for directing all financial activities of the Center with direct reports from Accounting, Purchasing, Warehouse and Cashier Cage that encompass a staff of approximately ninety people. He is responsible for budgeting, forecasting, and developing and maintaining internal control standards for the Center. Mr. McCue was previously with Grant Thornton LLP in Colorado Springs, Colorado, for approximately seven years as a lead auditor and manager of numerous audit engagements. He graduated with honors from Montana State University, Bozeman, Montana, in 1992 with a Bachelor of Science in Business, Accounting Option.

Sheri L. Roberts, *Director of Sales and Marketing*, joined the Seven Feathers Hotel & Casino Resort in 1994 and held several positions prior to her current position, including Players Club Manager and Casino Marketing Manager. Ms. Roberts became Director of Sales and Marketing in January 2003 and is responsible for overall marketing and promotion. Her duties include overseeing marketing operations, advertising, developing promotions and events, including "Players Events," and management of the Convention Sales team.

Carl Salter, *Executive Director, Cow Creek Gaming and Regulatory Commission*, joined the Tribe in April 1996 and has held his current position since May 1997. Mr. Salter spent twenty-six years with the Oregon State Police, with his last eleven as Station Commander in the cities of Cottage Grove and Roseburg. Twelve staff members report directly to him including the Gaming Inspectors, Certified Internal Auditor and Surveillance Director. Mr. Salter is responsible for ensuring compliance with all tribal, State and Federal internal control standards.

Employees

The Center currently employs approximately 920 FTE individuals with annual payroll of approximately \$21,700,000. Management believes that employee relations are generally excellent. Average wages at the Center are approximately \$10.42 an hour and benefits include medical and dental insurance, life insurance, vision insurance, long- and short-term disability, a 401K plan and paid time off.

Tribal Employment Preference

The primary objective of the Center is to fulfill Tribal economic goals rather than social goals such as Tribal member employment. Although the Center does preferentially hire qualified members of the Tribe and members of other federally-recognized tribes, such preference is not automatic and is contingent upon a Tribal applicant having skills meeting or exceeding non-tribal applicants for any given position. Currently, Tribal members make up less than ten percent of the total number of employees at the Center.

SELECTED CONSOLIDATED FINANCIAL AND OTHER DATA AND MANAGEMENT'S DISCUSSION AND ANALYSIS OF FINANCIAL CONDITION AND RESULTS OF OPERATIONS OF THE SEVEN FEATHERS DIVISION

Selected Historical Financial Data

The selected financial data set forth below as of and for the years ended December 31, 2005, 2004, and 2003 have been derived from audited financial statements for the Seven Feathers Division. The financial data for the years ended December 31, 2005, 2004 and 2003 should be read in conjunction with the section "Management's Discussion and Analysis of Financial Condition and Results of Operations" ("MD&A") and the financial statements and the related notes included in this Offering Memorandum as Appendices B, C and D.

The MD&A is designed by management to (A) assist the reader on focusing on significant financial issues, (B) provide a summary overview of the Seven Feathers Division's financial activity, and (C) identify changes in the Seven Feathers Division's financial position. It is designed to focus on the most recent fiscal year's activities, resulting from changes and currently known facts. The financial statements provide information about the activities of the Seven Feathers Division as a whole and present a longer-term view of the Seven Feathers Division's finances. The footnotes provided in the MD&A and in the financial statements included in the appendices of this Offering Memorandum are integrally related to the financial statements and are designed to assist the reader in interpreting the financial statements by providing more information for certain items or classifications on the face of the statements. The following discussion and analysis should be read in conjunction with the financial statements and related notes included in the appendices of this Offering Memorandum.

Organization and Basis of Presentation. For financial statement presentation purposes, the Seven Feathers Division is not a separate legal entity; it is a division of a governmental enterprise fund of the Tribe. An enterprise fund is an accounting entity with a self-balancing set of accounts established to record the financial position and results of operations of a specific governmental activity. The financial performance and position of the Seven Feathers Division are combined into the financial statements of the Tribe, which is subject to Governmental Accounting Standards Board (GASB) Statements and Interpretations. GASB does not address accounting and reporting standards for entities engaged in gaming and other operating activities of the Seven Feathers Division; thus, despite reporting as an enterprise fund of an entity that adheres to GASB, the Seven Feathers Division has elected to apply certain Financial Accounting Standards Board (FASB) Statements or Interpretations issued after November 30, 1989 to fairly present its financial performance and position. In the event there is a conflict with GASB in the application of FASB, the Seven Feathers Division applies the GASB standard, consistent with its status as a governmental enterprise fund of the Tribe.

Summary of Operations 2005 and 2004. The Seven Feathers Division operated approximately 1,000 slot machines on average during the fiscal years ended December 31, 2005 and 2004. The average slot machine won approximately \$165 per day and \$154 per day for the years ended December 31, 2005 and 2004, respectively. The Seven Feathers Division's house banked table games consisted of 22 games at year end for the years ended December 31, 2005 and 2004 (the average for each year was 22 and 21.6, respectively), with an average win per day of \$781 per unit and \$775 per unit, respectively. Player banked table games contributed approximately \$2,500 win

per day and \$2,400 win per day on average to the Seven Feathers Division for the years ending December 31, 2005 and 2004, respectively. Keno won on average approximately \$1,700 per day and \$1,800 per day for the years ending December 31, 2005 and 2004, respectively. Bingo won on average approximately \$1,200 per day and \$1,000 per day for the years ending December 31, 2005 and 2004. Hotel occupancy for the years ended December 31, 2005 and 2004 was approximately 92.1% and 90.5%, respectively, with revenue of \$3.7 million and \$3.6 million, respectively. There were six food and beverage outlets operating (not including the convention center), averaging approximately 2,392 and 2,424 tickets per day with an average ticket of \$8.49 and \$8.10 for the years ending December 31, 2005 and 2004, respectively. The gift shop contributed approximately \$1.1 million to revenue for both of the years ending December 31, 2005 and 2004. The convention center contributed revenue of approximately \$0.71 million and \$0.65 million for the years ending December 31, 2005 and 2004, respectively.

Summary of Operations 2004 and 2003. The Seven Feathers Division operated approximately 1,000 and 930 slot machines on average during the fiscal years ended December 31, 2004 and 2003, respectively. The average slot machine won approximately \$154 per day and \$159 per day for the years ended December 31, 2004 and 2003, respectively. The Seven Feathers Division's house banked table games consisted of 22 games and 21 games at year end for the years ended December 31, 2004 and 2003, respectively (the average for each year was 21.6 and 18.9, respectively), with an average win per day of \$775 per unit and \$858 per unit, respectively. Player banked table games contributed approximately \$2,400 win per day and \$1,700 win per day average to the Seven Feathers Division for the years ending December 31, 2004 and 2003, respectively. Keno won on average approximately \$1,800 per day and \$1,900 per day for the years ending December 31, 2004 and 2003, respectively. Bingo won on average approximately \$1,000 per day for both years ending December 31, 2004 and 2003. Hotel occupancy for the years ended December 31, 2004 and 2003 was approximately 90.5% and 89.0%, respectively, with revenue of \$3.6 million for each year. There were six food and beverage outlets operating (not including the convention center), averaging approximately 2,424 and 2,268 tickets per day with an average ticket of \$8.10 and \$7.78 for the years ending December 31, 2004 and 2003, respectively. The gift shop contributed approximately \$1.1 million and \$0.97 million to revenue for December 31, 2004 and 2003, respectively. The convention center contributed revenue of approximately \$0.65 million and \$0.60 million years ending December 31, 2004 and 2003, respectively.

Win Per Position Per Day Table. The following table presents the Seven Feathers Division's win per position per day for 2005, 2004, and 2003 based on the annual slot and table win for each fiscal year compared to average annual gaming positions over a 365-day year. The number of positions is the average number of seats available every day for all slot machines and table games on property, whether played that day or not.

Seven Feathers Hotel & Casino Resort Historical Win Per Position Per Day

	Fiscal Year ended December 31		
	2005	2004	2003
Slot Net Revenue	\$ 60,645,484	\$ 57,351,951	\$ 54,111,349
Average # of Positions per Day	1,005	1,014	931
Average Win per Position per Day	\$ 165.33	\$ 154.96	\$ 159.17
Table Games Net Revenue	\$ 6,271,743	\$ 6,139,971	\$ 5,984,514
Average Win per Table per Day	\$ 781	\$ 775	\$ 858
Average # of Positions per Day	155.0	150.5	127.5
Average Win per Position per Day ⁽¹⁾	\$ 110.86	\$ 111.77	\$ 128.60

(1) Assumes an average of approximately seven positions per table per day

Results of Operations – Fiscal Year Ended December 31, 2005 Compared to Fiscal Year Ended December 31, 2004.

- Net operating revenues of the Seven Feathers Division were \$80.49 million for the year ended December 31, 2005, compared to \$76.73 million for the year ended December 31, 2004. The total increase was \$3.75 million or 4.89%. The increase is attributable to an increase in gaming

revenue, primarily due to an increase in slot machine net revenues. Slot machine revenue accounted for approximately 71.6% and 71.2% of Seven Feathers Division revenues for the years ended December 31, 2005 and 2004, respectively. House banked table game revenues accounted for approximately 7.6% and 7.9% of Seven Feathers Division revenues for the years ended December 31, 2005 and 2004, respectively. Other gaming revenue accounted for approximately 2.5% of Seven Feathers Division revenues for both years ended December 31, 2005 and 2004. The increase between years is the result of better target marketing of guests, converting slot machines from ticket out only to ticket in/ticket out (which occurred in September 2005), an overall increase in customer service levels, and a general increase in tourist activity.

- Operating expenses of the Seven Feathers Division were \$54.02 million for the year ended December 31, 2005 and \$52.35 million for the year ended December 31, 2004, which is an increase of \$1.67 million or 3.19%. This is made up of an increase in depreciation of \$181,000, an increase in salaries and wages of approximately \$600,000, a decrease in advertising and promotions of approximately \$159,000, an approximate \$160,000 increase in the Community Benefit Fund Contribution, an approximate \$350,000 increase in utility expenses (which includes an infrastructure charge levied by the Tribe beginning in November 2005 that the Tribe will not levy in the future (as of December 31, 2005)), and an approximately \$500,000 increase in slot participation fees.
- Tribal Gaming Net Revenue Tax was \$26.63 million and \$24.42 million for the years ended December 31, 2005 and 2004, respectively, which is an increase of \$2.21 million or 9.04%. This increase is due to the increase in the net revenue of the Seven Feathers Division, which subject to a 100% tax imposed by the Tribe.
- The net transfers to (from) the Tribe as of the year ended December 31, 2005 and 2004 were \$0.27 million and \$(1.60) million, respectively. The net transfer amount is the difference between the capital contributions made by the Tribe to the Seven Feathers Division and transfers out for payments made to and on behalf of the Tribe for certain expenditures. The net amount is comprised of the following:

Fiscal Year ended December 31
(\$millions)

	<u>2005</u>	<u>2004</u>
Debt service payments reimbursed by the Tribe via a reduction in the Gaming Net Revenue Tax	\$ 5.63	\$ 5.67
Capital expenditures paid for by the Seven Feathers Division and reimbursed by the Tribe via a reduction in the Gaming Net Revenue Tax	5.62	2.84
Transfers made by the Seven Feathers Division on behalf of the Tribe for the debt service payments on the 1998 Bonds	(5.63)	(5.67)
Depreciation and amortization allowances paid to the Tribe	(4.52)	(4.44)
Net advances on the 80% net revenue tax payment	<u>(0.83)</u>	<u>—</u>
	<u>\$ 0.27</u>	<u>\$ (1.60)</u>

- The net transfers equal the financial net income or loss to the Seven Feathers Division on the financial statements, as these transfers are recorded when paid or reimbursed with no accrual, consistent with Governmental Accounting Standards.
- During 2005, the Seven Feathers Division was in the process of completing the construction and build-out of the second storey above the slot area that was expanded in 2003. This second storey is the new home to Bingo and the Bingo Snack Bar. The previous Bingo hall, which was located on the ground floor adjacent to the Center's gaming floor, is being remodeled into an area that expands the slot floor to accommodate approximately 300 additional Class III gaming machines, expands the count room and the sports bar kitchen, and adds in an area for the convention buffet/beer garden.
- The Seven Feathers Division's net assets increased by nearly \$0.27 million or 0.57%. This is due primarily to a \$4.8 million increase in net assets invested in capital assets offset by an increase in current liabilities due to the current expansion and remodeling project.

Results of Operations – Fiscal Year Ended December 31, 2004 Compared to Fiscal Year Ended December 31, 2003.

- Net operating revenues of the Seven Feathers Division were \$76.73 million for the year ended December 31, 2004, compared to \$71.77 million for the year ended December 31, 2003. The total increase was \$4.96 million or 6.91%. The increase is attributable to an increase in gaming revenue, primarily due to a larger number of gaming machines even though the win per machine per day was lower. Slot machine revenue accounted for approximately 71.2% and 71.6% of Seven Feathers Division revenues for the years ended December 31, 2004 and 2003, respectively. House banked table game revenues accounted for approximately 7.9% and 8.2% of Seven Feathers Division revenues for the years ended December 31, 2004 and 2003, respectively. Other gaming revenues accounted for approximately 2.5% and 2.3% of Seven Feathers Division revenues for both years ended December 31, 2004 and 2003. The increase between years is principally the result of better target marketing of guests with a better player tracking system installed in 2003, an increase in the number of slot machines due to the expansion that was completed in 2003, an overall increase in customer service levels, and a general increase in tourist activity.
- Operating expenses of the Seven Feathers Division were \$52.35 million for the year ended December 31, 2004 and \$49.15 million for the year ended December 31, 2003, which is an increase of \$3.20 million or 6.51%. This is principally due to the following: an increase in salaries, wages, and benefits of \$1,800,000, an increase in advertising and promotions of \$230,000, increase in cost of goods sold of \$346,000, a \$130,000 increase in the Community Benefit Fund Contribution, an increase in Cow Creek Gaming Commission fees of \$230,000, a \$350,000 increase in utility expenses, and a \$260,000 increase in slot participation fees.
- Tribal Gaming Net Revenue Tax was \$24.42 million and \$22.42 million for the years ended December 31, 2004 and 2003, respectively, which is an increase of \$2.00 million or 8.92%. The increase is due to the increase in the net revenues of the Seven Feathers Division.

- The net transfers to (from) the Tribe as of the year ended December 31, 2004 and 2003 were \$(1.60) million and \$8.15 million, respectively. The net transfer amount is the difference between the capital contributions made by the Tribe to the Seven Feathers Division and transfers out for payments made to and on behalf of the Tribe for certain expenditures. The net amount is comprised of the following:

<i>Fiscal Year ended December 31 (\$millions)</i>	<u>2004</u>	<u>2003</u>
Debt service payments reimbursed by the Tribe via a reduction in the Gaming Net Revenue Tax	\$ 5.67	\$ 5.65
Capital expenditures paid for by the Seven Feathers Division and reimbursed by the Tribe via a reduction in the Gaming Net Revenue Tax	2.84	23.67
Transfers made by the Seven Feathers Division on behalf of the Tribe for the debt service payments on the 1998 Bonds	(5.67)	(5.66)
Depreciation and amortization allowances paid to the Tribe	(4.44)	(4.19)
Capital asset reimbursements paid to the Tribe	<u>—</u>	<u>(11.32)</u>
	<u>\$ (1.60)</u>	<u>\$ 8.15</u>

- The net transfers equals the financial net income or loss to the Seven Feathers Division on the financial statements, as these transfers are recorded when paid or reimbursed with no accrual, consistent with Governmental Accounting Standards.
- During 2003, the Seven Feathers Division completed an expansion of its slot floor with a second storey to be completed as the new home to Bingo and the Bingo Snack Bar. This expansion added a storage and administration building in the rear of the property, a new and larger gift gallery, a larger poker room, a remodeled sports bar, new convention sales offices and a meeting room, and a new non-smoking casino area. These areas were finished at different times during 2003 and were in full use for all of 2004. A new slot accounting system was installed in 2003 for better guest tracking and marketing and better slot accounting management.
- The Seven Feathers Division's net assets decreased by nearly \$1.6 million or 3.30%. This is due primarily to a \$1.5 million decrease in net assets invested in capital assets; and that the Seven Feathers Division's depreciation expense was \$1.3 million greater than the amount of assets that were placed in service in 2004.

Results of Operations Table. The following table, prepared by the Seven Feathers Division in accordance with GAAP, provides the audited results for the Statements of Revenues, Expenses, and Changes in Net Assets for the fiscal years ended December 31, 2005, 2004, and 2003.*

	As of the Period Ended December 31		
	2005	2004	2003
Operating Revenues			
Casino	\$ 66,821,488	\$ 63,406,542	\$ 59,763,517
Hotel	3,729,670	3,592,750	3,427,987
Food & Beverage	9,017,956	8,836,382	7,805,937
Other	1,858,057	1,836,611	1,683,608
Total Operating Revenue	<u>81,427,171</u>	<u>77,672,285</u>	<u>72,681,049</u>
Less Promotional Allowances	(941,537)	(939,014)	(911,765)
Total Net Operating Revenues	<u>80,485,634</u>	<u>76,733,271</u>	<u>71,769,284</u>
Operating Expenses			
Cost of Goods Sold	4,535,436	4,504,193	4,158,339
General & Administrative	41,014,376	39,398,398	36,757,376
Depreciation Expense	4,602,405	4,421,135	4,443,124
Advertising & Promotions	3,863,440	4,022,501	3,792,950
Total Operating Expenses	<u>54,015,657</u>	<u>52,346,227</u>	<u>49,151,789</u>
Operating Income	<u>26,469,977</u>	<u>24,387,044</u>	<u>22,617,495</u>
Non-Operating Revenue (Expenses)			
Interest Income	46,399	14,270	16,606
Interest Expense	(2,329)	—	(12,500)
Gain/Loss of sale/disposal of assets	104,080	(10,579)	(261,514)
Other Income (Expense)	15,130	34,147	60,139
Income before Tribal Gaming Net Revenue Tax, Contributions & Transfers	<u>\$ 26,633,257</u>	<u>\$ 24,424,882</u>	<u>\$ 22,420,226</u>
Tribal Gaming Net Revenue Tax	<u>(26,633,257)</u>	<u>(24,424,882)</u>	<u>(22,420,226)</u>
Capital Contributions	11,250,464	8,512,648	29,318,495
Transfers	<u>(10,982,842)</u>	<u>(10,113,117)</u>	<u>(21,148,740)</u>
Changes in Net Assets	267,622	(1,600,469)	8,169,755
Total Net Assets, beginning of year	<u>46,868,040</u>	<u>48,468,509</u>	<u>40,298,754</u>
Total Net Assets, end of year	<u>47,135,662</u>	<u>46,868,040</u>	<u>48,468,509</u>

Statement of Net Assets – Fiscal Year Ended December 31, 2005 Compared to Fiscal Year Ended December 31, 2004.

The statement of net assets presents information on all of the Seven Feathers Division's assets and liabilities, with the difference between the two reported as net assets. Management believes that, over time, increases or decreases in net assets serve as a useful indicator of whether the financial position of the Seven Feathers Division is improving or deteriorating.

*The audited results for fiscal years 2003 and 2004 presented operating expenses in five categories; the audited result for 2005 reclassified operating expenses into two categories. The audit completed by The Sells Group P.S. incorporates the reclassification into the comparative results for fiscal years 2004 and 2005, which are illustrated above and in *Appendix D*. The reclassification and presentation of the audited information for fiscal year 2003 has been prepared by the Seven Feathers Division to conform with the presentation of the audited results for fiscal years 2004 and 2005.

- Current assets were \$7.02 million and \$7.67 million as of December 31, 2005 and 2004, respectively, a decrease of \$0.65 million or 8.5%. This is due principally to a decrease in cash and cash equivalents which were used to pay for construction costs. Current liabilities were \$14.22 million and \$10.34 million as of December 31, 2005 and 2004, respectively, an increase of \$3.88 million or 37.57%. There were increases in Gaming Net Revenue Tax payable, construction costs payable, Community Benefit Fund payable, utility expenses payable, and Tribal advance payable.
- Capital assets are reported at cost less accumulated depreciation. Net capital assets were \$54.34 million and \$49.54 million as of December 31, 2005 and 2004, respectively. There is no capital asset debt recorded on the books of the Seven Feathers Division as of December 31, 2005 and 2004. The increase of \$4.8 million, or 9.68%, is due to the construction in progress as of December 31, 2005 in finishing the second storey for Bingo relocation and adding a new chilled water plant for the Seven Feathers Division.
- The unrestricted net assets are the part of the net assets that management uses to finance day-to-day operations. There is a deficit in unrestricted net assets because of the effect of operating transfers paid to and received from the Tribe and Tribal Gaming Net Revenue Tax paid to the Tribe. The deficit was \$7.20 million and \$2.67 million as of December 31, 2005 and 2004, respectively. The deficit will only improve if the transfers from the Tribe are continually greater than the transfers to the Tribe. Operating transfers are recorded at the time cash transfers are actually made, with no accrual. They consist of the net total of 1) payments made by the Seven Feathers Division on behalf of the Tribe for debt payment (almost exclusively on the 1998A and 1998B Bonds) 2) reimbursement by the Tribe for debt payments made by the Seven Feathers Division, 3) reimbursements to the Seven Feathers Division for capital purchases, 4) depreciation and amortization expense added to the monthly Gaming Net Revenue Tax payment to the Tribe, and 5) any advances paid by or received by the Seven Feathers Division on future Gaming Net Revenue Tax to ensure a moderately consistent cash flow to the Tribe.

Statement of Net Assets – Fiscal Year Ended December 31, 2004 Compared to Fiscal Year Ended December 31, 2003.

- Current assets were \$7.67 million and \$7.24 million as of December 31, 2004 and 2003, respectively, an increase of \$0.43 million or 5.94%. This is due to a increase in cash and cash equivalents resulting from increased revenues. Current liabilities were \$10.34 million and \$9.82 million as of December 31, 2005 and 2004, respectively, for an increase of \$0.52 million or 5.30%. There were increases in Gaming Net Revenue Tax payable and the Community Benefit Fund payable due to increased gaming revenue.
- Capital assets are reported at cost less accumulated depreciation. Net capital assets were \$49.54 million and \$51.05 million as of December 31, 2004 and 2003, respectively. There is no capital asset debt recorded on the books of the Seven Feathers Division as of December 31, 2004 and 2003. The decrease of \$1.51 million or 2.96% is due primarily to the effect of depreciation and amortization expense being greater than the assets placed into service.
- The unrestricted net assets are the part of the net assets that can be used to finance day-to-day operations. There is a deficit in unrestricted net assets because of the effect of operating transfers paid to and received from the Tribe and Tribal Gaming Net Revenue Tax paid to the Tribe. The deficit was \$2.67 million and \$2.58 million as of December 31, 2004 and 2003, respectively, which is a 3.5% increase. The deficit will only improve if the transfers from the Tribe are continually greater than the transfers to the Tribe. Operating transfers are recorded at the time cash transfers are actually made, with no accrual.

Statements of Net Assets Table. The following table, prepared by the Seven Feathers Division in accordance with GAAP, provides the Statements of Net Assets for the fiscal years ended December 31, 2005, 2004, and 2003.

	As of the Period Ended December 31		
	2005	2004	2003
Assets			
<i>Current Assets</i>			
Cash & Cash Equivalents	\$ 5,481,873	\$ 6,118,577	\$ 5,721,280
Accounts Receivable	292,658	351,477	340,685
Prepaid Expenses	332,759	252,908	230,957
Inventory	873,675	909,636	914,200
Due from Other Funds	22,017	14,869	20,900
Total Current Assets	7,002,982	7,647,467	7,228,022
<i>Capital Assets, net</i>	54,337,031	49,540,609	51,045,491
<i>Other Assets</i>	18,300	18,300	17,800
Total Assets	61,358,313	57,206,376	58,291,313
Liabilities			
<i>Current Liabilities</i>			
Payables and accrued expenses	6,457,327	4,163,195	4,286,477
Due to other funds	1,598,721	1,373,662	1,385,059
Tribal gaming net revenue tax payable	5,666,603	4,801,479	4,151,268
Tribal advance	500,000	—	—
Total Current Liabilities	14,222,651	10,338,336	9,822,804
Total Liabilities	14,222,651	10,338,336	9,822,804
Net Assets			
Invested in capital assets, net of related debt	54,337,031	49,540,609	51,045,491
Unrestricted	(7,201,369)	(2,672,569)	(2,576,982)
Total Net Assets	47,135,662	46,868,040	48,468,509
Total Net Assets & Liabilities	61,358,313	57,206,376	58,291,313

Selected Current Financial Data

The selected financial data set forth below for the fiscal quarters ended March 31, 2006 and 2005 have been derived from the unaudited financial statements of the Seven Feathers Division.

Results of Operations – Unaudited Comparison of Fiscal Quarter Ended March 31, 2006 to Fiscal Quarter Ended March 31, 2005.

The following is a summary of the unaudited differences in operating and non-operating items for the first fiscal quarter of 2006 versus the first fiscal quarter of 2005.

- Casino revenues increased approximately \$1.8 million, or 11.66%, primarily due to the mechanical change on the gaming machines from ticket-out (TO) to ticket-in-ticket-out (TITO). The TO system compelled gaming patrons to visit the cage to cash in tickets and then proceed to another gaming machine if they wanted to continue to play; the TITO system allows cash out tickets to be taken from one machine and placed back into any gaming machine on the floor, which has proved much more customer friendly. The win per position per day increased from \$156 to \$180 for the quarter ended March 31, 2006 compared to the same period ended March 31, 2005, and is believed to be substantially related to the conversion from the TO to TITO system. In addition, there were fewer wide area participation machines on the gaming floor in the fiscal quarter ended March 31, 2006, which entitles the Seven Feathers Division to a larger percentage of the gaming win.

- Hotel revenue increased approximately \$43,000 or 5.33% due to a higher average daily rate of \$67.45 in the March 31, 2006 quarter as compared to \$65.84 in the same fiscal quarter of 2005, and due to a higher average occupancy rate of 92.68% as compared to 89.89%, in fiscal quarters ending March 31, 2006 and 2005, respectively.
- Food and Beverage revenue increased approximately \$86,000, or 4.00%. There were approximately 2,340 and 2,317 tickets per day with an average ticket of \$8.52 and \$8.36 for the fiscal quarters ending March 31, 2006 and 2005, respectively. The 4.00% increase in the Cost of Goods sold is commensurate with the increase in Food and Beverage revenue.
- Other income increased approximately \$23,000, or almost 5.7%. The majority of the increase was due to the increase in cash advance commissions received as the contract with the provider was amended late in the first quarter of 2005, more than doubling our effective commission rate.
- Promotional allowances increased approximately \$35,000, or just over 14.5%, due to an increase in the cost of complimentary beverages served on the gaming floor.
- General and administrative expenses increased approximately \$690,000, or 7.05%, due to increases in the number of employees and general salaries, increases in expenses that are tied to improved operating performance (namely the gaming commission expense and the community benefit fund contributions) and an increase in non-wide area participation games.
- Depreciation expense increased approximately \$124,000, or just over 11%, as the expenses and construction costs associated with the relocation of the Bingo Hall were capitalized in the month of March 2006 and partially depreciated.
- Advertising and promotional expenses increased approximately \$256,000, or 32.27%, due to activity related to the "Player's Club", which included a significant increase in promotional gifts for members and an increase in the amount expensed and corresponding accrued liability to cover future cash expenses. During the three month period ended March 31, 2006, the Player's Club liability increased by approximately \$72,000. For the three month period ended March 31, 2005, the player's club liability decreased by approximately \$13,000. This caused the percentage change in the expense to be particularly pronounced.
- Gaming Net Revenue Tax increased as a result of an improved net revenue result; 100% of the net revenues are subject to the Gaming Net Revenue Tax imposed by the Tribe.
- Transfers paid to the Tribe decreased over \$1 million as the Seven Feathers Division paid less to the Tribe than in the previous year's comparable fiscal quarter. Although the tribal taxes increased by \$842,457, or 13.98%, the payment to the Tribe was reduced by \$1.2 million for the first quarter of 2006 over the first quarter of 2005 because of the significant capital expenditures that were reimbursed via a reduction in the Gaming Net Revenue Tax payment.

Unaudited Results of Operations Table. The following table, prepared by the Seven Feathers Division in accordance with GAAP, provides the Unaudited Statement of Revenues, Expenses and Changes in Net Assets for fiscal quarters ended March 31, 2006 and 2005.

	Fiscal Quarter Ended March 31, 2006 <u>Unaudited</u>	Fiscal Quarter Ended March 31, 2005 <u>Unaudited</u>	Change \$	Change %
Operating Revenues				
Casino	\$ 17,653,535	\$ 15,810,657	\$ 1,842,878	11.66%
Hotel	854,358	811,133	43,226	5.33%
Food & Beverage	2,239,371	2,153,169	86,202	4.00%
Other	420,026	397,430	22,596	5.69%
Total Operating Revenue	\$ 21,167,291	\$ 19,172,389	\$ 1,994,902	10.41%
Less Promotional Allowances	(275,561)	(240,520)	(35,041)	14.57%
Total Net Revenues	\$ 20,891,729	\$ 18,931,868	\$ 1,959,861	10.35%
Operating Expenses				
Cost of Goods Sold	\$ 1,261,630	\$ 1,213,115	\$ 48,514	4.00%
General & Administration	10,470,112	9,787,427	682,686	6.98%
Depreciation expense	1,245,635	1,121,542	124,093	11.06%
Advertising & promotion	1,049,868	793,710	256,158	32.27%
Total Operating Expenses	\$ 14,027,245	\$ 12,915,793	\$ 1,111,452	8.61%
Operating Income	\$ 6,864,484	\$ 6,016,075	\$ 848,409	14.10%
Nonoperating Income (Expense)				
Interest Income (Expense)	\$ (87)	\$ 4,615	\$ (4,702)	-101.89%
Gain (Loss) on sale/disposal of assets	170	295	(125)	-42.37%
Other income (loss)	3,072	4,198	(1,126)	-26.82%
Tribal Gaming Net Revenue Tax	(6,867,639)	(6,025,182)	(842,457)	13.98%
Transfers received from (paid to) the Tribe	(351,608)	(1,449,000)	1,097,393	-75.73%
Total Nonoperating Income (Expense)	(7,216,092)	(7,465,075)	248,983	-3.34%
Net Income	\$ (351,608)	\$ (1,449,000)	\$ 1,097,393	-75.73%
Net Assets – Beginning of Period	47,135,662	46,868,040	267,622	0.57%
Net Assets – End of Period	\$ 46,784,054	\$ 45,419,040	\$ 1,365,015	3.01%

Statement of Net Assets – Fiscal Quarter Ended March 31, 2006 Compared to Fiscal Quarter Ended March 31, 2005.

The following is a summary of the unaudited differences in asset and liability items for the first fiscal quarter of 2006 versus the first fiscal quarter of 2005.

- Cash and cash equivalents decreased approximately \$573,000, or almost 9.5%, as the Seven Feathers Division utilized cash to pay for construction improvements (discussed below).
- Prepaid expenses decreased approximately \$142,000, or 18%, due to a significant deposit of approximately \$150,000 which made as of March 31, 2005 for a new phone switch upgrade, which was completed prior to March 31, 2006.

- Capital assets increased \$11.9 million, or 15.16%, due to the construction in progress at the Center to relocate and fit out the new Bingo Hall and remodel and fit out the previous Bingo area. In addition, the Seven Feathers Division is installing a \$5 million water chiller plant on-site.
- Payables and other accruals increased \$3.6 million, or almost 80%, due to the financing of slot machines, salary accruals and accruals for construction in progress.
- The amounts due to other funds increased approximately \$697,000, or 104.9%, due to the increase in expenses that are tied to improved operating performance, namely the gaming commission expense and the community benefit fund contributions.
- The Tribal Gaming Tax Payable increased \$2.37 million, or almost 40%, as there were four months of this payable accrued but unpaid as of the fiscal quarter ended March 31, 2006 as opposed to three months accrued but unpaid as of the fiscal quarter ended March 31, 2005 (*please note that the Gaming Net Revenue Tax payable for the month ended December 31, 2005 was paid to the Tribe on April 5, 2006*).
- The Tribe advanced \$1 million to the Seven Feathers Division to allow for direct payment by the Seven Feathers Division for construction in progress at the Center.

Unaudited Statements of Net Assets. The following table, prepared by the Seven Feathers Division in accordance with GAAP, provides the Unaudited Statement of Net Assets for fiscal quarters ended March 31, 2006 and 2005.

	Fiscal Quarter Ended March 31, 2006	Fiscal Quarter Ended March 31, 2005	Change \$	Change %
	<u>Unaudited</u>	<u>Unaudited</u>		
Current Assets				
Cash & Cash Equivalents	\$ 5,490,107	\$ 6,063,592	\$ (573,485)	-9.46%
Accounts Receivable	177,430	208,717	(31,287)	-14.99%
Prepaid Expenses	646,240	789,146	(142,906)	-18.11%
Inventory	869,821	828,044	41,776	5.05%
Due from other funds	37,443	21,312	16,131	75.69%
Total Current Assets	\$ 7,221,040	\$ 7,910,812	\$ (689,772)	-8.72%
Capital Assets				
Historical Costs	\$ 85,612,087	\$ 73,700,952	\$ 11,911,135	16.16%
Accumulated Depreciation	<u>(27,191,786)</u>	<u>(25,020,058)</u>	(2,171,728)	8.68%
Total Net	\$ 58,420,301	\$ 48,680,893	\$ 9,739,407	20.01%
Other Assets	<u>18,209</u>	<u>17,613</u>	596	3.38%
TOTAL ASSETS	\$ 65,659,550	\$ 56,609,318	\$ 9,050,232	15.99%
Current Liabilities				
Payables & other accrued	\$ 8,177,616	\$ 4,560,441	\$ 3,617,174	79.32%
Due to other funds	1,363,234	665,330	697,903	104.90%
Tribal Gaming Tax Payable	8,334,646	5,964,507	2,370,139	39.74%
Tribal Advance	1,000,000	-	1,000,000	N/A
Total Current Liabilities	\$ 18,875,495	\$ 11,190,278	\$ 7,685,217	68.68%
Total Liabilities	\$ 18,875,495	\$ 11,190,278	\$ 7,685,217	68.68%
Net Assets				
Invested in Capital Assets, net of debt	\$ 58,420,301	\$ 48,680,893	\$ 9,739,407	20.01%
Unrestricted	<u>(11,636,246)</u>	<u>(3,261,853)</u>	(8,374,393)	256.74%
TOTAL NET ASSETS & LIABILITIES	\$ 65,659,550	\$ 56,609,318	\$ 9,050,232	15.99%

THE PROJECTS

General

As with other information presented herein, the following information is provided by the Tribe.

The Tribe is in the process of expanding its economic base and its infrastructure. That expansion in operations and infrastructure is intended to benefit the Tribe financially, allow the Tribe to continue to service its obligations, provide for long-term growth for the Tribe and for the region.

Proceeds of the Bonds will be used principally to finance or refinance the Center and the Creekside Project (together, the "Projects"), reimburse the Tribe for expenses incurred and investments made to date on the Projects and establish reserve accounts for the Bonds. The Center comprises the Seven Feathers Hotel & Casino Resort, which includes the Convention Center. The Creekside Project comprises an RV Park, infrastructure improvements

related to a Truck & Travel Center, a potable water treatment plant and reservoir and related facilities, a sewage treatment and processing facility, and certain road and infrastructure projects including a rest area and work on the freeway exits that lead to the Creekside area. The following is a brief description of the Projects for which the Bond funds are anticipated to be used.

The Center

The Center was substantially completed in 1997 and has undergone several expansions, including the expansions in 2003 and 2006, discussed in this Offering Memorandum. A portion of the construction costs to complete the expansion presently being undertaken, which includes the relocation of the Bingo Hall to the second storey of the Center and a fit out of the space vacated by the Bingo Hall, may be financed by proceeds of the 2006A and 2006B Bonds. See "THE CENTER – History" and "SELECTED CONSOLIDATED FINANCIAL AND OTHER DATA AND MANAGEMENT'S DISCUSSION AND ANALYSIS OF FINANCIAL CONDITION AND RESULTS OF OPERATIONS OF THE SEVEN FEATHERS DIVISION."

In order to enhance the financial results of the Center, the Tribe plans to add an additional wing to the hotel of the Center through an expansion to the south and east of the present building which will include up to 250 new rooms. The Tribe has commissioned The Innovation Group to prepare a feasibility study in relation to the construction of an addition up to this size. A copy of the feasibility study is available from the Tribe upon request.

The Tribe presently has approximately 1,000 slot machines on site and has an additional 300 machines on order, a portion of which may be paid for by proceeds of the 2006A and 2006B Bonds. The Tribe hopes to add even more gaming machines for a total of approximately 2,000 machines by the end of 2008 if the Tribe is able to successfully renegotiate its Compact, which presently has a limit of 1,300 gaming machines. The Tribe may utilize a portion of the proceeds of the 2006A and 2006B Bonds to finance the acquisition of these additional machines.

The RV Park located on the north side of the Center is being relocated to a new, larger and greatly enhanced facility on the west side of the Interstate 5 freeway, with the freed-up space to be used for parking for patrons of the Center. This new RV park is being refinanced by the proceeds of the 2006A and 2006B Bonds. See "– The Creekside Project."

All the expansion mentioned above is intended ultimately to enhance gaming revenues, as well as potentially to provide the Tribe with other, related revenue sources.

The Creekside Project

The Tribe has commenced the "Creekside Project" on the west side of Interstate 5. The Creekside Project takes its name from Jordan Creek, which until recently was seasonal and polluted, its banks littered with refuse. Now Jordan Creek is a free-flowing, year-round clean stream. The Tribe is taking steps to re-introduce steelhead, which had abandoned the stream.

Above Jordan Creek, on the west side of Interstate 5, is a contiguous tract of several thousand acres owned by the Tribe, purchased over the last ten years principally with proceeds from gaming operations. That tract is largely hilly, with elevations rising to 1,500 feet above the freeway. In the last two years the Tribe has been actively excavating, constructing roads and working on the Creekside Project.

Elements of the Creekside Project presently underway on a 425 acre development include the following: (i) a large RV Park with 196 spaces, a clubhouse with heated pool and other amenities in new, on-site buildings; (ii) South Umpqua River water extraction (this sole element actually on the east side of Interstate 5), purification, storage and distribution systems; and (iii) Tribal and City of Canyonville municipal sewage treatment and subsequent irrigation of Tribal agricultural and recreational properties with treated water.

The new RV Park that is a part of the Creekside Project is next to the eponymous Jordan Creek. The RV Park, set at the base of the hills and protected by the landscape from the noise of both the freeway and the Tribe's Truck & Travel Center, is expected to open in July, 2006. Security patrols are expected to circle through the RV Park every thirty minutes. As with other aspects of the Creekside Project, the Tribe has gone to lengths to exceed expectations of users. The Tribe hopes that RV traffic will avail itself not only of the amenities to the RV Park, but

also to the gaming opportunities at the Center. A shuttle bus is planned to depart every 30 minutes from the RV Park to the Center, and vice versa.

The Creekside infrastructure projects lie above the RV Park. The Tribe is constructing the projects to take advantage of the natural landscape and in a manner that is intended to lessen any chance of inadvertent release of water toward Interstate 5.

The water purification system construction is underway and, although there can be no assurance, it is anticipated to be operational by late 2006. The system extracts water from a series of wells near the South Umpqua River, on Tribal property east of the freeway and on the far (east) side of the Center. The volumes of water gathered are adjusted seasonally, will not significantly affect water flow of the river, and are calculated not to interfere with sporting, commercial or other activity associated with the river. That untreated ground water is pumped by a pumping station up to a large reservoir on the hillside west of Interstate 5. The reservoir, lined with an 80 mil plastic liner, holds 365 acre feet (approximately 188 million gallons). Water from the reservoir is pumped to a nearby filtration station, where modern and redundant systems purify the water. The purification systems are designed to treat up to 500,000 gallons a day. The purified water is pumped uphill to a steel, glass-lined tank that holds over 1,000,000 gallons. From the tank it will be gravity fed to the Center and made available for other uses.

The existing water treatment system functions adequately to address the present needs of the Center, but the Tribe believes that the new Creekside water purification system will allow the Tribe to expand operations and that it will support other projects and enterprises as well.

In addition to the water purification systems described above, the Tribe is constructing a waste treatment system. The system comprises a pumping station, a wastewater "lagoon" and an irrigation reservoir, all sited on a separate drainage basin from the potable water reservoir to avoid accidental contamination. This new system will treat sewage from the Center, and any other existing and future local Tribal facilities, and ultimately use the treated water for irrigation of Tribal lands and future agricultural projects. In addition, the new system will take treated water from the City of Canyonville's waste treatment facility and use it for the same purposes. The Tribe's new sewage treatment system, constructed by the Tribe to serve Tribal and municipal needs, is planned to be more environmentally sound, more isolated, larger, more effective and more efficient than existing systems.

The Tribe currently treats its sewage from the Center and the RV Park on-site at the Center in septic systems. The Center has a 150,000 gallon septic tank, and the RV Park on-site at the Center has 32 tanks which flow into a 20,000 gallon septic tank. The liquid product from septic tanks is called "gray water." This system will become redundant once the sewage treatment facilities constructed as part of the Creekside Project are fully operational.

The Tribe's gray water will be pumped to one end of the wastewater lagoon mentioned above. In that lagoon there are four chambers, each separated by a fabric curtain with a number of openings allowing wastewater to flow from one chamber to the next. In each successive chamber the waste in the gray water is eaten by benign bacteria. By the time the water has passed into the fourth chamber it will meet standards of suitability for irrigation. It will then be gravity fed to the irrigation reservoir, where it will eventually be released and gravity fed for various irrigation uses.

At present, the City of Canyonville treats sewage in a facility close to the South Umpqua River, just east of the Center. The City of Canyonville will pump its treated water to the irrigation reservoir, where it will mix with the treated water from the wastewater lagoon, and be used for irrigation purposes, including on the Tribe's 3,000 acre ranch and farm, where alfalfa, wheat and 1,600 head of cattle are raised. Sludge from the septic tanks is anticipated to be used as fertilizer in accordance with practices the Tribe believes to be well established.

The final elements of the Creekside Project are infrastructure relating to Interstate 5. The Oregon Department of Transportation ("ODOT") is upgrading certain freeway bridges, and the Tribe is working with ODOT to develop what it believes to be the first freeway rest stop on Tribal grounds in the United States. The new rest area will take the place of two existing rest areas currently maintained by ODOT. In addition, the Tribe will perform work on the exits that lead to the Creekside area and the Center; that off ramp expansion is anticipated to allow better access to the Center and to support more visitors to the Center.

In addition to the above, the Tribe is considering other elements alongside the Creekside Project that the Tribe believes would likely enhance the Tribe's economic base, both as individual profit centers and to support and enhance the financial performance of the Center. Those other elements include a housing development and related infrastructure, destination resort with water sports and emergency facilities to handle local and out-of-town populations in the event of necessity (the "Potential Future Projects"). There can be no assurance that any Potential Future Project will be constructed or will be profitable.

The Center and the Creekside Project are located roughly equidistant from San Francisco and Seattle. The Tribe is not aware of any project similar to the Creekside Project located near Interstate 5. At this time, there is no assurance that the Tribe's consideration of the Potential Future Projects will mature into plans, but the Tribe believes that the water and sewer treatment elements of the Creekside Project presently underway will accommodate any such projects, as well as providing water and sewer treatment easily sufficient to support the expansion of the Center.

SOURCES AND USES OF FUNDS

Description of Projects funded by Series 2006A and Series 2006B Bonds (together, the "Series 2006AB Bonds")

Refinance Existing Debt. The Tribe will use approximately \$15,909,000 of the proceeds of the Series 2006AB Bonds, together with the approximate \$6,636,000 on deposit in the Trust Estate for the Series 1998A Bonds, to prepay and defease the Series 1998A Bonds issued by the Tribe. The Tribe will pay the scheduled principal and interest payments of the 1998A Bonds on July 1, 2006 and redeem the principal balance of \$19,235,000, plus accrued interest, without premium, on July 10, 2006. The proceeds of the Tribe's Series 1998A Bonds were used to refinance the construction of the casino and hotel portion of the Center, to acquire and develop the Seven Feathers Truck & Travel Center, to acquire an existing self-storage business adjacent to the Center, to finance certain start-up businesses of UIDC and for other purposes.

The Tribe will use approximately \$3,310,000 of the Series 2006AB Bonds to prepay a portion of the Series 1998B Bonds issued by the Tribe. This proportionate amount of the 1998B Bonds financed the convention center portion of the Center, certain recreational improvements and the acquisition of the RV park adjacent to the Seven Feathers Truck & Travel Center.

The Tribe will use approximately \$4,212,000 of the proceeds of the Series 2006AB Bonds to prepay the 2002 loan advanced to the Truck & Travel Division of the UIDC. The proceeds of the UIDC's 2002 loan were used to provide permanent financing on the Seven Feathers Truck & Travel Center.

Creekside Project Completion. The Tribe will use approximately \$1,228,000 of the proceeds of the Series 2006AB Bonds to finance the completion of the recreational vehicle park that is part of the Creekside Project.

Creekside Project Reimbursement. The Tribe will be reimbursed, out of proceeds of the Series 2006AB Bonds in the amount of approximately \$9,051,000, for funds that it has previously expended on the recreational vehicle park and other facilities that are a part of the Creekside Project.

Additional Center Construction and other Projects. The Tribe will use approximately \$19,522,000 of the proceeds of the Series 2006AB Bonds to fund construction of an expansion of the hotel portion of the Center of up to 250 additional rooms and for certain other projects including additional land acquisition, reimbursement for the acquisition cost of and the remodeling cost of the Roseburg Entertainment Center and for the development of existing and future business divisions owned and operated by the UIDC.

The Tribe is relying on excess net revenues and the proceeds of the Loan to fund additional expansion of the hotel and has commissioned The Innovation Group to prepare a feasibility study that substantiates an expansion of this magnitude. Although the Tribe believes it to be the case, there can be no assurance that assumptions underlying the feasibility study are accurate, or that the conclusions of the feasibility study, which support the expansion of the hotel, will be realized. A copy of the feasibility study is available from the Tribe upon request.

Sources and Uses of Funds for the Series 2006AB Bond Proceeds

The estimated sources and uses of the Series 2006AB Bond proceeds, exclusive of accrued interest, but including certain funds available by reason of the release of prior reserve accounts on refinanced indebtedness, are expected to be as follows:

	<u>Total</u>
Sources of Funds	
Par Amount of 2006A Bonds	\$27,305,000
Par Amount of 2006B Bonds	33,995,000
Plus: Reoffering Premium	679,900
Less: Original Issue Discount	(362,790)
Less: Underwriter's Discount	(613,000)
Amounts on Deposit in 1998A Bonds Trust Estate (a)	6,636,179
Amounts on Deposit in 1998B Bonds Trust Estate (b)	1,443,134
Total Sources	<u>\$69,083,423</u>
Uses of Funds	
Deposit to Prepay Prior Debt (c)	\$31,510,162
Deposit to Project Fund (d)	29,802,209
Deposit to Reserve Fund	5,490,591
Deposit to Costs of Issuance Fund (e)	2,280,461
Total Uses	<u>\$69,083,423</u>
<p>(a) <i>Includes amounts on deposit with the Trustee in the Bond Principal Fund, the Bond Interest Fund and the Bond Reserve Fund for the 1998A Bonds.</i></p> <p>(b) <i>Includes a portion of the amounts on deposit with the Trustee in the Bond Principal Fund, the Bond Interest Fund and the Bond Reserve Fund for the 1998B Bonds.</i></p> <p>(c) <i>Includes the amounts required to prepay and defease the 1998A Bonds and a portion of the 1998B Bonds, as well as the amounts required to prepay the 2002 Loan on the Closing Date.</i></p> <p>(d) <i>Includes amounts to reimburse the Tribe for its investment in the Creekside Project and amounts required for the projects funded by the Series 2006AB Bonds.</i></p> <p>(e) <i>Includes the premium for the Bond Insurance Policy and the fees associated with the Loan as well as a portion of the fees for Bond Counsel, Underwriter's Counsel, the Trustee, the Collateral Trustee and other costs incurred for issuance of the Series 2006A and Series 2006B Bonds.</i></p>	

Description of Projects funded by Series 2006C Bonds

Refinance Existing Debt. The Tribe will use approximately \$4,704,000 of proceeds of the Series 2006C Bonds, together with the approximately \$3,494,000 on deposit in the Trust Estate for the Series 1998B Bonds, to prepay a portion of the Series 1998B Bonds issued by the Tribe corresponding to that portion of the 1998B Bonds that financed the Tribal wellness center, the Tribal land acquisition and related public infrastructure, and the educational and governmental projects. A portion of the Series 1998B Bonds, corresponding to that portion of the 1998B Bonds that financed the convention center portion of the Center and certain recreational improvements, is also being prepaid from a portion of the proceeds of the Series 2006AB Bonds.

Creekside Project Completion. The Tribe will use approximately \$14,796,000 of the proceeds of the Series 2006C Bonds to finance the completion of the water, wastewater, irrigation water and other improvements that are a part of the Creekside Project.

Creekside Project Reimbursement. The Tribe will be reimbursed, out of proceeds of the Series 2006C Bonds in the amount of approximately \$15,081,000, for funds that it has previously expended on water, wastewater, irrigation water and other improvements that are a part of the Creekside Project.

Sources and Uses of Funds for the Series 2006C Bond Proceeds

The sources and uses of the Series 2006C Bond proceeds, exclusive of accrued interest, but including certain funds available by reason of the release of prior reserve accounts on refinanced indebtedness, are expected to be as follows:

	<u>Total</u>
Sources of Funds	
Par Amount of 2006C Bonds	\$38,700,000
Less: Underwriter's Discount	(387,000)
Amounts on Deposit in 1998B Bonds Trust Estate (a)	2,051,138
Total Sources	<u>\$40,364,138</u>
Uses of Funds	
Deposit to Project Fund (b)	\$29,877,288
Deposit to Prepay Prior Debt (c)	6,755,428
Deposit to Reserve Fund	3,466,327
Deposit to Costs of Issuance Fund (d)	265,095
Total Uses	<u>\$40,364,138</u>
<p>(a) <i>Includes a portion of the amounts on deposit with the Trustee in the Bond Principal Fund, the Bond Interest Fund and the Bond Reserve Fund for the 1998B Bonds.</i></p> <p>(b) <i>Includes amounts required to complete construction of the Creekside Project and reimburse the Tribe for its investment in the Creekside Project.</i></p> <p>(c) <i>Includes a portion of the amount required to prepay and defease the 1998B Bonds.</i></p> <p>(d) <i>Includes a portion of the fees for Bond Counsel, Underwriter's Counsel, the Trustee, the Collateral Trustee and other costs incurred for issuance of the Series 2006C Bonds.</i></p>	

Modification of Projects

The Tribe makes no representation as to completion of any Project component listed above other than those relating to the Center and to the refinancing of existing indebtedness. The Tribe may modify either the Series 2006AB Projects or the Series 2006C Projects without consent of the Trustee. In the case of modifications to the Projects financed by the Series 2006C Bonds, an opinion to the effect that such modification will not adversely affect the exclusion of interest on the Series 2006C Bonds from gross income for federal income tax purposes will be required by a nationally recognized bond counsel acceptable to the Trustee. Except for these specific limitations, the Tribe may delete, add, substitute or modify Project components.

TRUST INDENTURE

This TRUST INDENTURE, dated as of the 15th day of June, 2006, by and between the COW CREEK BAND OF UMPQUA TRIBE OF INDIANS, a federally recognized Indian tribe (the "Tribe") and WELLS FARGO BANK, NATIONAL ASSOCIATION, a national banking association with trust powers, as trustee (the "Trustee");

WITNESSETH:

WHEREAS, the Tribe is a federally recognized Indian Tribe organized under a Constitution and Bylaws adopted pursuant to Section 16 of the Indian Reorganization Act of 1934 (25 U.S.C. §476); and

WHEREAS, the Tribe has certain reservation lands or lands held in trust for the Tribe by the United States which are located in the State of Oregon (the "Tribe's Reservation"); and

WHEREAS, in accordance with its Constitution and Bylaws, the Tribe is governed by an elected Board of Directors (the "Tribal Board") authorized to pass laws governing the Tribe and its property; and

WHEREAS, the Umpqua Indian Development Corporation (the "Corporation") is a federal corporation, established under a charter issued to the Tribe by the Secretary of the Interior pursuant to 25 U.S.C. § 477, and is wholly-owned by the Tribe; and

WHEREAS, under the laws of the Tribe the Corporation has the responsibility, among other things, for owning and operating the Gaming Enterprise of the Tribe (as defined herein); and

WHEREAS, the Tribe has adopted a Gaming Revenue Code (Title 100 of the Cow Creek Tribal Legal Code) (the "GRC"); and

WHEREAS, under the GRC the Tribe imposes a Gaming Net Revenue Tax (as defined herein) equal to 100% of the net revenues of the Gaming Enterprise, as determined in accordance with the GRC; and

WHEREAS, under the GRC 80% of the proceeds of the Gaming Net Revenue Tax are allocated to Tribal economic development to fund proposed and ongoing Tribal economic projects; and

WHEREAS, each of the Tribe and the Corporation has heretofore undertaken certain borrowings in order to finance governmental facilities and business activities of the Tribe and of the Corporation with a purpose of promoting Tribal economic development (the "Prior Debt"); and

WHEREAS, the Tribe has determined to refinance the Prior Debt, to reimburse itself for prior investments and to finance additional governmental facilities and business activities of the Tribe and the Corporation having a purpose of promoting Tribal economic development through the issuance of obligations payable solely from the portion of the Gaming Net Revenue Tax that

(Form of Bond)

UNITED STATES OF AMERICA

COW CREEK BAND OF UMPQUA TRIBE OF INDIANS

[Taxable] [Tax-Exempt] Tax Revenue Bond
Series 2006[A][B][C]

UNLESS THIS CERTIFICATE IS PRESENTED BY AN AUTHORIZED REPRESENTATIVE OF THE DEPOSITORY TRUST COMPANY, A NEW YORK CORPORATION ("DTC"), TO THE TRIBE OR ITS AGENT FOR REGISTRATION OF TRANSFER, EXCHANGE OR PAYMENT, AND ANY CERTIFICATE ISSUED IS REGISTERED IN THE NAME OF CEDE & CO. OR IN SUCH OTHER NAME AS IS REQUESTED BY AN AUTHORIZED REPRESENTATIVE OF DTC (AND ANY PAYMENT IS MADE TO CEDE & CO. OR TO SUCH OTHER ENTITY AS IS REQUESTED BY AN AUTHORIZED REPRESENTATIVE OF DTC), ANY TRANSFER, PLEDGE OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL INASMUCH AS THE REGISTERED OWNER HEREOF, CEDE & CO., HAS AN INTEREST HEREIN.

RESTRICTIVE LEGEND:

THIS BOND HAS NOT BEEN REGISTERED UNDER THE SECURITIES ACT OF 1933, AS AMENDED (THE "1933 ACT") OR ANY OTHER SECURITIES LAWS. THE BONDS MAY ONLY BE OFFERED OR SOLD TO QUALIFIED INSTITUTIONAL BUYERS ("QIBs") PURSUANT TO RULE 144A UNDER THE 1933 ACT ("RULE 144A"), IN RELIANCE UPON EXEMPTIONS PROVIDED BY THE 1933 ACT. NO RESALE OR OTHER TRANSFER OF THIS BOND MAY BE MADE UNLESS SUCH TRANSFER IS MADE PURSUANT TO AN EFFECTIVE REGISTRATION STATEMENT UNDER THE 1933 ACT OR IN A TRANSACTION EXEMPT FROM THE REGISTRATION REQUIREMENTS OF THE 1933 ACT AND APPLICABLE STATE SECURITIES OR "BLUE SKY" LAWS AND IN ACCORDANCE WITH THE INDENTURE REFERRED TO HEREIN. NEITHER THE TRIBE NOR THE TRUSTEE IS OBLIGATED TO REGISTER THE BONDS UNDER THE 1933 ACT OR ANY OTHER SECURITIES OR "BLUE SKY" LAWS.

THE HOLDER OF THIS BOND BY ITS ACCEPTANCE HEREOF AGREES (A) TO OFFER, SELL OR OTHERWISE TRANSFER SUCH BOND ONLY (i) PURSUANT TO A REGISTRATION STATEMENT WHICH HAS BEEN DECLARED EFFECTIVE UNDER THE 1933 ACT; OR (ii) PURSUANT TO THE EXEMPTION FROM REGISTRATION PROVIDED BY RULE 144 UNDER THE 1933 ACT, IF AVAILABLE; OR (iii) FOR AS LONG AS THE BONDS ARE ELIGIBLE FOR RESALE PURSUANT TO RULE 144A, TO A PERSON IT REASONABLY BELIEVES (WITH SUCH REASONABLE BELIEF ESTABLISHED AS PROVIDED IN RULE 144A(d)(1)) IS A QIB THAT PURCHASES FOR ITS OWN ACCOUNT OR FOR THE ACCOUNT OF A QIB TO WHOM NOTICE IS GIVEN THAT THE TRANSFER IS BEING MADE IN

RELIANCE ON RULE 144A; OR (iv) PURSUANT TO OFFERS AND SALES THAT OCCUR OUTSIDE THE UNITED STATES WITHIN THE MEANING OF REGULATIONS UNDER THE 1933 ACT; OR (v) TO THE TRIBE; AND IN EACH OF THE FOREGOING CASES, IN ACCORDANCE WITH ANY APPLICABLE SECURITIES LAWS OF ANY STATE OF THE UNITED STATES; AND ALSO IN EACH OF THE FOREGOING CASES IN AUTHORIZED DENOMINATIONS OF \$100,000 OR, IN EXCESS OF \$100,000, IN INTEGRAL MULTIPLES OF \$5,000; AND (B) THAT IT WILL NOTIFY ANY PURCHASER OF THIS BOND FROM IT OF THE RESALE RESTRICTION REFERRED TO ABOVE.

No. R - _____ \$ _____

<u>Interest Rate</u>	<u>Maturity</u>	<u>Date of Original Issue</u>	<u>CUSIP</u>
		_____, 2006	

Registered Owner: CEDE & CO.

Principal Amount: \$ _____

The Cow Creek Band of Umpqua Tribe of Indians, a federally recognized Indian tribe (the "Tribe"), for value received, hereby promises to pay to the registered owner specified above or registered assigns, the principal amount set forth above on the maturity date specified above, upon the presentation and surrender hereof, and to pay to the registered owner hereof interest on such principal amount at the interest rate specified above from the date of original issue set forth above, or the most recent interest payment date to which interest has been paid or duly provided for as specified below, on April 1 and October 1 of each year, commencing October 1, 2006, until said principal amount is paid. Principal and the redemption price is payable in lawful money of the United States of America at the principal corporate trust offices of Wells Fargo Bank, National Association, in Portland, Oregon, as trustee under the Indenture (the "Trustee" including any successors or assigns). Interest shall be paid on each interest payment date by check or draft mailed to the person in whose name this Bond is registered at the close of business on the fifteenth day of the preceding month (whether or not a Business Day) at the registered owner's registered address set forth on the registration records maintained by the Trustee. Notwithstanding anything else set forth herein, so long as the Bonds of this series are in Book-Entry Form (as described in the Indenture), principal, premium, if any, and interest shall be paid in accordance with the requirements of the Depository Trust Company, New York, New York, as in effect from time to time. Any such interest not punctually paid or provided for will cease to be payable on such regular record dates and such defaulted interest may be paid to the person in whose name this Bond shall be registered at the close of business on a special record date for the payment of such defaulted interest established pursuant to the Indenture.

This Bond is issued pursuant to the Constitution and Bylaws of the Tribe and in conformity with the provisions, restrictions and limitations thereof. This Bond is a limited

obligation of the Tribe, payable solely from the Pledged Assets and the Trust Estate (as further described in the Indenture referred to below). This Bond is one of a duly authorized series of [Taxable][Tax-Exempt] Tax Revenue Bonds, Series 2006[A][B][C] of an aggregate principal amount of \$_____, in denominations of \$100,000 and, above \$100,000, in integral multiples of \$5,000 not exceeding the principal amount maturing in any year, and numbered from R-1 upwards, and of like tenor and effect except as to serial number, denomination, interest rate, maturity and right of prior redemption, all of which have been authorized by law to be issued and have been issued or are to be issued for the purpose of financing and refinancing the acquisition and construction of certain tribal facilities located on the Tribe's trust lands, all as more particularly described in the Indenture referred to below. The Bonds are authorized by a Bond Resolution adopted by the Board of the Tribe on June 8, 2006 (the "Bond Resolution"), and a Trust Indenture (the "Indenture") dated as of June 15, 2006, duly executed and delivered by the Tribe to the Trustee. The Bonds are equally and ratably secured by a pledge of the Pledged Taxes pursuant to the Indenture. The Bonds are issued contemporaneously, and on a parity, with the Tribe's [Taxable][Tax-Exempt] Tax Revenue Bonds, Series 2006[A][B][C], of an aggregate principal amount of \$_____, under the Indenture. Reference is hereby made to the Indenture and the Bond Resolution, and any amendments or supplements thereto, for a description and limitation of the property, revenues and funds pledged and appropriated to the payment of the Bonds, the nature and extent of the security thereby created, the rights of the owners of the Bonds, the rights, duties and immunities of the Trustee, and the rights, immunities and obligations of the Tribe thereunder. Certified copies of the Bond Resolution and executed counterparts of the Indenture are on file at the office of the Trustee and at the offices of the Tribe.

The Bonds and the interest thereon are special, limited obligations of the Tribe payable solely out of the portion of the Tribe's Gaming Net Revenue Tax (as defined in the Indenture), which, under the Tribe's Gaming Revenue Code (Title 100, Cow Creek Tribal Legal Code, the "GRC"), is allocated to Tribal economic development (the "Pledged Taxes") and other Pledged Assets under the Collateral Trust Agreement (hereinafter defined) and the Trust Estate. Pursuant to a Collateral Trust and Security Agreement dated as of June 15, 2006 (the "Collateral Trust Agreement"), between the Tribe, the Umpqua Indian Development Corporation (the "Corporation"), a federally-chartered corporation organized under a charter issued to the Tribe by the Secretary of the Interior under 25 U.S.C. § 477 and wholly-owned by the Tribe, the Trustee, Umpqua Bank and U.S. Bank National Association, as collateral trustee (the "Collateral Trustee"), the Tribe has pledged the Pledged Taxes, and the Corporation has pledged the revenues of its Seven Feathers Division limited with respect to any period to the Corporation Recourse Amount (defined below) for such period, to the Collateral Trustee to secure the Bonds and all other Senior Debt (as defined in the Collateral Trust Agreement). The Tribe's Gaming Enterprise (as defined in the Indenture) is owned and operated by the Corporation through its Seven Feathers Division. Under the GRC, the Tribe imposes the Gaming Net Revenue Tax equal to 100% of the net revenues of the Gaming Enterprise (as determined in accordance with the GRC) and 80% of the proceeds of the Gaming Net Revenue Tax are allocated to Tribal economic development. In the Indenture the Tribe has covenanted and agreed that, so long as any Bonds are Outstanding under the Indenture, it will not reduce either the level of the Gaming Net Revenue Tax or the percentage of Gaming Net Revenue Tax that is allocated to Tribal economic development. Pursuant to a Guaranty Agreement dated as of June 15, 2006, between the Corporation and the Collateral Trustee, the Corporation has guaranteed unconditionally

payment of the Bonds, on a parity with other Senior Debt, with recourse under such guaranty limited with respect to any period to the Corporation Recourse Amount for such period. The "Corporation Recourse Amount" is, with respect to any period, (a) the sum of (i) an amount equal to 80% of the Gaming Net Revenue Tax accruing during such period, plus (ii) if during such period a "Corporate Obligation Period" exists (being an obligation to fund the Springing Reserve Account or the occurrence and continuation of an Event of Default under the Collateral Trust Agreement), an amount equal to 80% of the amount of depreciation accruing on the books of the Seven Feathers Division of the Corporation during such Corporate Obligation Period and that is deductible by the Corporation for purposes of calculating the Gaming Net Revenue Tax, less (b) the sum of the amounts, if any, deposited into the Senior Debt Account and the Springing Reserve Account (established under the Collateral Trust Agreement) during such period. As more specifically provided in the Indenture, neither the Trustee nor the Holders of the Bonds have any recourse against any revenues or assets of the Corporation, other than the revenues of the Seven Feathers Division of the Corporation up to the Corporation Recourse Amount, or any other entity owned by, or affiliated with, the Tribe, or any revenues or assets of the Tribe other than the Pledged Taxes, to pay the principal of, premium, if any, or interest on the Bonds.

[The following paragraph shall be included only in the form of Series 2006B Bonds.]

Bond Insurance Policy No. _____ (the "Policy") with respect to payments due for principal of and interest on this bond has been issued by ACA Financial Guaranty Corporation, a Maryland stock insurance company ("ACA"). The Policy has been delivered to and will be held by Wells Fargo Bank, National Association, Portland, Oregon. The Policy is on file and available for inspection at the office of the Trustee or paying agent and a copy thereof may be secured from ACA. All payments required to be made under the Policy shall be made in accordance with the provisions thereof. The Policy does not cover any accelerated payments, increased rate of interest or premium, if any, due to optional redemption of this bond even if such optional redemption occurs with the consent of ACA. The owner of this bond acknowledges and consents to the subrogation rights of ACA as more fully set forth in the Policy.

The Bonds are secured, on a parity with all other Senior Debt, by the Collateral Trust Agreement and are further secured by the limited guaranty of the Corporation which runs in favor of the Collateral Trustee. The Collateral Trust Agreement establishes certain rights with respect to the security of the Bonds and the Senior Debt and the sharing of the proceeds of any remedies thereunder.

[The following paragraph shall be included only in the form of Series 2006C Bonds.]

The Bonds of this series are subject to redemption at the option of the Tribe, in whole or in part, on April 1, 2016 and any business day thereafter, and if in part by lot or such other method as the Trustee deems fair, at a redemption price equal to the principal amount to be redeemed, plus accrued interest to the redemption date, without premium.

[The following paragraph shall be included only in the form of Series 2006B Bonds and Series 2006C Bonds.]

(c) **Binding Obligation.** This Collateral Trust and Security Agreement is the legal, valid and binding obligation of Collateral Trustee, and is enforceable against the Collateral Trustee in accordance with its terms.

(d) **No Conflicts.** Neither the execution and delivery of this Collateral Trust and Security Agreement, nor the consummation of the transactions herein contemplated will, with or without the giving of notice or the passage of time, or both, conflict with, result in a default or violation of: (i) any provision in the Collateral Trustee's Articles of Incorporation or Bylaws or any agreement or other instrument binding upon the Collateral Trustee; (ii) any order, judgment, ordinance or decree, or, to the best of the Collateral Trustee's knowledge, any statute, law or regulation, to which the Collateral Trustee is a party or by which the Collateral Trustee is bound or affected such that the Collateral Trustee's ability to perform as required pursuant to the terms of this Collateral Trust and Security Agreement would be impaired in any manner whatsoever; or (c) any agreement or instrument binding on the Collateral Trustee.

(e) **Undisclosed Liabilities.** The Collateral Trustee has no outstanding liabilities or obligations (matured, unmatured, fixed or contingent), except such liabilities and obligations that are accrued for or reserved against on the balance sheet of the Collateral Trustee as reflected in the financial statements of the Collateral Trustee, which would affect the Collateral Trustee's ability to perform as required under the terms and subject to the conditions of this Collateral Trust and Security Agreement.

(f) **Claims, Legal Actions.** There are no claims, legal actions, suits, counterclaims, arbitrations, governmental investigations or other legal or administrative or tax proceeds, nor any order, decree, judgment or ruling of any court or regulation or rule of any administrative agency issued or pending, or, to the best of the knowledge of the Collateral Trustee, threatened against or relating to the Collateral Trustee, the business of the Collateral Trustee, or any transactions contemplated by this Collateral Trust and Security Agreement, nor does any valid, legitimate basis for the same exist, such that the Collateral Trustee's ability to perform as required pursuant to the terms of this Collateral Trust and Security Agreement would be impaired.

(g) **Survival of Representations and Warranties.** All representations, warranties, covenants, and agreements of the Collateral Trustee hereunder shall survive the execution and delivery of this Collateral Trust and Security Agreement, notwithstanding any investigation that might be conducted by the Tribe with regard thereto.

ARTICLE IV - COVENANTS

Section 4.1 Covenants of the Tribe. So long as any Senior Debt is Outstanding, the Tribe will observe and comply with the following requirements, unless the Collateral Trustee shall otherwise consent in writing.

(a) **Maintain Gaming Enterprise.** The Tribe will continue to cause the Casino Facilities to be owned and operated by the Division; will not discontinue or

materially reduce the level, scope or quality of any governmental and non-governmental services it provides to the Casino Facilities as of the Closing Date; will not assign, transfer or sell any assets of the Casino Facilities, other than in normal arm's-length commercial dealings in the ordinary course of business and as permitted under the other provisions of this Collateral Trust and Security Agreement; will not sell all or substantially all of the Casino Facilities; will not fail to segregate the Gaming Enterprise, including all funds and bank accounts, from the Excluded Assets; will not commingle any Excluded Assets with the Gaming Enterprise; and will not form or acquire any separate corporation, instrumentality, or other business entity for the purpose of directly or indirectly owning the Gaming Enterprise.

The Tribe will cause the Corporation to carry on and conduct the Gaming Enterprise in substantially the same manner as it is presently conducted in compliance with all Laws, and do all things necessary to maintain the existence of the Tribe as a federally recognized Indian tribe and the Corporation as a federally chartered corporation. The Tribe will not engage in any material business using the Casino Facilities which is not related to the Gaming Enterprise. The Tribe will comply with all Laws, injunctions, decrees or awards to which it or the Gaming Enterprise may be subject including, without limitation, all Environmental Laws.

(b) **Gaming Net Revenue Tax.** The Tribe will take no action to reduce the level or frequency of the Gaming Net Revenue Tax that is imposed pursuant to the GRC, to amend the property or income which is subject to the levy of the Gaming Net Revenue Tax, to change the percentage of Gaming Net Revenue Tax revenues that is allocated to Tribal economic development under the GRC, to change the method of calculation of the Gaming Net Revenue Tax from that presently set forth in the GRC and as shown in the financial statements of the Division for the fiscal year ended December 31, 2005, or to repeal its designation of the Collateral Trustee as an "Additional Gaming Tax Revenue Designee" pursuant to the GRC and the Bond Resolution. The Tribe will continue to levy the Gaming Net Revenue Tax and will deposit, as received, all Pledged Taxes into the Economic Development Fund with the exception of Pledged Taxes that are transferred to the Senior Debt Account or the Springing Reserve Account in accordance with Section 2.4.

(c) **Payment of Taxes.** The Tribe will timely file any and all federal, state and local tax returns that it is required by applicable law to file and will pay, or cause to be paid, all applicable taxes, assessments and other governmental charges levied against the Casino Facilities or the Gaming Enterprise when due and before any penalty accrues, unless the charge is being contested in good faith with appropriate reserves for full payment and to the extent required to comply with generally accepted accounting principles, consistently applied and none of the Pledged Assets becomes subject to forfeiture or loss as a result of such contest.

(d) **Legal Requirements.** The Tribe will promptly and faithfully comply with, conform to and obey all present and future laws, ordinances, rules, regulations and other requirements applicable to the conduct of the operations of the Casino Facilities.

(vii) Promptly after learning of any termination, revocation, suspension or limitation or proposed or threatened termination, revocation, suspension or limitation by any Governmental Authority of the authority of the Tribe or the Corporation to operate the Casino Facilities as a Class II and Class III gaming facility in accordance with the Tribal-State Compact, the Corporation shall notify the Collateral Trustee, each Secured Payee and the Bond Insurer thereof in writing.

(viii) The Division will carry on and conduct the Gaming Enterprise in substantially the same manner as it is presently conducted in compliance with all Laws. The Corporation and the Division will not engage in any material business using the Casino Facilities which is not related to the Gaming Enterprise. The Corporation and the Division will comply with all Laws, injunctions, decrees or awards to which it or the Gaming Enterprise may be subject including, without limitation, all Environmental Laws.

(ix) The Corporation will not form or acquire any separate corporation, division, instrumentality, or other business entity (other than the Division) for the purpose of directly or indirectly owning the Gaming Enterprise. The Corporation will not fail to segregate the Gaming Enterprise, including all funds and bank accounts, from the Excluded Assets, and will not commingle any Excluded Assets with the Gaming Enterprise.

(b) **Gaming Net Revenue Tax.** The Corporation will pay the Gaming Revenue Tax to the Tribe on the dates and in the amounts due under the GRC.

(c) **Payment of Taxes.** The Corporation will timely file any and all federal, state and local tax returns that it is required by applicable law to file and will pay, or cause to be paid, all applicable taxes, assessments and other governmental charges levied against the Casino Facilities or the Gaming Enterprise when due and before any penalty accrues, unless the charge is being contested in good faith with appropriate reserves for full payment and to the extent required to comply with generally accepted accounting principles, consistently applied and none of the Pledged Assets becomes subject to forfeiture or loss as a result of such contest.

(d) **Legal Requirements.** The Corporation will promptly and faithfully comply with, conform to and obey all present and future laws, ordinances, rules, regulations and other requirements applicable to the conduct of the operations of the Casino Facilities. The Corporation will maintain all licenses and permits necessary to operate any material element of the Casino Facilities.

(e) **Other Agreements.** The Corporation will not enter into any material agreement containing any provision that would be violated or breached by the performance of its obligations hereunder.

(f) **Further Assurance.** The Corporation will promptly execute and deliver all instruments and documents, and take all actions, that may be necessary or that the

FINANCIAL SECTION



THE SELLS
GROUP
P.S.

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INDEPENDENT AUDITOR'S REPORT

To the Tribal Board of Directors
Cow Creek Band of Umpqua Tribe of Indians

We have audited the accompanying financial statements of the governmental activities, the business-type activities, the aggregate discretely presented component units, each major fund, and the aggregate remaining fund information of the Cow Creek Band of Umpqua Tribe of Indians, as of and for the year ended December 31, 2004, which collectively comprise the Tribe's basic financial statements as listed in the table of contents. These financial statements are the responsibility of the Cow Creek Band of Umpqua Tribe of Indians management. Our responsibility is to express opinions on these financial statements based on our audit. We did not audit the financial statements of the Seven Feathers Hotel and Casino Resort, a component unit of Umpqua Indian Development Corporation that represents 59 percent, 126 percent, and 62 percent, respectively, of the assets, net assets, and revenues of the aggregate discretely presented component units of the Tribe. Those financial statements were audited by other auditors whose report thereon has been furnished to us, and our opinion, insofar as it relates to the amounts included for the Seven Feathers Hotel and Casino Resort, is based on the report of the other auditors.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. The financial statements of the Umpqua Indian Development Corporation and the financial statements of the Umpqua Indian Utility Co-operative were not audited in accordance with *Government Auditing Standards*. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit and the report of the other auditors provide a reasonable basis for our opinions.

In our opinion, based on our audit and the report of other auditors, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, the aggregate discretely presented component units, each major fund, and the aggregate remaining fund information of the Cow Creek Band of Umpqua Tribe of Indians, as of December 31, 2004, and the respective changes in financial position and cash flows, where applicable, thereof for the year then ended in conformity with accounting principles generally accepted in the United States of America.

In accordance with *Government Auditing Standards*, we have also issued our report dated June 27, 2005 on our consideration of the Cow Creek Band of Umpqua Tribe of Indians' internal control over financial reporting and our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing and not to provide an opinion on the internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* and should be considered in conjunction with this report in considering the results of our audit.

The management's discussion and analysis on pages 3 through 9 is not a required part of the basic financial statements but is supplementary information required by accounting principles generally accepted in the United States of America. We have applied certain limited procedures, which consisted principally of inquiries of management regarding the methods of measurement and presentation of the required supplementary information. However, we did not audit the information and express no opinion on it.

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the Cow Creek Band of Umpqua Tribe of Indians' basic financial statements. The combining and individual nonmajor fund and general fund department schedules are presented for purposes of additional analysis and are not a required part of the basic financial statements. The accompanying schedule of expenditures of federal awards is presented for purposes of additional analysis as required by U.S. Office of Management and Budget Circular A-133, *Audits of States, Local Governments, and Nonprofit Organizations*, and is also not a required part of the basic financial statements of the Cow Creek Band of Umpqua Tribe of Indians. The combining and individual nonmajor fund and general fund department schedules and the schedule of expenditures of federal awards have been subjected to the auditing procedures applied in the audit of the basic financial statements and, in our opinion, are fairly stated in all material respects in relation to the basic financial statements taken as a whole.



The Sells Group, P.S.

Lynnwood, WA
June 27, 2005

**Cow Creek Band of Umpqua Tribe of Indians
Management's Discussion & Analysis
Year Ended December 31, 2004**

As management of the Tribal Government (the Tribe), we are providing this narrative overview and analysis of the financial activities of the Tribe for the fiscal year ended December 31, 2004, to be read in conjunction with the Tribe's financial statements and footnotes that follow.

Financial Highlights

- Net assets increased by \$13.8 million
- Significant construction activity at Creekside Development project
- Began construction on new Tribal Government office building

Overview

This report contains Management's Discussion and Analysis (MD&A), the independent auditors report, and the Tribe's basic financial statements (government-wide financial statements, fund financial statements, and notes to the financial statements).

In accordance with Government Auditing Standards and as required by US Office of Management and Budget (OMB) Circular A-133, Audits of States, Local Governments, and Nonprofit Organizations, the report includes the independent auditors' report on the Tribal Government's internal control over financial reporting and independent auditors' report on the results of tests of the Tribe's compliance with certain provisions of laws, regulations, contracts, and grants and the internal control over compliance. As further required by OMB A-133, this report also contains the Tribe's Schedule of Expenditure of Federal Awards.

Basic Financial Statements

Government-Wide Financial Statements -

The government-wide financial statements are designed to provide readers with a similar broad view of the Tribe's finances as is used in a private-sector business. Financial changes are reported as soon as the underlying event giving rise to the change occurs, regardless of the timing of the related cash flows. Thus, revenues and expenses are reported for some items that will only result in cash flows in future fiscal periods.

Within this view, all Tribal operations are categorized and reported as either governmental or business-type activities. Governmental activities include basic services such as general government, social and health services and education. Business-type activities are the business enterprises owned directly by the Tribal government.

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The Tribe also includes in its government-wide financial statements amounts of the Umpqua Indian Development Corporation (UIDC), a legally separate component unit of the Tribe. Detailed information for UIDC is presented in a separately issued audit report.

The *statement of net assets* presents information on all the assets, liabilities and net assets (the difference between the assets and liabilities) of the government. Over time, increases or decreases in net assets may serve as a useful indicator of whether the financial position of the Tribe is improving or deteriorating. Governmental activities reflect capital assets, including infrastructure, and long-term liabilities, in the same way business-type entities have historically reported them.

The *statement of activities* presents information on the major activities' costs and shows whether the activities are either primarily supported by user fees or charges (business-type activities) or primarily by intergovernmental awards or general Tribal revenues (governmental activities). This statement summarizes information the reader can use to determine the extent to which program revenues are self-supporting or are subsidized by general Tribal revenues, and also shows how the government's total net assets changed during the most recent fiscal year.

Fund Financial Statements -

The *fund financial statements* are used to account for resources that have been segregated for specific programs, activities, or objectives. The Tribal Government, like state and local governments, uses fund accounting to ensure and demonstrate compliance with finance-related legal requirements. The funds of the Tribe can be divided into two categories: governmental funds and proprietary funds.

Governmental funds are used to account for essentially the same activities reported as *governmental activities* in the Tribe's government-wide financial statements. The governmental fund financial statements, however, focus only on current and near-term inflows and outflows of spendable resources, as well as on balances of spendable resources available at the end of the fiscal year.

Because the focus of governmental funds is narrower than that of the government-wide financial statements, it is useful to compare the information presented for governmental funds with similar information presented for governmental activities to determine the long-term impact of the government's near-term financial decisions. For this reason, a statement reconciling the changes in fund balances of governmental funds with the change in net assets in the statement of activities is included as a required part of the Tribe's basic financial statements.

Proprietary funds are used to account for the same functions presented as business-type activities in the government-wide financial statements and are classified as enterprise funds or internal service funds. Proprietary fund activities are accounted for on the same

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basis as that used in the government-wide statement of activities, only in greater detail. The Tribe uses an enterprise fund to account for its electric utility operations.

Notes to the Financial Statements -

The notes provide additional information that is integral and essential to a full understanding of the data provided in the basic financial statements.

Government-Wide Financial Analysis

This MD&A is provided to help explain highlights and significant changes in financial position and differences in operations between the current and prior years.

Statement of Net Assets -

A condensed version of the Tribe's Statement of Net Assets is presented in comparative format below:

----- (amounts are shown in thousands) -----

	Governmental Activities		Business-type Activities		Total Government	
	2004	2003	2004	2003	2004	2003
Current assets	\$ 57,219	\$ 55,956	\$ 1,576	\$ 1,093	\$ 58,795	\$ 57,049
Capital assets	45,406	28,677	667	692	46,073	29,370
Total assets	<u>102,625</u>	<u>84,634</u>	<u>2,243</u>	<u>1,785</u>	<u>104,868</u>	<u>86,419</u>
Current liabilities	5,867	3,819	71	62	5,938	3,881
Long-term liabilities	15,052	12,479	-	-	15,052	12,479
Total liabilities	<u>20,919</u>	<u>16,299</u>	<u>71</u>	<u>62</u>	<u>20,990</u>	<u>16,361</u>
Net Assets:						
Invested in capital assets, net of related debt	30,354	16,198	667	692	31,022	16,890
Unrestricted	51,351	52,137	1,505	1,031	52,857	53,168
Total net assets	<u>\$ 81,706</u>	<u>\$ 68,335</u>	<u>\$ 2,172</u>	<u>\$ 1,724</u>	<u>\$ 83,878</u>	<u>\$ 70,059</u>

Governmental activities unrestricted net assets generally represent cash & cash equivalents, investments, and receivables due from the component unit. Cash & investment balances are managed to generate the highest earnings yield possible within the Tribe's relatively risk-averse portfolio, while at the same time providing adequate cash flows for program operations, construction and other ongoing projects. Analysis of

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non-current assets and liabilities is detailed in a later section of this MD&A labeled "Capital Assets and Debt Administration."

Statement of Activities -

A condensed, comparative statement of activities is presented below:

----- (amounts are shown in thousands) -----

	Governmental Activities		Business-type Activities		Total Government	
	2004	2003	2004	2003	2004	2003
Revenues						
Charges for services	\$ 4,132	\$ 2,779	\$ 980	\$ 913	\$ 5,113	\$ 3,692
Operating grants	7,330	4,178	235	386	7,565	4,564
Casino payments	24,425	22,420	-	-	24,425	22,420
Investment earnings	1,926	1,729	3	2	1,929	1,730
Other Revenues	542	371	-	1	542	371
Total Revenues	38,355	31,476	1,218	1,301	39,573	32,777
Expenses						
General government	21,622	2,002	-	-	21,622	2,002
Clinic	-	202	-	-	-	202
Gaming commission	-	2,032	-	-	-	2,032
Gaming distribution	-	830	-	-	-	830
Economic development	-	599	-	-	-	599
Housing & Transportation	81	-	-	-	81	-
Social & Health services	2,057	1,083	-	-	2,057	1,083
Foundation	-	1,731	-	-	-	1,731
Education	235	167	-	-	235	167
Indirect expenses	-	1,084	-	-	-	1,084
Depreciation expense	414	340	-	-	414	340
Interest on Long-term debt	576	183	-	-	576	183
Utility	-	-	769	713	769	713
Total Expenses	24,985	10,253	769	713	25,754	10,966
Increase in Net Assets						
before payments to Component Unit	13,371	21,223	449	588	13,819	21,811
Payments to Component Unit		19,805		-	-	19,805
Increase in Net Assets	13,371	1,418	449	588	13,819	2,006
Net Assets - beginning	68,335	66,917	1,724	1,135	70,059	68,052
Net Assets - ending	\$ 81,706	\$ 68,335	\$ 2,172	\$ 1,724	\$ 83,878	\$ 70,059

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Expenses of the total government, including payments to the component unit, consumed approximately 65% of revenues in 2004, leaving 35% of total governmental revenues as an increase in net assets.

Governmental Activities –

The largest source of current governmental revenues is Casino payments in the form of Gaming Net Revenue Taxes (\$24.4M), followed by grants, charges for services, and investment earnings. Other income is composed of Hotel taxes and Timber sales revenue. Governmental expenses in 2004 include payments to the component unit (\$11.8M) for UDC bond fund payments of principal and interest, construction allowances for casino expansion, and for capital additions and operations of other Tribal businesses.

Business Activities –

The Umpqua Indian Utility Co-Operative (UIUC) provides electric power to the Seven Feathers Hotel & Casino resort, and Seven Feathers Truck & Travel Center. This activity is accounted for in a proprietary, enterprise fund. UIUC revenues are made up of charges for electric service provided to the Casino and Travel Center, plus grant funds from Bonneville Power Administration (BPA), and other revenues including investment earnings. Charges for power sold totaled \$980,153 for the current year. The largest expenditure for the utility is the purchase and transmission of power from BPA.

Fund-level Financial Analysis

The Tribe's Governmental funds are composed of the General Fund, which accounts for the operations and functions of the general government, and Nonmajor Funds that account, in general, for grant revenues & expenditures. General fund revenues totaled \$33.6M for the year, while expenditures (including \$11.8M contributions to the component unit, and \$15.1M capital outlay) totaled \$37.7M. Nonmajor funds revenues were \$4.8M in total, while expenditures amounted to \$4.7M. The small increase in fund balance (net assets) from Nonmajor funds was due to net investment earnings for the year.

Proprietary funds of the Tribe include the enterprise fund Umpqua Indian Utility Co-operative, noted above under Business Activities.

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Capital Assets and Debt Administration

Capital Assets -

The Tribe's investment in capital assets, net of depreciation, for governmental and business-type activities amounted to \$46.1M. Major additions to capital assets during the year were from construction of the new administration building (\$408,756), ongoing Creekside development costs (\$12.2M in 2004), and the Tri-City housing project (\$2.1M) accounted for as Construction in Progress, which, at completion, will be reclassified into capital asset accounts, and depreciation recorded. The table below shows the major classifications of the Tribe's fixed assets at year end. Additional information on capital assets can be found on page 27, footnote IILD.

Cow Creek Band of Umpqua Tribe of Indians
Capital Assets, net of accumulated depreciation

	Governmental Activities		Business Activities		Total	
	2004	2003	2004	2003	2004	2003
Land	\$ 18,272	\$ 17,166	\$ -	\$ -	\$ 18,272	\$ 17,166
Buildings & Improvements	5,888	4,962	-	-	5,888	4,962
Equipment, machinery, & veh	101	105	667	692	769	797
Construction in Progress	21,144	6,445	-	-	21,144	6,445
Total:	\$ 45,406	\$ 28,678	\$ 667	\$ 692	\$ 46,073	\$ 29,370

Long-term Debt -

The Tribe incurred no new debt issues during the current year. Draws on the existing 2003 Series A construction loan totaled \$3.27M in 2004. All debt is used for Governmental activities - there is no outstanding debt related to business-type activities. Construction loans are being used to finance construction of the Creekside development project at Canyonville, west of Interstate-5, across from the Casino. Additional information related to debt can be found on page 30, at footnote III.I

Outstanding Debt - Governmental Activities

	2004	2003
Construction Loan Series 2003A	\$ 10,454,015	\$ 7,183,469
Construction Loan Series 2003B	4,501,775	4,969,882
Notes Payable	96,000	325,993
Total:	\$ 15,051,790	\$ 12,479,344

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Economic Factors and Next Year's Planned Expenditures

During 2005 the Tribe expects to see continued growth in Casino operations and continued progress on the Creekside Development, with the Creekside RV park expected to begin operations late in the year. Anticipated completion of the Creekside project remains in 2006. The new administration building is also expected to be completed during 2005. Program and grant administration is expected to continue at a rate comparable to the current year, with some growth coming in the form of new grants, and increases in federal awards.

Requests for Information

This financial report has been prepared to provide readers with a general overview of the Cow Creek Band of Umpqua Tribe of Indians' finances. Questions concerning any of the information provided in this report, or requests for additional information, should be addressed to the Controller's Office, 2371 NE Stephens, Roseburg, OR 97470.

Basic Financial Statements

Cow Creek Band of Umpqua Tribe of Indians
Statement of Net Assets
December 31, 2004

	Primary Government			Component Unit
	Governmental Activities	Business-Type Activities	Total	UIDC
ASSETS				
Cash and cash equivalents	\$ 31,879,461	\$ 1,515,841	\$ 33,395,301	\$ 10,299,787
Investments	18,825,639		18,825,639	5,500,000
Receivables (net)	954		954	822,721
Internal balances	54,000	(54,000)	0	
Due from component unit	5,826,826	105,654	5,932,480	
Due from tribe			0	34,792
Accrued revenues	32,047		32,047	
Inventory		8,815	8,815	2,626,207
Prepaid expenses			0	440,125
Other current assets			0	120,689
Related party notes receivable	600,000		600,000	
Capital assets:				
Land	18,271,979		18,271,979	6,672,101
Antique treasure			0	44,000
Construction in progress	21,144,070		21,144,070	4,948
Depreciable buildings, equipment, fixtures (net)	5,990,088	667,267	6,657,356	66,035,292
Total capital assets	<u>45,406,137</u>	<u>667,267</u>	<u>46,073,404</u>	<u>72,756,341</u>
Intangible and other assets (net)			0	2,492,155
Total assets	<u>102,625,064</u>	<u>2,243,577</u>	<u>104,868,641</u>	<u>95,092,817</u>
LIABILITIES				
Accounts payable	1,949,472	71,159	2,020,631	4,781,360
Accrued liabilities	360,705		360,705	2,820,024
Accrued interest			0	1,253,044
Due to component unit	34,609		34,609	
Due to tribe			0	5,915,213
Deferred revenues	3,104,915		3,104,915	230,977
PUC liability	417,822		417,822	
Noncurrent liabilities:				
Line of credit			0	1,292,845
Current portion of long-term obligations	452,271		452,271	4,321,557
Noncurrent portion of long-term obligations	14,599,519		14,599,519	37,335,082
Total liabilities	<u>20,919,313</u>	<u>71,159</u>	<u>20,990,472</u>	<u>57,950,102</u>
NET ASSETS				
Invested in capital assets, net of related debt	30,354,347	667,267	31,021,614	68,519,216
Unrestricted	51,351,404	1,505,151	52,856,555	(31,376,501)
Total net assets	<u>\$ 81,705,751</u>	<u>\$ 2,172,418</u>	<u>\$ 83,878,169</u>	<u>\$ 37,142,715</u>

The notes to the financial statements are an integral part of this statement.

Cow Creek Band of Umpqua Tribe of Indians
Statement of Activities
For the Year Ended December 31, 2004

Functions/Programs	Program Revenues			Net (Expense) Revenue and Change in Net Assets			Component Unit	
	Expenses	Charges for Services	Operating Grants and Contributions	Governmental Activities	Primary Government Business-Type Activities	Total		UIDC
Primary government:								
General government	\$ 21,621,031	\$ 3,818,028	\$ 2,828,244	\$ (14,975,359)	\$	\$ (14,975,359)	\$	
Housing & transportation	81,288		2,172,056	2,090,768				
Social & health services	2,057,161	314,333	2,095,180	352,352		352,352		
Education	234,603		234,603					
Unallocated depreciation	413,575			(413,575)		(413,575)		
Unallocated interest on long-term debt	576,256			(576,256)		(576,256)		
Total governmental activities	24,984,513	4,132,361	7,330,083	(13,522,070)	0	(13,522,070)		
Business-type activities:								
Public utility	769,226	980,153	235,000		445,927	445,927		
Total business-type activities	769,226	980,153	235,000	0	445,927	445,927		
Total primary government	\$ 25,753,739	\$ 5,112,514	\$ 7,565,083	(13,522,070)	445,927	(13,076,142)		
Component units:								
UIDC	131,425,847	123,131,001		0	0		(8,294,846)	
Total component units	\$ 131,425,847	\$ 123,131,001	\$ 0	0	0	0	(8,294,846)	
General revenues:								
Gaming tax revenue				24,424,882		24,424,882		
Hotel tax revenue				299,025		299,025		
Investment earnings				1,925,931	2,766	1,928,697	336,333	
Miscellaneous				243,078		243,078	5,487	
Contributions from Tribes				0		0	10,820,413	
Total general revenues and capital contributions				26,892,915	2,766	26,895,681	11,162,433	
Change in net assets				13,370,846	448,693	13,819,539	2,867,587	
Net assets - beginning				68,334,904	1,723,726	70,058,630	34,275,127	
Net assets - ending				\$ 81,705,751	\$ 2,172,418	\$ 83,878,169	\$ 37,142,715	

The notes to the financial statements are an integral part of this statement.

Cow Creek Band of Umpqua Tribe of Indians
Balance Sheet - Governmental Funds
December 31, 2004

	General Fund	Nonmajor Funds	Total Governmental Funds
ASSETS			
Cash and cash equivalents	\$ 28,291,226	\$ 3,588,234	\$ 31,879,461
Investments	18,825,639		18,825,639
Accounts receivable	954		954
Due from other funds	875,322	149,625	1,024,947
Due from component unit	5,826,162	665	5,826,826
Accrued revenue		32,047	32,047
Related party notes receivable	600,000		600,000
Total assets	\$ 54,419,303	\$ 3,770,571	\$ 58,189,874
LIABILITIES AND FUND BALANCES			
<i>Liabilities</i>			
Accounts payable	\$ 1,888,499	\$ 60,973	\$ 1,949,472
Accrued payroll liabilities	360,705		360,705
Due to other funds	421,938	549,009	970,947
Due to component unit	32,793	1,816	34,609
Deferred revenue		3,104,915	3,104,915
PUC liability	417,822		417,822
Total liabilities	3,121,758	3,716,713	6,838,470
<i>Fund Balances</i>			
Unreserved, undesignated	51,297,545	53,858	51,351,404
Total fund balances	51,297,545	53,858	51,351,404
Total liabilities and fund balances	\$ 54,419,303	\$ 3,770,571	

Amounts reported for governmental activities in the statement of net assets are different because:

Capital assets used in governmental activities are not financial resources and therefore are not reported in the funds	45,406,137
Long-term liabilities are not due and payable in the current period and therefore are not reported in the funds	(15,051,790)
Net assets of governmental activities (page 10)	\$ 81,705,751

The notes to the financial statements are an integral part of this statement.

Cow Creek Band of Umpqua Tribe of Indians
Statement of Revenues, Expenditures, and Changes in Fund Balances
Governmental Funds
Year Ended December 31, 2004

	General Fund	Nonmajor Funds	Total Governmental Funds
REVENUES			
Gaming tax revenue	\$ 24,424,882	\$	\$ 24,424,882
Gaming regulatory fees	2,633,743		2,633,743
Contributions from component units	2,570,411		2,570,411
Hotel tax revenue	299,025		299,025
Legal services revenue	120,000		120,000
NESIKA and 3rd party billing	314,333		314,333
Indirect cost recoveries	1,064,284		1,064,284
Investment income	1,910,077	53,893	1,963,970
Miscellaneous	243,078	200	243,278
Intergovernmental grants and contracts:			
United States federal agencies:			
Department of the Interior		742,096	742,096
Department of Health and Human Services		1,820,243	1,820,243
Department of Housing and Urban Development		2,102,108	2,102,108
Department of Education		619	619
State of Oregon		56,367	56,367
Total revenues	<u>33,579,833</u>	<u>4,775,526</u>	<u>38,355,359</u>
EXPENDITURES			
Current:			
Direct expenditures:			
General government	20,884,579	200,150	21,084,729
Housing & transportation		81,280	81,280
Social & health services		1,636,102	1,636,102
Education		182,286	182,286
Indirect expenditures	479,202	531,082	1,010,284
Total current expenditures	<u>21,363,781</u>	<u>2,630,900</u>	<u>23,994,682</u>
Debt service:			
Principal	698,099		698,099
Interest	576,256		576,256
Capital outlay	15,051,471	2,090,768	17,142,239
Total expenditures	<u>37,689,607</u>	<u>4,721,669</u>	<u>42,411,276</u>
Excess (deficiency) of revenues over expenditures	<u>(4,109,774)</u>	<u>53,857</u>	<u>(4,055,917)</u>
OTHER FINANCING SOURCES (USES)			
Proceeds of capital-related debt	3,270,546		3,270,546
Transfers in	886,751		886,751
Transfers out	(805,742)	(81,009)	(886,751)
Total other financing sources and uses	<u>3,351,555</u>	<u>(81,009)</u>	<u>3,270,546</u>
Net change in fund balances	<u>(758,219)</u>	<u>(27,153)</u>	<u>(785,371)</u>
Fund balances - beginning	52,055,765	81,010	52,136,775
Fund balances - ending	<u>\$ 51,297,545</u>	<u>\$ 53,858</u>	<u>\$ 51,351,404</u>

The notes to the financial statements are an integral part of this statement.

**Cow Creek Band of Umpqua Tribe of Indians
 Reconciliation of the Statement of Revenues,
 Expenditures, and Changes in Fund Balances of Governmental Funds
 To the Statement of Activities
 For the Year Ended December 31, 2004**

Net change in fund balances - total governmental funds (from page 13)	\$ (785,371)
<p style="margin-left: 40px;">Amounts reported for <i>governmental activities</i> in the statement of activities are different because:</p>	
<p>Governmental funds report capital outlays as expenditures. However, in the statement of activities the cost of those assets is allocated over their estimated useful lives and reported as depreciation expense. This is the amount by which capital outlays exceeded depreciation in the current period</p>	16,728,664
<p>The issuance of long-term debt provides current financial resources to governmental funds, but issuing debt increases long-term liabilities in the statement of net assets. Repayment of long-term debt principal is an expenditure in the governmental funds, but the repayment reduces long-term liabilities in the statement of net assets. This is the amount by which the proceeds exceeded repayments</p>	(2,572,447)
Change in net assets of governmental activities (page 11)	<u>\$ 13,370,846</u>

The notes to the financial statements are in integral part of this statement.

**Cow Creek Band of Umpqua Tribe of Indians
Statement of Net Assets
Proprietary Funds
December 31, 2004**

	<u>Business-Type Activities - Enterprise Fund</u>
	<u>UTUC</u>
ASSETS	
Current assets:	
Cash and cash equivalents	\$ 1,515,841
Due from component units	105,654
Inventory	8,815
Total current assets	<u>1,630,310</u>
Noncurrent assets:	
Capital assets:	
Buildings and equipment	752,378
Less accumulated depreciation	(85,111)
Total noncurrent assets	<u>667,267</u>
Total assets	<u>2,297,577</u>
LIABILITIES	
Current liabilities:	
Accounts payable	71,159
Due to other funds	54,000
Total current liabilities	<u>125,159</u>
Total liabilities	<u>125,159</u>
NET ASSETS	
Invested in capital assets, net of related debt	667,267
Unrestricted	1,505,151
Total net assets	<u>\$ 2,172,418</u>

The notes to the financial statements are an integral part of this statement.

**Cow Creek Band of Umpqua Tribe of Indians
Statement of Revenues, Expenses,
and Changes in Fund Net Assets
Proprietary Funds
For the Year Ended December 31, 2004**

	<u>Business-Type Activities - Enterprise Fund</u>
	<u>UIUC</u>
Operating revenues:	
Service fees	\$ 980,153
Total operating revenues	<u>980,153</u>
Operating expenses:	
Administration	8,073
Professional services	64,865
Repairs and maintenance	19,328
Purchased power	651,880
Depreciation	<u>25,079</u>
Total operating expenses	<u>769,226</u>
Operating income	<u>210,926</u>
Nonoperating revenues/(expenses):	
Investment revenue	<u>2,766</u>
Total nonoperating revenue	2,766
Grants and contributions	<u>235,000</u>
Change in net assets	448,692
Total net assets - beginning	1,723,726
Total net assets - ending	<u>\$ 2,172,418</u>

The notes to the financial statements are an integral part of this statement.

Cow Creek Band of Umpqua Tribe of Indians
Statement of Cash Flows
Proprietary Funds
For the Year Ended December 31, 2004

		Business-Type Activities - Enterprise Fund
		<u>UIUC</u>
<i>CASH FLOWS FROM OPERATING ACTIVITIES</i>		
Service receipts	\$	958,981
Payments to suppliers		(734,695)
Internal activity-payments from other funds		2,395
Net cash provided by operating activities		<u>226,681</u>
<i>CASH FLOWS FROM NONCAPITAL FINANCE ACTIVITIES</i>		
Grants and contributions		<u>235,000</u>
Net cash provided by nonoperating activities		<u>235,000</u>
<i>CASH FLOWS FROM CAPITAL AND RELATED FINANCING ACTIVITIES</i>		
Net cash provided by noncapital financing activities		<u>0</u>
<i>CASH FLOWS FROM INVESTING ACTIVITIES</i>		
Investment income		<u>2,766</u>
Net cash provided by investing activities		<u>2,766</u>
Net increase in cash and cash equivalents		464,447
Balances - beginning of year		1,051,395
Balances - end of year	\$	<u>1,515,841</u>
<i>Reconciliation of operating income to net cash provided by operating activities:</i>		
Operating income	\$	210,927
<i>Adjustments to reconcile operating income to net cash provided by operating activities:</i>		
Depreciation and amortization expense		25,079
Change in accounts payable		9,451
Change in due to other funds		2,395
Change in due from component units		<u>(21,172)</u>
Total adjustments		<u>15,753</u>
Net cash provided by operating activities	\$	<u>226,681</u>

The notes to the financial statements are an integral part of this statement.

**Cow Creek Band of Umpqua Tribe of Indians
Statement of Fiduciary Net Assets
Fiduciary Funds
December 31, 2004**

	<u>Pension Trust Fund</u>
ASSETS	
Investments, at fair value:	
U.S. government securities	\$ 48,009
Mutual funds	<u>1,711,481</u>
Total investments	<u>1,759,490</u>
Total assets	<u>1,759,490</u>
LIABILITIES	
Total liabilities	<u>0</u>
NET ASSETS	
Held in trust for pension benefits	<u>\$ 1,759,490</u>

The notes to the financial statements are an integral part of this statement.

**Cow Creek Band of Umpqua Tribe of Indians
Statement of Changes in Fiduciary Net Assets
Fiduciary Funds
For the Year Ended December 31, 2004**

	Pension Trust Fund
ADDITIONS	
Contributions:	
Employer contributions	\$ 204,478
Participant contributions	<u>102,241</u>
Total contributions	<u>306,719</u>
Investment earnings	<u>207,475</u>
Total additions	<u>514,194</u>
 DEDUCTIONS	
Distributions	<u>160,679</u>
Total deductions	<u>160,679</u>
Change in net assets	353,515
Net assets - beginning of year	1,405,975
Net assets - end of year	<u>\$ 1,759,490</u>

The notes to the financial statements are an integral part of this statement.

**Cow Creek Band of Umpqua Tribe of Indians
Notes to the Financial Statements
For the Year Ended December 31, 2004**

I. Summary of significant accounting policies

A. Reporting entity

The Cow Creek Band of Umpqua Tribe of Indians (government) was established in 1853 as a sovereign domestic governmental entity recognized by the United States Federal Government. The governing body of the Tribe is the board of directors, which consists of eleven directors duly elected by the enrolled members. The accompanying financial statements present the government and its component units, entities for which the government is considered to be financially accountable. Blended component units, although legally separate entities, are, in substance, part of the government's operations. The discretely presented component units are reported in a separate column in the government-wide financial statements (see note below for description) to emphasize that they are legally separate from the government.

Blended component unit. The Umpqua Indian Utility Co-operative (UIUC) provides utility services to the Tribe's enterprises. Members of the board of directors of UIUC are substantively comprised of the Tribal board of directors. UIUC is reported as an enterprise fund.

Discretely presented component units. The Umpqua Indian Development Corporation (UIDC) is a federally chartered corporation responsible for the Tribe's enterprise activities, including the Seven Feathers Hotel and Casino Resort, a blended component unit of UIDC, which operates under a compact agreement with the State of Oregon. UIDC includes the activities of Rio Communications, Inc., a discretely presented component unit of UIDC, engaged in telecommunications activities. UIDC also owns a variety of other business enterprises which are reported as blended component units (enterprise funds) of UIDC. The Tribal board of directors approves the appointment of a separate UIDC board of directors. UIDC is financially accountable to the government because the government would be liable for any operating deficits and secondarily for any debt issuances of UIDC. Complete financial statements for UIDC and for Seven Feathers Hotel and Casino Resort may be obtained at their administrative offices.

B. Government-wide and fund financial statements

The government-wide financial statements (i.e., the statement of net assets and the statement of changes in net assets) report information on all of the nonfiduciary activities of the primary government and its component units. *Governmental activities*, which normally are supported by taxes and intergovernmental revenues, are reported separately from *business-type activities*, which rely to a significant extent on fees and charges for support. Likewise, the *primary government* is reported separately from certain legally separate *component units* for which the primary government is financially accountable.

The statement of activities demonstrates the degree to which the direct expenses of a given function or segment are offset by program revenues. *Direct expenses* are those that are clearly identifiable with a specific function or segment. *Program revenues* include 1) charges to customers or applicants who purchase, use, or directly benefit from goods, services, or privileges provided by a given function or segment and 2) grants and contributions that are restricted to meeting the operational or capital requirements of a particular function or segment. Taxes and other items not properly included among program revenues are reported instead as *general revenues*.

Separate financial statements are provided for governmental funds, proprietary funds, and fiduciary funds, even though the latter are excluded from the government-wide financial statements. Major individual governmental funds and major individual enterprise funds are reported as separate columns in the fund financial statements.

C. Measurement focus, basis of accounting, and financial statement presentation

The government-wide financial statements are reported using the *economic resources measurement focus* and the *accrual basis of accounting*, as are the proprietary fund and fiduciary fund financial statements.

**Cow Creek Band of Umpqua Tribe of Indians
Notes to the Financial Statements
For the Year Ended December 31, 2004**

Revenues are recorded when earned and expenses are recorded when a liability is incurred, regardless of the timing of related cash flows. Taxes are recognized as revenues in the year for which they are levied. Grants and similar items are recognized as revenue as soon as all eligibility requirements imposed by the provider have been met.

Governmental fund financial statements are reported using the *current financial resources measurement focus* and the *modified accrual basis of accounting*. Revenues are recognized as soon as they are both measurable and available. Revenues are considered to be *available* when they are collectible within the current period or soon enough thereafter to pay liabilities of the current period. For this purpose, the government considers revenues to be available if they are collected within 60 days of the end of the current fiscal period. Expenditures generally are recorded when a liability is incurred, as under accrual accounting. However, debt service expenditures, as well as expenditures related to compensated absences and claims and judgments, are recorded only when payment is due.

Taxes, licenses, and interest associated with the current fiscal period are all considered to be susceptible to accrual and so have been recognized as revenues of the current fiscal period. All other revenue items are considered to be measurable and available only when cash is received by the government.

The government reports the following major governmental fund:

The *general fund* is the government's primary operating fund. It accounts for all financial resources of the general government, except those required to be accounted for in another fund.

The government reports the following major proprietary fund:

The *utility co-operative fund* accounts for the activities of UTUC, a blended component unit of the government. UTUC accounts for the activities of the government's electric distribution operations, operates the sewage treatment plant, sewage pumping stations and collection systems, and the water distribution system.

Additionally, the government reports the following fund type:

The *pension trust fund* accounts for the activities of the Administrative/Executive Private Deferred Compensation Plan, which accumulates resources for pension benefit payments to qualified government employees.

Private-sector standards of accounting and financial reporting issued prior to December 1, 1989, generally are followed in both the government-wide and proprietary fund financial statements to the extent that those standards do not conflict with or contradict guidance of the Governmental Accounting Standards Board. Governments also have the *option* of following subsequent private-sector guidance for their business-type activities and enterprise funds, subject to this same limitation. The government has elected not to follow subsequent private-sector guidance.

As a general rule the effect of interfund activity has been eliminated from the government-wide financial statements. Exceptions to this general rule are payments where the amounts are reasonably equivalent in value to the interfund services provided and other charges between the government's indirect cost pool and various other functions of the government. Elimination of these charges would distort the direct costs and program revenues reported for the various functions concerned.

Proprietary funds distinguish *operating* revenues and expenses from nonoperating items. Operating revenues and expenses generally result from providing services and producing and delivering goods in connection with a proprietary fund's principal ongoing operations. The principal operating revenues of the utility co-operative enterprise fund are charges to customers for sales and services. Operating expenses for enterprise funds include the cost of sales and services, administrative expenses, and depreciation on capital

**Cow Creek Band of Umpqua Tribe of Indians
Notes to the Financial Statements
For the Year Ended December 31, 2004**

assets. All revenues and expenses not meeting this definition are reported as nonoperating revenues and expenses.

When both restricted and unrestricted resources are available for use, it is the government's policy to use restricted resources first, then unrestricted resources as they are needed.

D. Assets, Liabilities and Equity

1. Cash, Cash Equivalents, and Investments

For the financial statements of the primary government, including the statement of cash flows for proprietary fund types, cash and cash equivalents include amounts in demand deposits as well as cash in time deposits and other investments with a maturity date within three months of the date acquired by the government. All investments are reported at market value.

Federal statutes require that advance payments received by the program under the Indian Self Determination and Education Assistance Act or the Tribally Controlled Schools Act be deposited in accounts insured by an agency or instrumentality of the United States or in accounts fully collateralized to ensure protection of the advanced funds in the event of a bank failure. Such funds may be invested as long as they are invested in:

- a. Obligations or securities guaranteed or insured by the United States,
- b. Mutual (or other) funds registered with the Securities and Exchange Commission which only invest in
 - i. Obligations of the United States, or
 - ii. Securities that are guaranteed or insured by the United States

Additionally, investment of funds under the custodianship of the U.S. Department of the Interior, Bureau of Indian Affairs is restricted by 25 USC § 162a to any public-debt obligation of the United States, and any bonds, notes or other obligations which are unconditionally guaranteed as to both interest and principal by the United States.

2. Prepaid Items

Certain payments to vendors reflect costs applicable to future accounting periods are recorded as prepaid items in both government-wide and fund financial statements.

3. Inventories

Discretely Presented Component Units

Inventories are stated at the lower of cost or market utilizing a first-in first-out method.

4. Capital Assets

Primary Government

Capital assets are defined as assets that have an initial, individual cost of more than \$5,000 and an estimated useful life of more than one year. Such assets are recorded at historical cost whether purchased or constructed. The costs of normal maintenance and repairs that do not add to the value of an asset or materially extend an asset's life are not capitalized. Major outlays for capital assets and improvements are capitalized as projects are constructed.

**Cow Creek Band of Umpqua Tribe of Indians
Notes to the Financial Statements
For the Year Ended December 31, 2004**

Buildings, vehicles, and equipment of the primary government are reported net of accumulated depreciation in the government-wide statement of net assets and are depreciated using the straight line method over the following estimated useful lives:

<u>Assets</u>	<u>Years</u>
Buildings and improvements	20
Equipment, machinery and vehicles	5

Depreciation expense has not been included in the direct expenses of the individual functions of the primary government in the government-wide statement of activities because the depreciable assets essentially serve all functions. The unallocated depreciation expense is reported instead as a separate line in the column for governmental activities.

Discretely Presented Component Units

Property, plant, and equipment are stated at cost, less accumulated depreciation. Major expenditures for property and those which substantially increase useful lives are capitalized. Maintenance, repairs, and minor renewals are expensed as incurred. UIDC uses the straight-line method to depreciate the cost of assets over lives of 2 to 40 years.

5. Deferred Revenue

Providers of resources such as grants, contracts and other awards frequently establish eligibility requirements. Eligibility requirements may specify time limits, may require that recipients incur allowable costs, and may be contingent upon a specified action by the recipient (such as a matching requirement). Until those requirements are met, the recipient does not have a receivable, and the recognition of expenditures or revenues for resources transmitted in advance should be deferred and reported as *deferred revenue* (a liability). When all eligibility requirements have been met, the government recognizes the revenue and reduces the balance of previously deferred revenue.

6. Compensated Absences

It is the government's policy to permit employees to accumulate earned but unused vacation leave and sick benefits and carry them forward into following years. No liability is reported for unpaid accumulated sick leave. Accrued vacation leave may be redeemable as payment for hours in lieu of taking a vacation. Vacation pay is accrued when incurred and reported as a fund liability of the governmental fund financing it.

7. Intangible Assets

Discretely Presented Component Units

Goodwill and covenants not-to-compete are reported at cost and are amortized by the straight-line method over a 2 to 10 year period.

8. Long-Term Obligations

In the government-wide financial statements, and proprietary fund types in the fund financial statements, long-term debt and other long-term obligations are reported as liabilities in the applicable governmental activities, business-type activities, or proprietary fund type statement of net assets. In the fund financial statements, governmental fund types recognize the face amount of debt issued as other financing sources. Issuance costs, whether or not withheld from the actual debt proceeds received, are reported as

**Cow Creek Band of Umpqua Tribe of Indians
Notes to the Financial Statements
For the Year Ended December 31, 2004**

expenditures. Interest expense on governmental long-term debt is not allocated to individual functions and is reported as a separate line item in the column for governmental activities.

9. Interfund Receivables, Payables and Transfers

The primary government controls disbursements through a central cash account in the general fund and other funds are then required to repay the general fund for the disbursements made on their behalf. To simplify the management of some types of assets (such as investment accounts) the general fund may sometimes account for assets that are owed to other funds. Since each fund is a fiscal and accounting entity, the amounts due to one fund from other funds, as well as the amounts owed to other funds are reflected in the financial statements as interfund receivables and payables.

Interfund transfers are flows of assets (such as cash or goods) without equivalent flows of assets in return and without a requirement for repayment. The government routinely transfers accumulated unrestricted investment earnings from non-major funds to the general fund.

10. Federal Income Tax

The government is exempt from federal income tax because of its status as an Indian Tribal Government. The discretely presented component unit is chartered under the Indian Reorganization Act of 1934 and is exempt from federal and state income taxes.

11. Change in Fund Presentation

The activities that had been reported separately as an internal service fund in the past no longer justify presentation as a fund "type" separate from the general governmental operations of the government. Its continuing activities are now accounted for in an individual general fund department. This change results in an increase of \$96,466 in the January 1, 2004 general fund beginning fund balance.

II. Stewardship, Compliance and Accountability

A. Budgets

The government is not legally required to, and consequently does not adopt an annual budget for its general fund. Therefore, the government does not present a budgetary comparison schedule for its general fund. This schedule would be required under U.S. generally accepted accounting principles had the adoption of an annual budget been mandated by law. The government utilizes program budgets for special revenue funds. Budgets are established within individual grant or contract documents and are approved by both the board of directors and the applicable grantor.

B. Encumbrance

In general, the government does not use an encumbrance system to reserve fund balance for commitments relating to unperformed contracts for good or services. No reserve for encumbrances has been included in the government-wide financial statements at December 31, 2004.

C. Third-Party Asset Management

The U.S. Department of the Interior, Bureau of Indian Affairs (BIA) holds certain special depository trust accounts from a land claims settlement agreement (Judgment Funds) for the Tribe. The Tribal government does not control the assets, transactions, or related accounting system. The special depository accounts include escrow accounts for property acquisition, economic development, elderly assistance, and education

**Cow Creek Band of Umpqua Tribe of Indians
Notes to the Financial Statements
For the Year Ended December 31, 2004**

assistance. All income earned from the assets held by the BIA is recorded on the cash basis since income can not be determined until these amounts are deposited into the Tribe's account.

D. Deficit Fund Balance

Discretely Presented Component Units

In the year ended December 31, 1998, the UIDC bond fund had a decrease in net assets of \$21,995,719 and a net assets deficit of \$21,995,719. Both arose from bonded debt proceeds being transferred to other funds of UIDC and the primary government, as contemplated in the bond documents. In subsequent years, the bond fund recognized contributions from UIDC as well as other Tribal funds for the purpose of making principal and interest payments on the outstanding bonds. The effect of these contributions to the bond fund was to gradually reduce the fund deficit. Net contributions from the Seven Feathers Hotel and Casino to the bond fund were \$5,669,353 during 2004. For the year ended December 31, 2004, the UIDC bond fund's net assets increased by \$3,336,189 and the fund had a net assets deficit of \$27,470,688 at December 31, 2004.

III. Detailed Notes on All Activities and Funds

A. Cash and Cash Equivalents

Primary government

At December 31, 2004 the primary government had bank deposits at two financial institutions with a combined total bank balance of \$7,271,631. Of this bank deposit balance, \$200,000 was covered by FDIC insurance and \$6,548,065 was collateralized by securities held by the pledging institutions' agent in the government's name, and the remainder, \$523,567 was uninsured and uncollateralized.

The reported amount of the primary government's cash and cash equivalents at December 31, 2004 are comprised of the following:

	Balance
Cash on hand	\$ 953
Cash in bank deposits	6,782,176
Cash equivalent investments	26,612,173
Total cash and cash equivalents	\$ 33,395,301

Additional information concerning the primary government's contractual provisions for deposits is described in the accounting policies footnote I.G.1.

B. Investments

Investments are categorized into these three categories of credit risk:

- (1) Insured or registered, or securities held by the government or its agent in the government's name.
- (2) Uninsured and unregistered, with securities held by the counterparty's trust department or agent in the government's name.
- (3) Uninsured and unregistered, with securities held by the counterparty, or by its trust department or agent, but not in the government's name.

**Cow Creek Band of Umpqua Tribe of Indians
Notes to the Financial Statements
For the Year Ended December 31, 2004**

At December 31, 2004, the primary government had the following investments:

Investment Type	Category			Total
	1	2	3	
Certificates of deposit	\$ 49,166	\$	\$	\$ 49,166
U.S. treasury securities	2,017,067			2,017,067
Corporate notes & bonds	27,937,965	1,330,242		29,268,207
Common stock	6,015,641			6,015,641
Closed-end mutual funds	77,315			77,315
	<u>\$ 36,097,154</u>	<u>\$ 1,330,242</u>	<u>\$</u>	<u>37,427,396</u>
Investments not subject to categorization:				
Open-end mutual funds				7,354,406
External invest. pools				656,010
Total investments				<u>\$ 45,437,812</u>

The following comprise the primary government's reported investments at December 31, 2004:

	Balance
Reported as investments	\$ 18,825,639
Reported as cash equivalents	26,612,173
Total investments	<u>\$ 45,437,812</u>

Information concerning the primary government's contractual provisions for investments is described in the accounting policies footnote I.G.1.

Discretely Presented Component Units

At December 31, 2004, Umpqua Indian Development Corporation's combined cash, cash equivalents and investment deposit balances with several financial institutions was \$1,175,580. Accounts at the financial institutions are insured by the Federal Deposit Insurance Corporation (FDIC) up to \$100,000. In addition, UIDC, in conjunction with the government, maintains a collateral agreement with its local bank that will insure deposit amounts in excess of FDIC limits for all UIDC entities, except the bond fund. Bond fund cash held in trust for bond repayments is not insured or collateralized. Uninsured bank balances for the bond fund totaled approximately \$8,656,121 at December 31, 2004.

UIDC held 139,578 of shares with a value of \$1.00 each in the Franklin Cash Reserves Fund at December 31, 2004.

Total cash on the balance sheet consists of the following amounts:

UIDC unrestricted cash balances:	
Cash on hand/cash in bank	\$ 885,511
Cash held in trust - unrestricted - bond fund	3,156,121
Money market mutual funds	139,578
Total unrestricted cash	<u>4,181,210</u>
UIDC restricted cash balance -- bond fund	5,500,000
Seven Feathers Hotel & Casino Resort	6,118,577
Total component units cash and investments	<u>\$15,799,787</u>

**Cow Creek Band of Umpqua Tribe of Indians
Notes to the Financial Statements
For the Year Ended December 31, 2004**

C. Inventories

Discretely Presented Component Units

The composition of significant inventory balances for UIDC companies are as follows:

Convenience store items	\$ 170,609
Fuel	154,552
Cattle	984,251
Crop	170,563
Casino	909,636
Other	<u>236,597</u>
	<u>\$ 2,626,207</u>

D. Capital Assets

Primary Government

The primary government's governmental-activities capital asset activity for the year ended December 31, 2004 was as follows:

	Balance at December 31, 2003	Increases	Decreases	Balance at December 31, 2004
Capital assets not being depreciated:				
Land	\$ 17,166,327	\$ 1,105,652	\$ 0	\$ 18,271,979
Construction in progress	<u>6,444,565</u>	<u>14,699,505</u>	<u>0</u>	<u>21,144,070</u>
Total capital assets not being depreciated	<u>23,610,892</u>	<u>15,805,157</u>	<u>0</u>	<u>39,416,049</u>
Capital assets being depreciated:				
Buildings	6,324,817	1,308,553	0	7,633,370
Equipment & machinery	221,049	28,529	0	249,578
Vehicles	<u>54,679</u>	<u>0</u>	<u>0</u>	<u>54,679</u>
Total capital assets being depreciated	6,600,545	1,337,082	0	7,937,627
Less accumulated depreciation for:				
Buildings	(1,363,037)	(381,668)	0	(1,744,705)
Equipment & machinery	(146,354)	(24,379)	0	(170,733)
Vehicles	<u>(24,572)</u>	<u>(7,527)</u>	<u>0</u>	<u>(32,099)</u>
Total accumulated depreciation	<u>(1,533,963)</u>	<u>(413,574)</u>	<u>0</u>	<u>(1,947,537)</u>
Total capital assets, being depreciated, net	<u>5,066,582</u>	<u>923,508</u>	<u>0</u>	<u>5,990,090</u>
Government activities capital assets, net	<u>\$ 28,677,474</u>	<u>\$ 16,728,665</u>	<u>\$ 0</u>	<u>\$ 45,406,139</u>

Cow Creek Band of Umpqua Tribe of Indians
Notes to the Financial Statements
For the Year Ended December 31, 2004

The primary government's enterprise fund (UTUC) capital asset activity for the year ended December 31, 2004 was as follows:

	Balance at December 31, 2003	Additions	Retirements	Balance at December 31, 2004
Equip, machinery	\$ 752,378	\$ 0	\$ 0	\$ 752,378
Accumulated depr.	(60,031)	(25,079)	0	(85,111)
Total	<u>\$ 692,347</u>	<u>\$ (25,079)</u>	<u>\$ 0</u>	<u>\$ 667,267</u>

Discretely Presented Component Units

The following table summarizes the overall changes in capital assets for UIDC during 2004:

	Balance at 12/31/2003	Acquisitions	Dispositions	Balance at 12/31/2004
Capital assets not being depreciated				
Land	\$ 6,672,101	\$ 0	\$ 0	\$ 6,672,101
Antique treasure	44,000	0	0	44,000
Construction in progress	120,389	147,964	(263,405)	4,948
Subtotal	6,850,533	147,964	(263,405)	6,721,049
Capital assets being depreciated				
Building and improvements	64,769,752	508,583	0	65,278,335
Machinery and equipment	33,489,471	3,342,135	(1,201,443)	35,630,163
Subtotal	98,245,180	3,850,718	(1,201,443)	100,908,498
Less accumulated depreciation	(29,726,926)	(6,266,498)	1,120,219	(34,873,205)
Capital assets, net	<u>\$ 75,368,787</u>	<u>\$ (2,267,816)</u>	<u>\$ (344,629)</u>	<u>\$ 72,756,342</u>

The balance at December 31, 2003 reflects a reclassification of \$14,043 of land improvements from land to buildings and improvements.

E. Intangible and Other Assets

Discretely Presented Component Units

UIDC intangible and other assets consist of the following:

Customer base	\$ 1,810,196
Covenants not to compete	250,000
Client Listing	100,000
Goodwill	503,180
Bond issue costs	1,650,824
Other intangible assets	261,300
Subtotal	4,575,500
Less accumulated amortization	(2,083,345)
Intangibles and other assets, net	<u>\$ 2,492,155</u>

**Cow Creek Band of Umpqua Tribe of Indians
Notes to the Financial Statements
For the Year Ended December 31, 2004**

F. Pension Plan Obligations

Primary Government

Effective January 1, 1996, the government established the Administrative/Executive Private Deferred Compensation Plan, a non-qualified defined benefit deferred compensation plan. The primary government's board acts as plan administrator. Both the primary government and the Nesika Health Group contribute as employers. The plan provisions and contribution requirements were established and may be amended by resolution of the board of directors.

Eligible employees may defer the lesser of \$50,000 or 33-1/3 percent of the participant's includable compensation for a taxable year. A minimum amount of compensation that may be deferred may be established by the board from time to time. The board has currently approved a rate of 7% of eligible compensation as the government's contribution to employee accounts. All administrative/executive employees of the government or Nesika Health Group are eligible to participate in the plan after completing a six month probationary period. There were 80 members covered by the plan in 2004.

The plan's assets are held in a trust fund established by the government and for which the board has a fiduciary responsibility. The financial statements of the trust fund are prepared using the accrual basis of accounting. Employer and plan member contributions are recognized in the period that the contributions are due. The plan investments are reported at fair value as determined by quoted market prices.

The following plan investments each represent 5% or more of the plan's total net assets: American Funds' Capital Income Builder Fund \$209,396; American Funds' Europacific Growth Fund \$274,574; American Funds' The Growth Fund of America Fund \$435,548; and American Funds' Investment Company of America Fund \$240,826.

Discretely Presented Component Units

UIDC has a defined contribution 401(k) plan, referred to as the Seven Feathers 401(k) Plan, which is administered by Seven Feathers Hotel & Casino Resort, a division of UIDC. The plan was established and may be amended by UIDC's Board of Directors, who has appointed a trustee to safeguard the assets. The current trustee is Capital Bank & Trust Company.

Effective January 1, 2001, employees of UIDC may participate in the Seven Feathers 401(k) Plan. The employees may elect to defer some of their eligible compensation, subject to statutory limits. UIDC may make contributions to each participant's account in a percentage set by UIDC prior to the end of each plan year. Contribution requirements were established and can be amended by the UIDC Board of Directors. For the year ended December 31, 2004, UIDC made \$258,332 in contributions, of which \$10,552 was payable to the plan at December 31, 2004.

Eligibility – All employees who have attained the age of 18 and have been employed for 90 calendar days are eligible to participate in the Plan.

Vesting – Employee contributions are immediately 100 percent vested. Employer contributions are vested based on a five-year schedule as stated below:

- 1 year = 20%
- 2 years = 40%
- 3 years = 60%
- 4 years = 80%
- 5 years = 100%

NESIKA Health Group employees participate in the government's pension plan.

**Cow Creek Band of Umpqua Tribe of Indians
Notes to the Financial Statements
For the Year Ended December 31, 2004**

G. Deferred Revenue

Amounts recorded as deferred revenue represent the amount of grant or contract receipts in excess of program expenditures at December 31, 2004. This may occur in programs with fiscal years ending subsequent to December 31, 2004, or in programs that may be extended beyond December 31, 2004, to complete the terms of the contract.

The government's deferred revenues at December 31, 2004 were as follows:

	<u>Deferred (Accrued) Revenues</u>
U.S. Department of Health and Human Services	\$ 1,968,678
U.S. Department of the Interior	1,013,244
U.S. Department of Education	3,959
U.S. Department of Housing and Urban Development	(4,265)
State of Oregon	91,245
Other awards	7
Deferred revenue (net of \$32,047 accrued revenue)	\$ 3,072,868

H. Short - Term Borrowing.

Discretely Presented Component Units

The K-Bar Ranches have a \$1,500,000 revolving line of credit with Farm Credit Services with a maturity date of September 1, 2006. The interest rate of the loan will be the AAA-rate minus .30 percent per annum. The revolving line of credit is for, and guaranteed by, Ranch assets including crops, livestock, inventory, and equipment.

The following is a summary of changes in K-Bar Ranch's short-term debt as of December 31, 2004:

	<u>Balance at December 31, 2003</u>	<u>Additions</u>	<u>Retirements</u>	<u>Balance at December 31, 2004</u>
Line of credit	\$ 1,008,566	\$ 1,325,251	\$ 1,040,972	\$ 1,292,845
Totals	\$ 1,008,566	\$ 1,325,251	\$ 1,040,972	\$ 1,292,845

L Long-Term Debt

Primary Government

The following is a detailed schedule of the primary government outstanding notes:

<u>Note description</u>	<u>Origination Date</u>	<u>Interest Rate</u>	<u>Term</u>	<u>Original Loan Amount</u>	<u>Balance at December 31, 2004</u>
Series 2003A Loan	Nov. 2003	4.45%	13 yrs	\$ 15,000,000	\$ 10,454,014
Series 2003B Loan	Nov. 2003	3.65%	10 yrs	5,000,000	4,501,776
Waco Development	July 2001	8%	4.5 yrs	240,000	96,000
Total				\$ 20,960,000	\$ 15,051,790

The 'original loan amount' for the Series 2003A Loan represents the maximum principal balance that can be drawn for the Series 2003A Loan.

**Cow Creek Band of Umpqua Tribe of Indians
Notes to the Financial Statements
For the Year Ended December 31, 2004**

The following is a summary of the changes in the government's long-term debt:

	Balance at December 31, 2003	Additions	Retirements	Balance at December 31, 2004
Series 2003A Loan	\$ 7,183,469	\$ 3,270,546	\$ 0	\$ 10,454,015
Series 2003B Loan	4,969,882	0	468,106	4,501,775
Other notes payable	325,993	0	229,993	96,000
Totals	<u>\$12,479,343</u>	<u>\$ 3,270,546</u>	<u>\$ 698,099</u>	<u>\$ 15,051,790</u>

Amount of each liability due within one year is as follows:

Series 2003A Loan	\$ 0
Series 2003B Loan	404,271
Other notes payable	48,000
Totals	<u>\$ 452,271</u>

The following schedule shows the primary government's aggregate long-term debt service requirements to maturity:

<u>Year ending December 31,</u>	<u>Principal</u>	<u>Interest</u>	<u>Total</u>
2005	\$ 452,271	\$ 578,628	\$ 1,030,899
2006	995,409	605,580	1,600,989
2007	1,345,020	550,755	1,895,775
2008	1,402,177	493,598	1,895,775
2009	1,461,784	433,991	1,895,775
2010 through 2014	7,617,481	1,195,105	9,411,258
2015 through 2016	1,777,649	59,915	3,134,667
Total	<u>\$ 15,051,790</u>	<u>\$ 3,917,572</u>	<u>\$ 18,969,362</u>

Discretely Presented Component Units

UIDC issued a \$7,000,000 Note payable to Umpqua Bank from Seven Feathers Truck & Travel Center, due in monthly payments of \$76,079, with interest payable monthly at 5.47%; note matures in September 2012.

RIO Communications, Inc. entered into a capital lease agreement to purchase telephone equipment and software with Marlin Leasing in February 2004. The terms of the agreement state that RIO Communications, Inc. will make 36 monthly payments of \$1,150.

The following is a summary of the changes in UIDC's long-term debt:

	Balance at December 31, 2003	Additions	Retirements	Balance at December 31, 2004
Lease obligation	\$ 0	\$ 43,200	\$ 15,718	\$ 27,482
Bank note payable	5,631,529	0	617,372	5,014,157
Totals	<u>\$ 5,631,529</u>	<u>\$ 43,200</u>	<u>\$ 617,372</u>	<u>\$ 5,041,639</u>

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The estimated aggregate amounts of UIDC's long-term debt maturities for the next five years are as follows:

<u>Year ending December 31,</u>	<u>Principal</u>	<u>Interest</u>	<u>Total</u>
2005	\$ 666,557	\$ 260,198	\$ 926,755
2006	703,363	223,274	926,637
2007	728,694	184,261	912,955
2008	769,913	143,042	912,955
2009	813,464	99,491	912,955
2010 through 2012	<u>1,359,648</u>	<u>62,391</u>	<u>1,422,039</u>
Total	<u>\$ 5,041,639</u>	<u>\$ 972,657</u>	<u>\$ 6,014,296</u>

J. Revenue Bonds Payable

Discretely Presented Component Units

On August 20, 1998, the government issued \$55,000,000 in revenue bonds (the Bonds), effective August 1, 1998, in two separate series, \$35,675,000 of Taxable Revenue Bonds, Series 1998A and \$19,325,000 of Revenue Bonds, Series 1998B (Tax Exempt). Proceeds of each series of Bonds have been loaned by the government to UIDC. The Bonds are to be repaid by UIDC and, in accordance with U.S. generally accepted accounting principles, are accounted for and reported on in the accounts of UIDC. UIDC used the proceeds of the Series 1998A Bonds to (i) refinance certain existing taxable indebtedness incurred for construction of an existing casino, convention center, hotel and resort facility (the Center); (ii) finance additional improvements to the Center; (iii) finance non-gaming business activities for purposes of expanding the government's economic base; (iv) fund the Bond Reserve Requirement for the Series 1998A Bonds; and (v) pay the costs of issuance for the Series 1998A bonds. Proceeds of the 1998B Series were used by UIDC to (i) refinance certain existing tax exempt indebtedness incurred for construction of the convention center portion of the Center; (ii) reimburse the government for prior expenditures incurred for various governmental facility projects, including land acquisition; (iii) finance certain public recreation facilities and improvements to the Center; (iv) finance various other governmental projects, including land acquisition; (v) fund the Bond Reserve Requirement for the Series 1998B Bonds; and (vi) pay the costs of issuance for the Series 1998B Bonds.

The Bonds have due dates, interest rates, and effective interest rates, as indicated below:

<u>Series</u>	<u>Amount</u>	<u>Due Date</u>	<u>Stated Rate</u>	<u>Effective Rate</u>
1998A	\$ 9,380,000	July 1, 2003	6.20%	9.291%
1998A	26,295,000	July 1, 2012	7.00%	8.134%
1998B	5,565,000	July 1, 2003	4.25%	7.014%
1998B	13,760,000	July 1, 2012	5.10%	6.095%

The above 1998A and 1998B bonds that were due on July 1, 2003, did mature and were paid off on schedule.

The government incurred bond issuance costs of \$4,165,673 on the Series 1998A and 1998B Bonds. These unamortized issuance costs have been allocated as indicated below and are being amortized as a portion of interest expense over the life of the bonds using the straight-line method, which is not materially different from an amortization schedule following the interest-rate method of amortization:

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Series	<u>Underwriter Discount</u>	<u>Original Issue Discount</u>	<u>Bond Insurance</u>	<u>Bond Attorney Fees</u>	<u>Other Costs</u>	<u>Total Costs</u>
1998A, 6.20%	\$ 211,050	\$ 0	\$ 475,319	\$ 17,054	\$ 19,613	\$ 723,036
1998A, 7.00%	591,637	0	1,332,464	47,809	54,980	2,026,890
1998B, 4.25%	125,213	0	250,818	10,118	11,636	397,785
1998B, 5.10%	<u>309,600</u>	<u>34,400</u>	<u>620,172</u>	<u>25,019</u>	<u>28,771</u>	<u>1,017,962</u>
	<u>\$ 1,237,500</u>	<u>\$ 34,400</u>	<u>\$ 2,678,773</u>	<u>\$ 100,000</u>	<u>\$ 115,000</u>	<u>\$ 4,165,673</u>

Amortization expense on the above issuance costs was \$220,110 for 2004.

Interest payments on the Bonds are due on January 1 and July 1. Principal payments are due on July 1 until the bonds mature.

Debt service requirements on these bonds are presented below:

Year	Series 1998A Bonds		Series 1998B Bonds		Total
	Principal	Interest	Principal	Interest	
2005	2,350,000	1,687,000	1,305,000	638,265	5,980,265
2006	2,515,000	1,522,500	1,375,000	571,710	5,984,210
2007	2,690,000	1,346,450	1,440,000	501,585	5,978,035
2008	2,875,000	1,158,150	1,515,000	428,145	5,976,295
2009	3,080,000	956,900	1,595,000	350,880	5,982,780
2010	3,295,000	741,300	1,675,000	269,535	5,980,835
2011	3,525,000	510,650	1,760,000	184,110	5,979,760
2012	3,770,000	263,900	1,850,000	94,350	5,978,250
Total	<u>\$24,100,000</u>	<u>\$8,186,850</u>	<u>\$12,515,000</u>	<u>\$3,038,880</u>	<u>\$47,840,430</u>

IV. Interfund Receivables, Payables and Transfers

A. Interfund Receivables and Payables

The composition of interfund balances at December 31, 2004, was as follows:

	<u>Due from</u>	<u>Due to</u>
General fund	\$ 875,322	\$ 421,938
Non-major funds	149,625	549,009
Enterprise fund	0	54,000
Total	<u>\$ 1,024,947</u>	<u>\$ 1,024,947</u>

V. Revenues and Expenditures/Expenses

A. Indirect Costs:

The primary government's expenditures for indirect administrative costs are accounted for in a department of the general fund. These costs may be allocated to various federal programs at a standard rate approved

**Cow Creek Band of Umpqua Tribe of Indians
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For the Year Ended December 31, 2004**

by the United States Department of the Interior. This rate is applied to direct expenditures. During the period of January 1, 2004 through December 31, 2004, the government used an approved indirect cost rate of 28.83% for BIA programs and 28.51% for all other programs. Included in the approved indirect cost rate were tribal administration building related depreciation and interest expenditures.

Reimbursements received from individual programs are included in the general fund revenues as "indirect costs recovered." Actual indirect cost reimbursement is subject to audit. Adjustments, if any, are not anticipated to be significant. Any increase or decrease resulting from the difference between the proposed level of spending activity and the actual level of spending activity will be reflected in future rates.

VI. Related Party Transactions

A. Significant Transactions with (and between Funds of) the Discretely Presented Component Units:

The Seven Feather Hotel and Casino Resort (the Casino) is wholly owned by the Tribe, and is a component unit of UIDC, the economic development arm of the Cow Creek Band of Umpqua Tribe of Indians. The Casino is subject to a 100 percent gaming net revenue tax. For the year ended December 31, 2004, the Casino incurred a gaming net revenue tax of \$24,424,882, of which \$4,801,479 was due at year end. The Casino is also required to contribute 6% of Class III net income to a Tribal Foundation. The total amount contributed during the year ended December 31, 2004 was \$1,629,355, of which \$459,355 was due at year end.

The Casino operations are situated on land that is leased by the Casino from the government for a nominal annual rent. The Casino entered into the lease agreement on August 1, 1998, in conjunction with the issuance of the bonds by the government. The lease will terminate on the date that the obligations of UIDC and the government are paid in full. The lease shall not exceed a period of 25 years. The government also provides legal services to the Casino. For the year ended December 31, 2004, the government charged the Casino \$120,000 in legal expenses and no balance was due at year end.

RIO Communications Inc., another business activity of UIDC, received \$5,140,975 in capital contributions from the primary government in the year ended December 31, 2004. There was no balance due at year end. During the year ended December 31, 2004 UIDC acquired all remaining shares of RIO Communications Inc.'s outstanding stock and the notes payable to UIDC totaling \$4,719,941 were converted to capital contributions.

The Cow Creek Gaming Commission charged the Casino regulatory fees of \$2,630,206 for the year ended December 31, 2004. As of December 31, 2004, \$60,866 was payable to the government.

Nesika Health Group provided the Casino with group insurance coverage for its eligible employees. For the year ended December 31, 2004, the Casino incurred insurance expense of \$5,276,646 with total premiums payable of \$448,807 as of December 31, 2004.

The Casino, Valley View Motel, and Riverside Lodge are required to collect a hotel lodging tax and remit it to the government. Effective September 1, 2001, the hotel tax rate was increased from 5 percent to 7 percent of hotel revenue. For the year ended December 31, 2004, the government recorded \$299,025 in hotel tax revenue, of which \$72,108 was payable as of December 31, 2004.

Creative Images provides printing and advertising services to the Casino. Creative Images charged the Casino \$1,489,055 for these services during the year ended December 31, 2004, of which \$138,916 was payable at year end.

**Cow Creek Band of Umpqua Tribe of Indians
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The composition of balances due to/from the primary governments and its discretely presented component units at December 31, 2004, was as follows:

	<u>Due from</u>	<u>Due to</u>
Primary government	\$ 5,932,480	\$ 34,609
Discretely presented component units	<u>34,792</u>	<u>5,915,213</u>
Total	<u>\$ 5,967,272</u>	<u>\$ 5,949,822</u>

The variance of \$17,450 between the Tribe and UIDC results from a difference in the period of recognition for certain transactions.

In total, the primary government made a net capital contribution of \$10,820,413 to its discretely presented component units during the year ended December 31, 2004.

B. Related Parties

The government has an outstanding loan receivable from a tribal employee. The loan is secured by residential property. The outstanding balance was \$600,000 as of December 31, 2004, of which \$10,000 is to be collected within one year.

VII. Summary Disclosure of Significant Contingencies

A. Risk Management

The government and UIDC are exposed to various risks of loss related to torts; theft of, damage to, and destruction of assets; errors and omissions; and injuries to employees. The government and UIDC carry commercial insurance for all such risks.

UIDC has established a limited risk management program for medical insurance. Nesika Health Group provides medical insurance coverage to employees of UIDC, the government employees, and Tribal members. Nesika pays medical claims up to a limit of \$75,000/person per year. Nesika has purchased insurance to cover claims exceeding the \$75,000 threshold. According to the Plan document, individuals covered under the Nesika health plan can submit claims for reimbursement up to one year from the date of service. This practice allows for claims to be incurred but not recorded at the end of the year. As such, Nesika has accrued a liability in the amount of \$1,815,973 for claims incurred but not reported as of December 31, 2004. To estimate the amount of unpaid claims, Nesika applies a percentage to the average amount of claims paid on a monthly basis for the first five months of the year.

B. Commitments and Contingencies

Primary Government

The government receives financial assistance from numerous federal and state governmental agencies, as well as private foundations, in the form of grants and contracts. The disbursement of funds received under these programs generally requires compliance with terms and conditions specified in the grant agreements or contracts and are subject to audit. Certain expenditures incurred by the government in connection with federal grants may be questioned and subject to possible disallowance by federal grantor agencies. The amount of questioned costs that might have to be reimbursed to the granters cannot be determined presently and no provision for any liability that might result has been made in the basic financial statements, as management believes that such amounts, if any, are not material to the basic financial statements.

**Cow Creek Band of Umpqua Tribe of Indians
Notes to the Financial Statements
For the Year Ended December 31, 2004**

Discretely Presented Component Units

Signage and sponsorship agreement – During 2003, the Tribe entered into a non-cancelable signage and sponsorship arrangement with the Oregon Arena Corporation and Trail Blazers Inc. for certain events held within the Rose Garden Arena. The cost of this agreement is shared equally by the Casino and RIO. The agreement expires on June 30, 2012.

Foundation Contribution – Effective October 12, 1997, the Casino is required under Section 10(B) of the Tribal/State Gaming Compact to contribute 6% of Class III net income, which includes net income from video lottery terminals, blackjack and keno, after specific adjustments, to the Cow Creek/Seven Feathers Foundation. The Foundation provides financial grants to charitable organizations and local government bodies.

Advertising Contracts - The Casino is a co-signer with Creative Images on multiple advertising contracts, with terms extending through April 14, 2006. The Casino is liable to make payment on these contracts in the event of default by Creative Images.

Letter to Regional Director Bryan Mercier
Bureau of Indian Affairs
Comments Regarding DEIS / Medford Gaming Project
February 23, 2023
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EXHIBIT M: Coquille Tribal Letters in Response to Oregon Congressional Opposition



COQUILLE INDIAN TRIBE

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November 10, 2022

The Honorable Deb Haaland
Secretary
U.S. Department of the Interior
1839 C Street NW
Washington, D.C. 20240

**SUBJECT: Request for Non-Interference with the Coquille Tribe's Fee to Trust
Application and Commencement of National Environmental Policy Act (NEPA) Review**

Dear Secretary Haaland:

Dai s'la and thank you for all the Department of the Interior (Department) is doing to commemorate Indigenous Peoples Month! I am the Chairperson of the Coquille Tribal Council, and it is my honor to send you this letter.

On November 2, 2022, you likely received a letter from Oregon Senator Ron Wyden, and signed by others ("the Wyden Letter"), regarding my Tribe's request –now pending at the Department for more than 10 years – to transfer 2.4 acres of developed land into trust for class II gaming. In short, the letter appears to urge the Department to disregard well-established law and render a decision based on the authors' personal and/or political beliefs.

The Tribe agrees with the Wyden letter's request: to "process the Coquille Indian Tribe's fee-to-trust application in accordance with legislative intent and as required by [the Indian Gaming Regulatory Act, otherwise known as] IGRA." We have waited 11 months for the Publication of the Notice of Availability (NOA) of the Draft Environmental Impact Statement (DEIS) under the National environmental Policy Act (NEPA) on our small fee to trust application. This straightforward NEPA process will provide the Department, the Tribe, and all who seek to comment an opportunity to weigh in on any impacts and mitigation related to the proposed class II gaming facility. Accordingly, we encourage you to proceed immediately with the publication of the NOA.

Earlier this week, we reiterated this request to Bryan Newland, Assistant Secretary of Indian Affairs. There is no basis to continue to delay the standard NEPA step of publication of the

NOA to allow for public comment on the DEIS. As Assistant Secretary Newland indicated, there are no merit-based or procedural issues with the fee to trust application or the NEPA DEIS that would justify inaction. Assistant Secretary Newland also emphasized the importance of following standard procedures. In this regard, the Department needs to move forward with our application in due haste as the extended delay of 11 months only serves to cast doubt on the integrity of the process. Indeed, the Wyden letter suggests the process has been compromised by political views that have no place in the highly regulated decisions of the Department.

It is unclear why members of Congress would ask the Department to violate federal law and render a decision adverse to the Coquille Tribe, which would leave the Coquille Tribe with no alternative but to sue the Department for rendering a decision based on undue political interference. Frankly, the Wyden Letter equates to a complaint of the laws in place, namely the IGRA and the Coquille Restoration Act. Its authors know well that it is for Congress to seek changes in the law, not to encourage the Department to change the law through administrative action or inaction or abandonment of its trust responsibility.

In fact, we filed our fee to trust application using the road map provided by the Congress when it enacted our Restoration Act. Coquille is a terminated tribe that Congress restored nine months after enacting the IGRA. Our Restoration Act authorizes the Department to accept lands into trust within a specific geographic area that includes all of Jackson County, Oregon, where this parcel is located. Our Act specifically recognizes that the land acquisitions were to fulfill the needs of our Tribe, including economic development growth with no restriction on gaming.

In 2017, the Interior Solicitor concluded that this parcel, if placed into trust, would qualify for the IGRA Restored Lands Exception. However, dilatory tactics deployed by a neighboring tribe caused excessive delays under the Obama Administration and an improper denial decision under the Trump Administration. Rightfully, that adverse decision was withdrawn under your leadership at the end of last year, only to be met with nearly another year of without a DEIS for public review. What remains is the completion of the NEPA process and a decision to transfer this land into trust.

The Wyden Letter was sent within this context, and I would like to specifically respond to several of its egregious statements:

1. Claim: Application must proceed as IGRA Two-Part Determination (vs. Restored Lands)

As noted above, my Tribe has requested the Department to process this application under *the IGRA Restored Lands Exception*. That is the request. On January 19, 2017, the Department released a memorandum indicating that the fee to trust application met the criteria under the Restored Lands Exception.

On or about March 5, 2017, a briefing paper prepared by the Assistant Secretary – Indian Affairs for then-newly appointed Associate Deputy Secretary Jim Cason, reflected that this decision had been made based on the legal opinion of the Interior Solicitor:

Coquille Indian Tribe restored lands determination (OR): The Tribe seeks to have 2.4 acres acquired in trust within the City of Medford, Jackson County, Oregon. The Tribe intends to renovate an existing bowling alley for a class II gaming facility. In 1954, the Tribe was terminated by the Western Oregon Termination Act. In 1989 Congress restored the Tribe's government to government relationship with the United States, and authorized the acquisition of land in trust within the Tribe's five-county service area (Coos, Curry, Douglas, Jackson and Lane Counties). **In January 2017, the Solicitor's office determined that the acquisition of the Medford site in trust would constitute the "restoration of land for an Indian tribe that is restored to federal recognition," and the land would be eligible for gaming upon its acquisition in trust. A final decision whether to acquire the land in trust has not been made by the Department.**

(Emphasis added).

Thus, it is the current and uncontroverted legal opinion of the Department that these lands, once transferred into trust, would qualify for the IGRA Restored Lands Exception.

The Wyden Letter necessarily requests the Department to pursue one of two pathways, both of which are unfounded: either (i) demand reversal of the Interior Solicitor's formal legal opinion to achieve politically-desired goals; or (ii) act in defiance of the Interior Solicitor's opinion to achieve politically-desired goals. Either option would be an affront to the rule of law and contrary to well-established standards under the Department's regulations for rendering these decisions. Multiple tribes with similar or identical fee to trust language would likewise be adversely affected by such unprecedented and destabilizing action.

The Wyden Letter is also highly unorthodox as it lacks any legal citation to support its claims of a mandatory two-part determination process for restored tribes. IGRA is a law that the Department must observe in its totality. It would be unlawful to pick and choose which IGRA obligations and processes it wishes to apply based on the political whims of elected officials. The letter appears to be yet another political effort made in defiance of legal opinions issued by the Solicitor's Office. The absence of meaningful legal authority smacks of an effort to influence your decision based on purely political grounds.

2. Claim: "...all out gaming conflicts between Oregon and California tribes."

It is unclear what the letter means when it describes a fear of "all out gaming conflicts." Coquille has never opposed any other tribal project or effort, gaming or otherwise. In fact,

when another tribe in our area sited a gaming facility three miles from our casino, we welcomed them and embraced the competition. We did not oppose the applications of the Karuk Tribe, the Bear River Band and Elk Valley Rancheria, all of which are in the far reaches of Northern California, all of which were approved as restored lands and none of which sparked an all-out gaming conflict between Oregon and California tribes. My tribe has no interest in intertribal conflict and we suspect that all other regional tribes share this view. Likewise, the California Indian casino closest to our proposed trust parcel in Yreka, CA was constructed in 2016 – four years after Coquille filed its application with the Department. Coquille is delighted to see the Karuk Tribe's continued success and current plans¹ for expansion into a resort and convention center. Under these circumstances, it is disheartening to witness Senators Feinstein and Padilla weighing in against us with unsubstantiated and reckless claims, without any discussion whatsoever with the Coquille Tribe and without reviewing any NEPA documentation.

We speculate that the letter here is concerned with economic competition and is the result of a well-funded and protracted campaign to stop our project by any means necessary. Competition, however, is not a legally sanctioned factor to be considered in this application. In our view, healthy, open competition benefits employees, customers, the market and the general public.

3. Claim: Detrimental Impacts to Other Tribes

The letter alleges that our 2.4-acre project, located more than 70 miles and multiple difficult mountain passes from the nearest tribal gaming facility, will have substantial negative impacts on interstate gaming activity.

It is questionable how the letter reaches this premature conclusion, given that the very Draft Environmental Impact Statement (DEIS) analyzing such impacts has not been publicly released. It is unfortunate that the letter's authors would not want to base their position on the best available and most objective and current information, and even more curious that they seek to prevent the release of that very information. Surely, the publication of the DEIS for public review would be the most appropriate venue for the interested members of Congress to develop and express an opinion on this issue.

However, if any of the Senators have alternative impact data they wish the Department to review, we would encourage them to share it with all parties involved. We know that one neighboring tribe, the Cow Creek Band of Umpqua Tribe of Indians, mentions that this project will have severe impacts to them, but has produced no analysis or conclusion to back up these claims. We also know that the Bureau of Indian Affairs has made substantial efforts

¹ https://www.kdrv.com/community/rain-rock-casino-breaks-ground-on-an-exciting-addition/article_27f6d106-201e-11ed-97d5-cb34cbcd4a8d.html

to elicit economic impacts information from the Cow Creek Band, and it appears that they have refrained from producing it.

For the present time, we note for the record that no author of the letter has produced or cited any data point to support these statements. Even if such data did exist, however, it would not be a basis or factor involved in this fee to trust application. Impacts to neighboring tribes does not appear as a factor in any relevant law or regulation.

4. Claim: The Coquille's Medford Facility, If Approved, Would Operate "Outside of The Standard IGRA Processes..."

This assertion is utterly baseless, particularly when the Senators are the ones asking the Department to operate outside the standard processes. The Coquille Tribe has requested a decision to be made under the substantive and procedural requirements of the IGRA the NEPA, the Coquille Restoration Act and the Department's regulations, consistent with the Interior Solicitor's legal opinion.

Perhaps the letter intends to assert that all IGRA "newly-acquired lands" requests must fall exclusively under the IGRA two-part process. Without more information from the letter's signatories, we can only speculate that they want to discard the applicable law and the Department's regulations to reach their desired, predetermined result. Perhaps they are troubled by the unique land acquisition provisions in our Restoration Act. Any such political preferences are irrelevant, however, because the Department bears a solemn duty to carry out the laws enacted by Congress and its trust responsibility to my tribe.

If Congress wishes to change the law, it should do that rather than plead for the Department to operate under an imaginary set of rules detached from our Republic's legal jurisprudence. To short circuit the proper role of each branch of government does damage to our Constitution, the fundamental principle of separation of powers and to the rule of law. We hope that this is not what the Senators intended to express, but it appears that the only matter currently falling outside of the standard IGRA processes is the letter itself.

5. Claim: Class II Machines are Class III machines in disguise

The Senators oppose the Coquille Tribe's application based on the unsupported assertion that technological advances have changed the nature of Class II gaming machines. They argue that the Coquille Tribe's application should be denied on these grounds without offering any evidence. Again, this makes no sense and has no bearing on the laws and facts before you. The Senators' apparent dislike of these machines is an illegitimate basis for denying the Tribe's application.

The legality of electronic bingo gaming has been the subject of substantial litigation, which has resulted in their uncontroverted affirmation as permissible class II games. See, e.g.: *See United States v. 103 Electronic Gambling Devices*, 223 F.3d 1091 (9th Cir. 2000); *Diamond Game Enterprises v. Reno*, 230 F.3d 365 (D.C. Cir. 2000); and *U.S. v. 162 MegaMania Gambling Devices*, 231 F.3d 713 (10th Cir. 2000), and codified in the regulations of the NIGC. 25 C.F.R. § 502.8. See also, 67 Fed. Reg. 116 at 41166- 41172 (extensive discussion of legal foundation for regulation); *California v. Iipay Nation of Santa Ysabel*, 2016 WL 10650810 at *1. *aff'd*, 898 F.3d 960 (9th Cir. 2018) (affirming NIGC regulation as promulgated but striking down game offering over the internet as violation of UIGEA, the Unlawful Internet Gaming Enforcement Act). Even the 1988 Committee Report for IGRA stated that: “[t]he Committee specifically rejects any inference that tribes should restrict class II games to existing games sizes, levels of participation, or current technology. The Committee intends that tribes be given the opportunity to take advantage of modern methods of conducting class II games and the language regarding this technology is designed to provide maximum flexibility.”²

Many tribes currently operate these bingo games in both Class II and Class III compacted gaming facilities, in reliance on the Department’s legal interpretations and federal court opinions. The Wyden Letter authors’ disdain for this type of gaming disregards the fact that such forms of gaming are essential to achieving the goals of IGRA to foster economic growth in Indian country and rural economies.

Moreover, the studies and analysis which form the basis of the DEIS acknowledge and embrace the current Class II technology and make no pretense of its viability.

If, for the sake of argument, we pretend that class II machines are class III devices (and they are not), that still would not justify a denial of the application. If the parcel transferred into trust, the Coquille Tribe could still conduct *traditional* bingo and other class II games, a fact revealing that these misdirected complaints bear no relation to the decision before the Department. Again, if the Senators dislike the scope of permissible gaming, they should propose a bill in Congress to address their grievance instead of pressuring an executive agency to take action contrary to long-standing procedures and time-tested legislation.

In summary, we have always kept an open door for officials from any government to discuss this application. This open invitation extends to every member of Congress. Even though I was never contacted in advance by any signatory to the Wyden Letter, I pledge to remain available to them.

The Coquille Tribe identified this project with great care and consideration to all parties. This is why our parcel is only 2.4 acres in size. Coquille is a non-*per capita* tribe. We reinvest all our revenues into programs and services to help our people and our culture. This project is not

² Senate Report (Indian Affairs Committee) No. 100-445: August 3, 1988 [To accompany S.555]

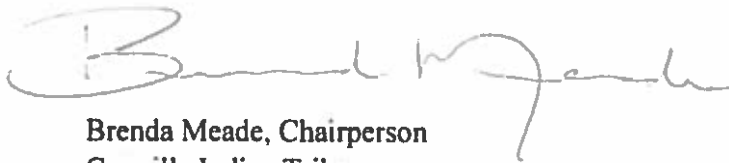
Letter to the Honorable Deb Haaland
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designed to make us a rich tribe, but once approved, it will allow our services to grow with our community to come closer to meeting its growing needs.

We continue to place trust and respect in both the laws governing this application and our federal trustees who implement it. Accordingly, we respectfully request that you direct the issuance of the Notice of Availability of the DEIS under the NEPA process in due course.

Thank you for the opportunity to express our opinion.

Masi!

A handwritten signature in cursive script, appearing to read "Brenda Meade".

Brenda Meade, Chairperson
Coquille Indian Tribe



COQUILLE INDIAN TRIBE

3050 Tremont Street North Bend, OR 97459
Phone: (541) 756-0904 Fax: (541) 756-0847
www.coquilletribe.org

February 23, 2023

Congressman Earl Blumenauer
1111 Longworth Building
Washington, DC 20515

Congressman Blumenauer,

I have received a copy of your January 31, 2023, letter to the Bureau of Indian Affairs Northwest Regional Director regarding my Tribe's decade-long effort to place 2.4 acres of Medford, Oregon lands into trust for gaming purposes.

First off, thank you for remaining neutral on our project. I think that this is the best approach for a Congressman to take regarding economic development efforts in a different congressional district.

I wish, however, to correct several misstatements in your letter, that are perhaps based on information provided by a project opponent. I am very concerned that your comments reflect a serious disregard for the sovereign and legal rights of the Coquille Tribe to acquire land for economic development benefits in the Medford area. You are a member of Congress, but you have failed to even acknowledge that Congress itself has authorized the Tribe to acquire this land under its Restoration Act.

These misunderstandings and misstatements could have been prevented. Last Fall, you and I briefly discussed this issue by telephone. I am disappointed that you did not give me the basic courtesy of sharing with me the majority of issues stated months later in your letter to the Department. I have consistently mentioned to you, --beginning in our September 2013 correspondence and in every subsequent conversation with you-- that our door remains open to you. Instead, it appears that you based your letter upon technical NEPA questions – such as my Tribe's choice of building materials and traffic analysis – that could have been easily answered had you given me the opportunity.

For reasons that remain unclear, you have chosen the path of selecting winners and losers among Oregon's nine tribes. Your letter states that you "continue to believe that 'one casino per Tribe' is the best approach." However, I find no evidence of your opposition to second, "off-reservation" casinos proposed in your own congressional district. I find this situation to be extremely unfortunate, and it has provoked me to submit to you several questions that the

Coquille Tribe intends to submit to the Interior Department to be included in the record for its pending application.

1. Why did you not raise similar questions and concerns when the Confederated Tribes of Warm Springs and the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians each opened their second (Class II) gaming facilities?
2. Why have you chosen to call into question Coquille's Medford project, but not:
 - a. The Confederated Tribes of Siletz Class III Salem project;
 - b. The Cow Creek Band of Umpqua Tribe's efforts to open a second gaming facility at their I-5 Truck and Travel Center;
 - c. The Confederated Tribes of Grand Ronde's ongoing and public effort to develop a major casino in Wood Village, in your congressional district;¹
 - d. The Confederated Tribes of Grand Ronde's previous 2003 effort to build a massive casino in the Portland area, in your congressional district;
 - e. The State of Oregon's expansion into statewide mobile gaming;
 - f. Recent unsuccessful efforts to locate a gaming facility at Grants Pass Downs;
 - g. (Based on your stated concerns about disrupting the regional "balance of gaming") the Cowlitz Tribe's *Ilani* casino adjacent to your congressional district?
3. Did you consult with the Department of Interior on this matter before submitting your comment letter? If you have done so, you would have learned that the Department has issued a legal opinion that the Medford parcel qualifies as IGRA restored lands if it is transferred into trust for us. If you would have reached out to me you would understand the legal and historical reasons why this is true. The Coquille Tribe is not "using" the restored lands exception, the Department of the Interior is simply interpreting the law—correctly—for a restored tribe.
4. You indicated that you, "understand that the Coquille have made changes to the project since then but that the scope of the project as analyzed in the draft statement may not be updated to reflect those changes." I suspect that the Cow Creek Band of Umpqua Tribes of Indians have provided you false information. For several months the Cow Creek Band has falsely indicated that Coquille has changed its application to include a nearby hotel. This is baseless and untrue and again is something that could have been easily cleared up if you would have simply asked me about it. The hotel in question is located in private fee land and is not part of the Tribe's land into trust application.
5. You express support for the "one casino" policy in Oregon. If you had your staff conduct the proper research, you would have learned that the state legislature has expressly disavowed the existence of a "one casino" policy in the state.

¹ See attached April 21, 2021 email from the Confederated Tribes of Grand Ronde to the BIA NW Regional Office stating, in part, "The Confederated Tribes of Grand Ronde is working on its application for a Secretarial Determination/ Class III casino at the former Multnomah Greyhound Park in Wood Village, Oregon...The Tribe is at a point in preparing its application an supporting studies where we would like to have an informational meeting with you."

6. You suggest that various reports and analyses in the DEIS are stale or lacking in sufficiency. Has your team reviewed the extensive administrative record in this matter? Have they conferred with the Bureau of Indian Affairs on the state of their NEPA review process? If you had, you would have learned that the agency is properly following all standard procedures and practices in the preparation of the NEPA review record. They are the experts in such undertakings and for you to call into question the sufficiency of their efforts based on self-serving opponents' assertions is misguided at best. We are highly confident that the record in this NEPA process is sound and sufficient.
7. Your letter indicates at several points that you have been informed by an interested party of certain issues. Who has provided you with the information that you used to reach your conclusions about our project? Are they an unbiased source of information? Did the motivations of the source factor into whether you rely on this information provided to you?
8. Why did you choose to refrain from contacting us or the Department of the Interior to answer questions in advance of writing your letter? It seems to us that you have only heard from project opponents. Would it not be better to gather information from all parties before developing a response?
9. Why did your 2023 letter fail to ask the Department to consider the position of the City of Medford and Jackson County, as you did in your 2013 letter? Are you aware that both the City and County remain unopposed and are constructively engaged in the NEPA process. Would you support the project if it were supported by local government?

In general, I have been struck by the rabidity of redundant political influence leveraged against our project, likely at the prompting of project opponents and their expensive lobbyists. I think it is entirely inappropriate for a member of Congress to selectively interfere with executive agency decision-making on behalf of interests that have self-serving motivations. Do you support chilling an open, competitive market just because some tribes fear competition? Do you have an economic analysis to support these fears?

I would appreciate a written response to these questions, or if that is not possible, I request a meeting with you to discuss your position on my tribe's application and gaming in Oregon as a whole.

Masi!



Brenda Meade, Chairperson
Coquille Indian Tribe



Confederated Tribes of Siletz Indians Tribal Council

P.O. Box 549

Siletz, Oregon 97380

(541) 444-8203 • 1-800-922-1399 ext. 1203 • FAX: (541) 444-8325

January 31, 2023

Bryan Newland, Esq.
Assistant Secretary – Indian Affairs
United States Department of the Interior
1849 C. Street, N.W.
Washington, D.C. 20240
bryan.newland@bia.gov

Paula Hart, Director
Bureau of Indian Affairs, Office of Indian Gaming
1849 C. Street, N.W.
MS-3657-MIB
Washington, D.C. 20240
paula.hart@bia.gov

Re: Support of the Confederated Tribes of Siletz Indians for Coquille Indian Tribe proposal for Off-Reservation Gaming Operation in Medford, Oregon

Dear Assistant Secretary Newland and OIG Director Hart:

My name is Delores Pigsley, Tribal Chairman of the Confederated Tribes of Siletz Indians (“Siletz Tribe”). It has always been the policy of the Siletz Tribe to support the economic development efforts of other federally-recognized Indian tribes that they can show they are entitled to. Today I am writing on behalf of the Siletz Tribe to support the Coquille Indian Tribe’s efforts to establish a Class II gaming operation in Medford, Oregon, on tribal land they are seeking to place into trust status for gaming purposes under the Indian Gaming Regulatory Act.

The Siletz Tribe has a strong legal and historical connection to the Medford area where the Coquille Tribe proposes to locate its Class II gaming operation. The geographic area where the Coquille Tribe proposes to locate its off-reservation gaming operation in Medford is within the lands ceded by the Siletz Tribe under three ratified treaties. The Siletz Tribe therefore has a critical interest in actions by other tribes that take place within the Siletz Tribe’s historical area, and where the Tribe has continuing and ongoing legal and political interests.

Like the Siletz Tribe, the Coquille Tribe shares a history of being terminated in the 1950s by Congress and restoration decades later. The Siletz Tribe and its constituent bands and tribes as well as the Coquille Tribe were terminated by the Western Oregon Indians Termination Act in 1954. This Congressional Act was a disaster for all the affected tribes and bands, scattering the tribes across western Oregon, disposing of all remaining tribal lands, and ending federal services and benefits provided to tribes and their members by virtue of their political status as federally-recognized Indian tribes. All terminated tribes struggled to maintain their governmental existence and continuing to provide services to tribal members while ceaselessly advocating to overturn termination. The Siletz Tribe was not restored by

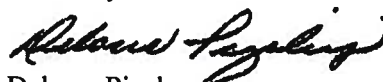
Congress until 1977, the second tribe in the country to achieve this status, while the Coquille Tribe was not restored until 1988. Termination had long-running devastating impacts on tribal cohesion and culture that the affected tribes are still struggling to overcome decades later. Large unmet tribal needs remain. Authorizing the Coquille Tribe to operate a Class II gaming facility in Medford, Oregon, will assist that tribe in overcoming and addressing long-standing discrimination and the continuing adverse effects of termination. Both Siletz and Coquille have much ground to make up from termination's impacts before they can reassume to the same sovereign status and funding enjoyed by other federally-recognized tribes that never had to go through termination.

The Siletz Tribe supports the Coquille Indian Tribe's proposal to operate a Class II gaming operation in Medford and putting land owned by the Tribe in Medford into trust for that purpose. The Siletz Tribe supports the Coquille Tribe's fee-to-trust application for gaming purposes, and also supports the Department's determination that the property in question will be eligible for gaming under the restored lands exception of Section 20 of the federal Indian Gaming Regulatory Act (IGRA). The Siletz Tribe understands that an internal Solicitor's Opinion has reached the opinion that the Coquille Tribe's Medford property would qualify for the Section 20 Restoration exception if the land goes into trust, and Siletz supports the conclusion of that opinion.

The Siletz Tribe offers no opinion or position on the Department's environmental review of the involved property. Siletz would note, however, in contrast to the position taken by some other Oregon Indian tribes, that there is no "one casino per tribe" policy in Oregon as either a formal state policy or as a restriction either under IGRA or under the Oregon Tribes' IGRA gaming compacts with the State. The recent Oregon Legislative Joint Commission on Gaming Policy reached this exact same conclusion in its Interim Final Report on gaming within Oregon. Most IGRA compacts in Oregon, including the Siletz Tribe's, specifically authorize the Tribe to negotiate for additional gaming opportunities a set period of time, which has long expired.

In conclusion, the Siletz Tribe supports the Coquille Tribe's proposal to establish a Class II gaming operation under IGRA in Medford, Oregon. Please let me know if you have any questions or require clarification or information.

Sincerely,



Delores Pigsley
Tribal Chairman

Cc: Siletz Tribal Council
Siletz Tribal Attorney
Brenda Meade, Coquille Chairman

T15-1
cont.



Confederated Tribes of Warm Springs, Oregon
 PO Box C
 Warm Springs, OR 97761
 Phone: 541-553-1161
 Fax: 541-553-1924

January 16, 2023

Bryan Mercier
 Northwest Regional Director
 Bureau of Indian Affairs, Northwest Region
 911 Northeast 11th Avenue
 Portland, OR 97232-4169

Re: DEIS Comments, Coquille Indian Tribe Fee-To-Trust and Gaming Facility Project

Dear Mr. Mercier:

On behalf of the Warm Springs Tribal Council, I am writing to express our Tribe's support for the Coquille Tribe's pending application to take land into trust in Medford, Oregon, to develop a Class II gaming facility. As a Tribe that operates a Class II gaming facility (the Plateau Travel Plaza in Madras, Oregon) apart from our Class III casino (Indian Head Casino in Warm Springs, Oregon) our experience is that Class II gaming provides a productive economic development opportunity, especially since Class II gaming is subject only to Tribal and National Indian Gaming Commission regulation and is not subject to State of Oregon policy or regulation regarding Indian gaming. We furthermore understand that the project's location in Jackson County is consistent with the Coquille Restoration Act (P.L. 101-42) and federal Indian gaming law regarding the geographic scope of "restored lands" eligible to be taken into trust for gaming.

In summary, we support the Coquille Tribe's application because it is consistent with applicable federal law, will provide positive economic development opportunity and will further assist the Coquille Tribe efforts to achieve self-sufficiency. Accordingly, we urge you to approve the Coquille Tribe's pending application.

Thank you for your consideration of our views on this important matter.

Sincerely,

Jonathan W. Smith, Sr.
 Chairman
 for Confederated Tribes of the Warm Springs
 Reservation of Oregon

cc: Chair Brenda Meade
 Coquille Tribal Council



From: [Haug, Brian J](#) on behalf of [FY22, BIA CoquilleCasinoEIS](#)
To: [Shahrokhi, Alexander S](#)
Subject: FW: [EXTERNAL] RE: Response to Coquille Casino
Date: Friday, February 17, 2023 2:55:13 PM

Best regards,

Brian J. Haug, R.G. [he/him]
 Regional Scientist
 Bureau of Indian Affairs | NW Regional Office
 Environmental & Cultural Resource Mgmt.
 911 NE 11th Ave., Portland, Oregon 97232-4169 | m 503.347.0631
 “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

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

From: Bud Prevatt <tyeebud@icloud.com>
 Sent: Wednesday, February 15, 2023 14:19
 To: FY22, BIA CoquilleCasinoEIS <CoquilleCasinoEIS@bia.gov>; Gaming, Indian <indiangaming@bia.gov>
 Subject: [EXTERNAL] RE: Response to Coquille Casino

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

Re: Coquille Casino: I am on the Shasta Nation Council. Also I am the “Shastika” spiritual leader for the tribe and Hereditary Chief for the Rogue Shasta. We are totally against any other tribe coming into our Aboriginal Homeland. And putting another Casino in our (Shasta) territory. The Coquille has a Casino at Coos Bay The Mill Casino. Which is in their own territory. By Tradition one tribe does Not enter another’s territory without permission. And they Do Not do ceremonies or put anything on the land without direct permission. YOU ARE doing this without permission or knowledge first hand from The Shasta Nation. We are the only Nation and we say NO! Tyee Jim Prevatt. Shasta Nation. We are a Sovereign Nation.

Sent from my iPhone

T17-1

Haug, Brian J

From: Rick Greene <rickgreene411@gmail.com>
Sent: Monday, December 19, 2022 8:00 AM
To: FY22, BIA CoquilleCasinoEIS
Subject: [EXTERNAL]

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

CASINO in South Medford would be good for the city. Older people will have Nice place to go for entertainment. Not to mention a good source of revenue.

Mr. Bryan Mercier
 Northwest Regional Director
 Bureau of Indian Affairs
 Northwest Region
 911 Northeast 11th Ave.
 Portland, OR 97232-4169

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JAN 5 2023

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

238D-0002

December 27, 2022

St. Mark's Food Pantry
 701 North Oakdale
 Medford, OR 97501

Dear Bryan Mercier,

This is a letter to support Cow Creek Umpqua Tribe who are opposing the Coquile Tribe's bid to have a second gaming venue in Medford Or.

The traditional area of the Coquile Tribe was never Medford. The tribe is looking at this as a better area for a casino, since it is on the Hwy. 5 corridor. I don't believe the Coquile Tribe should be allowed swap land so far from their reservation, for land in the city of Medford, for financial gain. That is not enough reason to allow an expansion to the Medford area.

It is my understanding that a tribe is allowed only one gaming venue. The Coquile Tribe has The Mill Casino in North Bend Or. I know this is not law, but it is an agreement with nine tribes and Oregon's governor. Why should one tribe upset a agreement with so many others involved? If the Coquile tribe is allowed to put a casino in Medford, what would prevent any other tribe from opening a casino any where they wish too? It opens the gambling food gates.

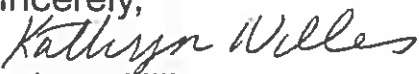
The Cow Creek band has bought farm land in the valley and has worked to improve the tribes financial base beyond gaming. If Coquile wants to improve their revenue they can expand at the Mill or

go into other businesses, off of their reservation land, as the Cow Creek band has done.

Additionally the Cow Creek band has been a wonderful philanthropic organization in the Medford area. They have supported the community for years, donating \$22,324,952 to organizations that work with children and the hungry. Our church pantry has received four grants totaling over \$31,000. It has allowed us to feed over fifty families a week for the last eleven years. We could not feed our community without help. The Cow Creek band has a proven history of working to improve the community.

If the Coquile Tribe were to open a casino in Medford the Cow Creek Tribe estimates they would lose about 25% in their casino revenue. Other tribes will also lose important revenue streams. Of course this would effect how much they can support those in their tribe and the community who are in need of help.

Sincerely,


Kathryn Nilles,
volunteer coordinator,
St. Mark's Pantry

JAN 23 2023

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

23 RD-0015

To: Brian Newland
Assistant Secretary of Interior for Indian Affairs
Department of the Interior
1849 C Street, NW
Washington, D.C. 20240

Bryan Mercier
Director
Northwest Regional Office, Bureau of Indian Affairs
911 NE 11th Avenue
Portland, OR. 97232

From: Stephen Dow Beckham
1389 SW Hood View Lane
Lake Oswego, OR. 97034-1505

Date: 17 January 2023

Subject: Opposition to Fee-to-Trust Determination of the Coquille Tribe on Land for Gaming in Medford, Jackson County, Oregon

I write in opposition to taking 2.4 acres of fee land into trust for the purposes of gaming in Medford, Oregon. My reasons for opposition are several.

1. Coquille Restoration Act (June 28, 1989) did not making gaming a legal option in the Rogue River Valley, Oregon

The Coquille Restoration Act gives the Secretary of the Interior the discretion to take into trust up to 1,000 acres within the tribe's IHS "service district." The Restoration Act, passed subsequent to the Indian Gaming Regulatory Act (October 17, 1988), says nothing about gaming. Therefore the Coquille Tribe is obligated to follow IGRA. The land can be taken into trust but not for gaming.

13-1

2. Section 2719(b)(1)(A) of IGRA (1988) provides that gaming can occur only if a "restored tribe" can document the gaming site is "restored land."

13-2

The Coquille Tribe had no aboriginal presence in the watershed of the

Rogue River in southwestern Oregon. The tribe's existing The Mill Casino, Hotel, RV Park and administrative offices are located in North Bend, Oregon. The Rogue River Valley is the ratified treaty session area of the Rogue River Tribe removed to the Grand Ronde Reservation and whose descendants are today enrolled in the Confederated Tribes of Grand Ronde. The Indians of the Rogue River Valley spoke the Takelma and Shasta languages, neither related in any way to the ancestral languages (Athapascan and Kusan) of the Coquille Tribe of Coos County, Oregon.

The Coquille Tribe can not document any villages or presence in the Rogue River Valley in the historical epoch until the 1950s when a member, later serving on the tribal council, became a college student in Ashland, Oregon, and subsequently settled in the Rogue River Valley. Published biographies document that the ancestral families of the Coquille tribe lived on the Oregon Coast. Scholarly linguistic, anthropological, and historical accounts further confirm the lack of any connection of the Coquille Tribe to the Rogue River Valley.

The proposed fee-to-trust land in Medford, Oregon, is 168 miles and three hours driving time from the existing Coquille casino and administrative offices at North Bend, Oregon. This fee-to-trust application is a glaring example of "reservation shopping" to gain economic advantage over other tribes.

See: "The Coquille People: Stories About Real Ancestors," pp. 67-94, in *The Coquille Indians* (1984) by anthropologist Robert L. Hall.

See: Map attached, "Fig. 1, Mid-19th-century territory, divisions, and primary villages of the Athapascans of southwest Oreg," Vol. 7, *Northwest Coast, Handbook of North American Indians* (1990:381).

3. The Cow Creek Band of Umpqua (Seven Feathers Casino), Klamath Tribes of Oregon (Kla-mo-ya Casino), Karuk (Rain Rock Casino), Tolowa Dee-ni (Lucky Seven Casino), and Elk Valley Rancheria (Elk Valley Casino) are all located on trust lands that qualified for gaming under IGRA.

All of these tribal business will be adversely affected by a trust lands decision to permit the Coquille Tribe to construct a second gaming operation in direct competition with five existing tribal casinos and hospitality centers. The reasons these tribes qualified these sites under IGRA were clearly documented and justified:

- Cow Creek (Seven Feathers Casino): located at Canyonville, Oregon, within

13-2
cont.

the tribe's ratified treaty area (1855), seven miles from Council Creek where the treaty was signed. The land was taken into trust in 1987.

- **Klamath Tribes (Kla-mo-ya Casino):** located at Chiloquin, Oregon, within the tribe's ratified treaty area (1866) and within the tribe's former reservation. The land qualified as "restored land" for a "restored tribe."
- **Karuk Tribe (Rain Rock Casino):** located at Yreka, California, and documented in litigation in the U.S. District Court for the District of Columbia, as aboriginal land of this tribe residing along the Klamath River. The land qualified as "restored land" for a tribe under the Indian Reorganization Act (1934).
- **Tolowa Dee-ni Nation (Lucky Seven Casino):** located on the Smith River Rancheria, at Smith River, California. The site includes Indian trust lands and location of a tribal village, fishery, cemetery, Indian Shaker Church, and administrative offices. The land qualified under IGRA for gaming.
- **Elk Valley Rancheria (Elk Valley Casino):** located on the Elk Valley Rancheria near Crescent City, California. The site includes Indian trust lands and location of a tribal village, cemetery, and administrative offices. The land qualified under IGRA for gaming.

By its own estimates the Coquille Tribe admits significant loss of gaming revenues for these five tribes if it is permitted to establish a casino on trust land at Medford, Oregon. The revenue losses may force the closing of several tribal businesses because they will be unable to pay salaries and debt service for the construction of their entertainment and hospitality facilities. These are the primary sources of revenue for five tribes. The Coquille Tribe already has a casino, hotel, and RV Park, but now seeks significantly to impact or destroy the businesses of five other tribes.

4. The Coquille Tribe does not have a gaming compact with the State of Oregon for a second casino.

Since 1990 the working principle of "one casino per tribe" has shaped Indian gaming in Oregon. The exception is Three River Casino, a Class II facility, owned by the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw. This casino is located on the tribal reservation taken into trust in 1940 and not sold during "Termination." The trust title to this land was re-affirmed by Congress in the Restoration Act (October 17, 1984).

Since the stated purpose of the Coquille Tribe is to take 2.6 acres into trust for gaming at Medford, Oregon, it is not wise to proceed when the tribe has no agreement with the State of Oregon about this land use.

5. The State of Oregon and numerous small businesses in the Rogue River Valley will be negatively impacted if the Coquille Tribe secures trust land for gaming in Medford, Oregon.

The Oregon Lottery is the state's second-largest funding source behind personal income tax. It has contributed nearly \$15 billion to state funding since 1985. Oregon has lottery terminals (VLTs), Sports Betting, Poker, and Pull Tabs sold by retail vendors (restaurants, bars, and convenience stores) in the Rogue River Valley. These businesses will face direct competition from a Coquille casino in Medford. Both State revenues and small businesses will lose income by a trust lands determination for the Coquille Tribe to have a second casino.

Conclusion:

I offer these observations because I have worked directly with two of the five tribes transforming their members lives through the impact of casino gaming. As a consultant I helped the Cow Creek Band in 1986-87 secure trust status of the land that became the site of their Seven Feathers complex. I subsequently co-authored the Cow Creek Business Plan and served as a public member of the tribe's Umpqua Indian Development Corporation that has handled the business operations of the tribe. I served at the expert witness for the Karuk Tribe in its successful litigation in federal court documenting its presence in Siskiyou County, California, and the fee-to-trust determination of the site of the Rain Rock Casino.

I have worked for nearly forty years on documentation of numerous fee-to-trust applications in California, Oregon, Washington, and with tribes in Oklahoma seeking "restored lands" in other states for gaming. In light of my experience I find the motives and potential impacts of a trust lands decision for the Coquille Tribe in Medford, Oregon, wrong-headed and economically devastating on other tribes. Such a decision will also seriously impact local non-Indian businesses in the Rogue River Valley and the revenues of the State of Oregon.


Stephen Dow Beckham

Coquille Tribe administrative offices
and The Mill Casino, North Bend, OR.

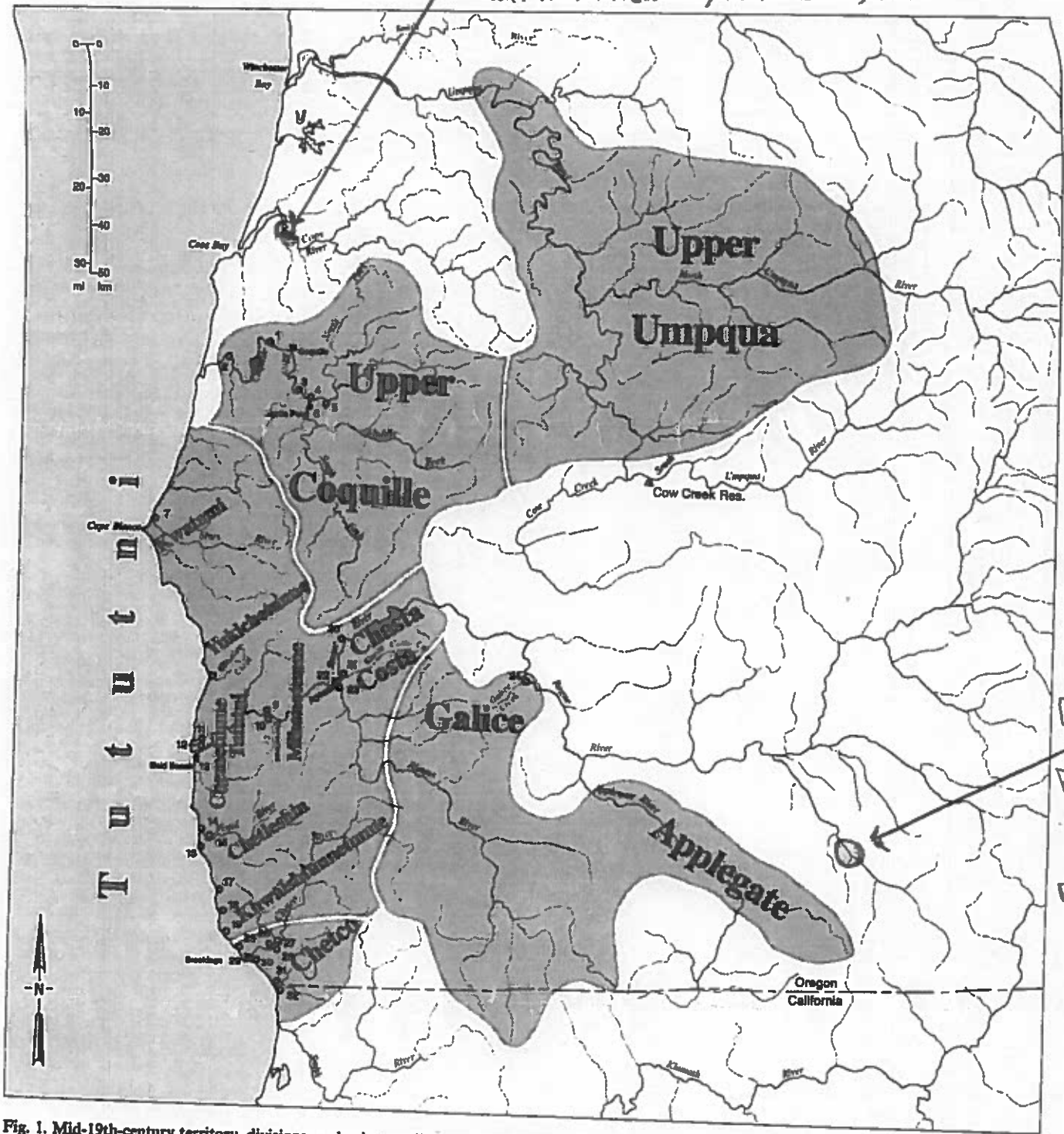


Fig. 1. Mid-19th-century territory, divisions, and primary villages of the Athapaskans of southwest Oreg. Upper Coquille, Tututni, Chasta Costa, Galice, and Chetco villages are given, but the village names and locations for Upper Umpqua and Applegate Athapaskans are not available. Upper Coquille: 1, *lonxakdan*; 2, *x'esdan*; 3, *itorne?* 'in the sand'; 4, *ca'yilidan* 'place where water flows apart'; 5, *lan calahdan*; 6, *lasan ce-yi'adan* 'pepperwood-point place'. Tututni: 7, kusume; 8, *g'asa?lxandan* 'place of tasty mussels'; 9, *mik'onodan* 'white clover place'; 10, *gwasetan* 'yew place'; 11, *jeme*; 12, *dotodan* 'lagoon place'; 13, *naget-xetan*; 14, *calakxandan* 'at the base of the crags'; 15, *a'enetan*; 16, *enasot*; 17, *xustenetan* 'gravel place'; 18, *xainangintetan* 'people all departed'; 19, *naktenetan*. Chasta Costa: 20, *se-eltaniču* 'among large rocks'; 21, *yočig'ad* or *dačig'ad* 'its tailbone'; 22, *setxaddan* 'slippery rock place'; 23, *teget-iinton* 'at the confluence'. Galice: 24, *ta'idašdan*. Chetco: 25, *kalukwot* 'on a baby basket'; 26, *točraslidan* 'place of clay banks'; 27, *tunetan*; 28, *tašuntanišutletan* 'where pepperwood nuts drift in under something'; 29, *naget-xetan*; 30, *čičxu* 'Chetco'; 31, *kosantanišutla*; 32, *kosantan* 'evening'. These names are a synthesis of Dorsey (1890), Goddard (1903-1904), Waterman (1925), E.D. Jacobs (1935b), Harrington (1942b), and Victor Golla (communication to editors 1988); nonphonemic forms are normalized.

Handbook of North American Indians, Vol. 7, Northwest Coast (1990)

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JAN 5 2023

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232D-0004

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

To: Brian Haug - Brian Mercier
Bureau of Indian Affairs

Re: Coquille Indian Tribe Gambling Facility Project, Medford, Oregon

I do not want a gambling facility in Medford by the Coquille Tribe, or any other organization.

It is bad enough that the State of Oregon is in the gambling business in Medford.

Gambling, commercial, violates the values we believe make us good. Commercial gambling leads us into a get rich quick kind of value system.

I will leave Medford if a gambling facility comes to Medford.

William A. Mansfield
P.O. Box 1721
Medford, OR 97501
541-779-2521

RECEIVED 15

JAN 23 2023

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

23PD-0012

Jan H Doyle
2668 Mexeye Loop
Coos Bay OR 97420

January 19, 2023

Bryan Mercier,
Northwest Regional Director Bureau of Indian Affairs
Northwest Region
911 N.E. 11th Ave.
Portland, OR 97232-4169

DEIS Comments, Coquille Indian Tribe Fee-to-Trust and Gaming Facility Project

I am writing to encourage your support of the proposed Class II gaming facility in Medford.

Such a facility would bring employment to Medford with jobs that offer health benefits, paid leave, and 401K plans. Revenues from this gaming facility would support Coquille tribal member services with healthcare, elder care, and education benefits. This facility would also give back to charitable organizations in Medford.

Additionally, with the new hotel, this gaming center will offer entertainment options and bring more visitors to the areas increasing the economic impact of dollars staying in the community.

Sincerely,


Jan H Doyle

From: [Smith, Samantha](#)
To: [FY22, BIA CoquilleCasinoEIS](#)
Subject: [EXTERNAL] Casino in Medford
Date: Saturday, January 28, 2023 9:53:05 AM
Attachments: [image.png](#)
[image.png](#)
[image.png](#)
[image.png](#)
[image.png](#)

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

Since you blocked the HHR in Grants Pass at the Flying Lark you shouldn't allowed to build in Medford according to your tribe it would have had a negative impact on your Casino that you already have.

Samantha Smith
MVPD Technical Support
Imagine Communications

Eclipse Support: eclipse_support@imaginecommunications.com or 844.278.7705
xGL Support: eclipse_support@imaginecommunications.com or 844.278.7705
Novar Support: broadbandsupport@imaginecommunications.com or 855.489.6882
imaginecommunications.com



From: [Featherbrained](#)
To: [FY22, BIA CoquilleCasinoEIS](#)
Subject: [EXTERNAL] Comments on proposed casino
Date: Friday, January 27, 2023 8:28:00 PM

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

I believe the proposed casino is a bad idea. Not only will it negatively impact the Cow Creek Tribe, who put a great deal of money into this community, but it will result in traffic and public safety issues in the area. The Coquille tribe needs to stay on their own land and not encroach on Cow Creek's territory. I am appalled that this is even being considered. Talk about biting the hand that feeds you. This is not the way to treat a great community supporter.

Pam Hogan
Gold Hill, OR

From: [Christopher Cornett](#)
To: [FY22, BIA CoquilleCasinoEIS](#)
Subject: [EXTERNAL] No voice. I'm a Native American of blood and enrolled in the Choctaw Nation of Oklahoma. Her is what's sad about your casino proposal. There are many here that have Red decent that have grown up here with ties to many tribes. Yet they have g...
Date: Friday, January 27, 2023 1:08:56 PM

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Sincerely
Christopher White Owl Cornett

From: [A E](#)
To: [FY22, BIA CoquilleCasinoEIS](#)
Subject: [EXTERNAL] NO to casinos in Medford, Oregon
Date: Friday, January 27, 2023 2:25:31 PM

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

Dear Sirs:

I am a voter who never misses an election. I am a Medford resident for the past 33 years. Medford is a working class town that has suffered greatly in the past two decades. Having scarcely recovered from the 2008 financial collapse and the consequent spike in housing costs, Medford was savaged again in 2020, first by the emergence of a pandemic; and second, by a huge urban conflagration that destroyed much of the low-cost housing in the two cities immediately to the south. Housing is now more expensive than ever, and the high gas prices of a war-time economy has pushed many families to the brink.

I am absolutely opposed any a casino in Medford.

It is one thing to have a casino on reservation land where it does not pose a temptation for desperate working people to gamble every day. We do not object to the Seven Feathers casino drawing tourist traffic or holiday makers on I-5.

It is a well-known truism in Las Vegas: "If you play, don't stay. If you stay, don't play." Casino owners are all too aware of the addictive nature of casino gambling. While it's true that putting a casino in Medford might create a few jobs, it will not begin to compensate our cities or schools for the disruption of lives ruined by making casino gambling immediately accessible, 7 days a week, 365 days a year.

It is also common knowledge that casinos can be abused to launder money. So again, putting a casino within immediate reach of small-time urban

crooks, who can easily buy chips and trade or redeem them at a later date puts our city at risk.

Lastly, if property purchased off reservation is considered to be reservation land, then we will have a location within the city limits that Medford police will have no jurisdiction even to enter and observe.

The Seven Feathers casino can in no way be compared to the Coquille proposal. Everyone is well aware that the Canyonville exit was scarcely more than an isolated Awful Brothers gas station for many years before the casino opened. It is now an excellent rest stop, immaculately clean, free of the aggressive panhandlers who congregate at state-run facilities. It has not created traffic restrictions within Medford's business district.

Far from posing a risk to Medford, the Seven Feathers Hotel provided a safe haven for Rogue Valley Manor residents when these hundreds of old folks had to be evacuated from the Almeda fire that destroyed thousands of homes in one night. Further, the generosity of the Cow Creek band of the Umpqua without a doubt has improved many essential services throughout the Rogue Valley. The Cow Creek Umpqua Indian Foundation has donated more than \$22 million to our Southern Oregon nonprofits since 1998. It has not been a drain. It has been a helping hand.

The City of Medford should in no way bite the hand that helps our neediest community organizations. **Say NO to a second Coquille casino in Medford.**

Yours truly,

Alberto Enriquez
Medford, Oregon

From: [Betty Martin](#)
To: [FY22, BIA CoquilleCasinoEIS](#)
Subject: [EXTERNAL] Medford gaming center
Date: Friday, January 27, 2023 6:41:41 AM

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To whom it concerns: I live local & I believe that any new legal business should be allowed in southern Oregon.

I have lived close to a number of these casino's but it does not effect me as I CHOOSE not to walk thru there doors...

Of course the casino's don't want another casino in there local area..because of competition....that's what this country was founded on.....so by there theory & way of thinking there should only be 1 Wal-mart per state.....

The market should decide who goes under

& who stays open.

Thank You
Betty Martin

From: [Mike Yarnell](#)
To: [FY22, BIA CoquilleCasinoEIS](#)
Subject: [EXTERNAL] Medford casino
Date: Friday, January 27, 2023 7:36:11 PM

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

Please do not permit a casino to go forward in medford. I do not believe that this property should be deemed as solvent ground by a group of tribes that have no right in the medford area

Mike Yarnell
Sent from my iPhone

EARL BLUMENAUER
THIRD DISTRICT, OREGON
COMMITTEE ON WAYS AND MEANS



WASHINGTON OFFICE:
1111 LONGWORTH BUILDING
WASHINGTON, DC 20515
(202) 225-4811

DISTRICT OFFICE:
911 NE 11TH AVE
SUITE 200
PORTLAND, OR 97232
(503) 231-2300

website: blumenauer.house.gov

Congress of the United States
House of Representatives
Washington, DC 20515

January 31, 2023

Bryan Mercier
Northwest Regional Director
Bureau of Indian Affairs, Northwest Region
911 Northeast 11th Avenue
Portland, Oregon 97232-4169

Dear Director Mercier,

I would like to thank the Agency for scheduling a second hearing on the proposed Fee to Trust and Gaming Facility Project. As you know, this decision will impact the entire region, beyond the Medford area, so I appreciate having this opportunity to weigh in.

I continue to believe that “one casino per Tribe” is the best approach, and I’m concerned that this decision will lead to a proliferation of casinos across the State, the impacts of which will be felt all the way to Washington and California. But, beyond that, it’s important to acknowledge that four Tribes have opposed this proposal because of the effect it will have on the current balance of gaming within the state and across the region.

I’ve also been made aware of certain remaining concerns that the Draft Environmental Impact Statement does not consider the full scope of impacts from the proposed project:

- **Coquille’s use of the “restored lands” exception for this application:** The “restored lands” exception was not established by Congress with the intent of benefitting one Tribal government over others. I urge the Agency to ensure that any use of this rule will not create any unfair imbalances in Tribal gaming.
- **Project:** The original notice of intent was published in 2015. I understand that the Coquille have made changes to the project since then but that the scope of the project as analyzed in the draft statement may not be updated to reflect those changes. I urge the Agency to ensure that the scope of the statement reflects the most up-to-date proposal.
- **Materials:** Similarly, I urge the Agency to ensure that all materials and reports under consideration should reflect the most up-to-date proposal, including any changes to the project or context since 2015.

112-1

- **Traffic:** I understand that the draft statement states that the proposed project will not result in “unacceptable traffic operations” and will not require mitigation. However, we have heard concerns that this may be based on analysis from 2019. I urge the Agency to ensure that this analysis is fully up to date.
- **Habitat:** I have also heard certain questions about the impacts the proposal may have on Bear Creek and the local species currently listed for protection under the Endangered Species Act. I urge the Agency to ensure that they are fully considering any impacts to habitat and endangered species in the area.
- **Analyzing Alternatives:** Finally, I encourage the Agency to consider any reasonable non-gaming alternatives through which the Coquille may achieve their stated purpose of economic development.

I12-1
cont.

I deeply appreciate the opportunity to participate in this hearing and support a robust public input process and full consideration of that input with respect to next steps.

Sincerely,

Sincerely,



Earl Blumenauer
Member of Congress

From: [Mike Yarnell](#)
To: [FY22, BIA CoquilleCasinoEIS](#)
Subject: [EXTERNAL] DEIS Comments, Coquille Tribe Medford Gaming Facility Project
Date: Monday, January 30, 2023 4:12:12 PM

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

Please do not permit a casino to go forward in medford. I do not believe that this property should be deemed as solvent ground by a group of tribes that have no right in the medford area

Mike Yarnell
Sent from my iPhone



OREGON HOUSE OF REPRESENTATIVES

January 31, 2023

Mr. Bryan Mercier
Northwest Regional Director
Bureau of Indian Affairs, Northwest Region
911 Northeast 11th Avenue
Portland, OR 97232-4169

RE: DEIS Comments, Coquille Indian Tribe Fee-to-Trust and Gaming Facility Project

Dear Director Mercier,

I am writing in my position as Oregon State Representative for House District 4, which covers the southern region of Oregon from Canyonville to Central Point, in opposition to the off-reservation casino that the Coquille Tribe is attempting to establish in the City of Medford.

The Draft Environmental Impact Statement (DEIS) open for comment exposes how this casino would benefit only one tribe, the Coquille, to the detriment of other tribes in the Pacific Northwest. The Cow Creek Band of Umpqua Tribe of Indians would lose at least 25% of its revenue from gaming, which is a conservative estimate and could be nearly twice that.

The Cow Creek Tribe is a leading employer in Douglas County, creating jobs for primary non-tribal residents in the region. They pay living wages with benefits in a rural part of our state that cannot afford to lose jobs. A 25% cut or more in revenues would result in job losses and lost revenues critical for tribal government services, putting more demand on local government services.

The Cow Creek Tribe is also a strong partner with our community. For example, the tribal police department works in a government-to-government relationship to not only respond to public safety issues on tribal land but to fund two full-time positions with our sheriff's department and also provide added capacity for emergency response throughout the county, which is desperately needed.

During the pandemic, the Tribe provided PPE when hospitals needed it. In addition, they have donated millions over the last decade to support non-profits fighting food insecurity, education, and housing needs. The Tribe also helped fund a wing at Asante to expand access to critical behavioral health care our region needs.

All of this is at stake and much more, if this project is approved.



OREGON HOUSE OF REPRESENTATIVES

Contrary to what the project proponents suggest, this issue is about something other than the competition in the market. Oregon has been deliberate in its policies to balance governmental gambling as a means to generate revenue for either tribal governments or state government. Tribes are permitted to have a casino on their reservation as regulated by the Indian Gaming Regulatory Act (IGRA) and in a compact with the State of Oregon. The State Lottery is the other form of gaming permitted.

However, if the BIA approves this project through the restored lands exemption, this would be the first off-reservation casino in Oregon. It would set a precedent for Coquille to purchase private lands with no ancestral ties into trust in their five-county service areas and sprinkle small and large casinos across Oregon. Furthermore, this project does not require a compact, which means zero oversight or accountability for local and state government.

I14-2

Please take all of these concerns into consideration. The path is the wrong path for Oregon. It would unhinge our balance of gambling and open the door to massive casino and gambling expansion that our state doesn't want or need.

This decision should be the decision of state and local elected officials.

I14-3

Please reject this application under the restored lands exemption and understand the negative statewide social and economic impact this project would have, benefiting one Tribe at the expense of many others.

Sincerely,


Rep. Christine Goodwin

Cc: Governor Tina Kotek
Rep. Virgle Osborne

CHRISTINE GOODWIN
STATE REPRESENTATIVE
DISTRICT 4



OREGON HOUSE OF REPRESENTATIVES

January 31, 2023

Mr. Bryan Mercier
Northwest Regional Director
Bureau of Indian Affairs, Northwest Region
911 Northeast 11th Avenue
Portland, OR 97232-4169

RE: DEIS Comments, Coquille Indian Tribe Fee-to-Trust and Gaming Facility Project

Dear Director Mercier,

I am writing in my position as Oregon State Representative for House District 4, which covers the southern region of Oregon from Canyonville to Central Point, in opposition to the off-reservation casino that the Coquille Tribe is attempting to establish in the City of Medford.

The Draft Environmental Impact Statement (DEIS) open for comment exposes how this casino would benefit only one tribe, the Coquille, to the detriment of other tribes in the Pacific Northwest. The Cow Creek Band of Umpqua Tribe of Indians would lose at least 25% of its revenue from gaming, which is a conservative estimate and could be nearly twice that.

The Cow Creek Tribe is a leading employer in Douglas County, creating jobs for primary non-tribal residents in the region. They pay living wages with benefits in a rural part of our state that cannot afford to lose jobs. A 25% cut or more in revenues would result in job losses and lost revenues critical for tribal government services, putting more demand on local government services.

The Cow Creek Tribe is also a strong partner with our community. For example, the tribal police department works in a government-to-government relationship to not only respond to public safety issues on tribal land but to fund two full-time positions with our sheriff's department and also provide added capacity for emergency response throughout the county, which is desperately needed.

During the pandemic, the Tribe provided PPE when hospitals needed it. In addition, they have donated millions over the last decade to support non-profits fighting food insecurity, education, and housing needs. The Tribe also helped fund a wing at Asante to expand access to critical behavioral health care our region needs.

All of this is at stake and much more, if this project is approved.

RECEIVED

FEB 07 2023

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

23 20-0018

CHRISTINE GOODWIN
STATE REPRESENTATIVE
DISTRICT 4



OREGON HOUSE OF REPRESENTATIVES

Contrary to what the project proponents suggest, this issue is about something other than the competition in the market. Oregon has been deliberate in its policies to balance governmental gambling as a means to generate revenue for either tribal governments or state government. Tribes are permitted to have a casino on their reservation as regulated by the Indian Gaming Regulatory Act (IGRA) and in a compact with the State of Oregon. The State Lottery is the other form of gaming permitted.

However, if the BIA approves this project through the restored lands exemption, this would be the first off-reservation casino in Oregon. It would set a precedent for Coquille to purchase private lands with no ancestral ties into trust in their five-county service areas and sprinkle small and large casinos across Oregon. Furthermore, this project does not require a compact, which means zero oversight or accountability for local and state government.

Please take all of these concerns into consideration. The path is the wrong path for Oregon. It would unhinge our balance of gambling and open the door to massive casino and gambling expansion that our state doesn't want or need.

This decision should be the decision of state and local elected officials.

Please reject this application under the restored lands exemption and understand the negative statewide social and economic impact this project would have, benefiting one Tribe at the expense of many others.

Sincerely,


Rep. Christine Goodwin

Cc: Governor Tina Kotek
Rep. Virgle Osborne

From: [Michaels Holly](#)
To: [FY22, BIA CoquilleCasinoEIS](#)
Subject: [EXTERNAL] DEIS Comments, Coquille Tribe Medford Gaming Facility Project
Date: Tuesday, January 31, 2023 9:33:32 AM
Attachments: [Coquille Casino letter.pdf](#)

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Hello Mr. Mogavero,

Please find attached a letter from Rep. Christine Goodwin that will be presented at this evening's meeting.

Thank you.



Holly Michaels | Director of Operations

Representative Christine Goodwin
House District 4
503-986-1404
900 Court Street, H 386 | Salem OR, 97301
<http://www.oregonlegislature.gov/goodwin>

Please note that all emails sent to and from this email address are shared among Representative Goodwin and her staff, and may be subject to disclosure under Oregon public records laws.



OREGON HOUSE OF REPRESENTATIVES

January 31, 2023

Mr. Bryan Mercier
Northwest Regional Director
Bureau of Indian Affairs, Northwest Region
911 Northeast 11th Avenue
Portland, OR 97232-4169

RE: DEIS Comments, Coquille Indian Tribe Fee-to-Trust and Gaming Facility Project

Dear Director Mercier,

I am writing in my position as Oregon State Representative for House District 4, which covers the southern region of Oregon from Canyonville to Central Point, in opposition to the off-reservation casino that the Coquille Tribe is attempting to establish in the City of Medford.

The Draft Environmental Impact Statement (DEIS) open for comment exposes how this casino would benefit only one tribe, the Coquille, to the detriment of other tribes in the Pacific Northwest. The Cow Creek Band of Umpqua Tribe of Indians would lose at least 25% of its revenue from gaming, which is a conservative estimate and could be nearly twice that.

The Cow Creek Tribe is a leading employer in Douglas County, creating jobs for primary non-tribal residents in the region. They pay living wages with benefits in a rural part of our state that cannot afford to lose jobs. A 25% cut or more in revenues would result in job losses and lost revenues critical for tribal government services, putting more demand on local government services.

The Cow Creek Tribe is also a strong partner with our community. For example, the tribal police department works in a government-to-government relationship to not only respond to public safety issues on tribal land but to fund two full-time positions with our sheriff's department and also provide added capacity for emergency response throughout the county, which is desperately needed.

During the pandemic, the Tribe provided PPE when hospitals needed it. In addition, they have donated millions over the last decade to support non-profits fighting food insecurity, education, and housing needs. The Tribe also helped fund a wing at Asante to expand access to critical behavioral health care our region needs.

All of this is at stake and much more, if this project is approved.

CHRISTINE GOODWIN
STATE REPRESENTATIVE
DISTRICT 4



OREGON HOUSE OF REPRESENTATIVES

Contrary to what the project proponents suggest, this issue is about something other than the competition in the market. Oregon has been deliberate in its policies to balance governmental gambling as a means to generate revenue for either tribal governments or state government. Tribes are permitted to have a casino on their reservation as regulated by the Indian Gaming Regulatory Act (IGRA) and in a compact with the State of Oregon. The State Lottery is the other form of gaming permitted.

However, if the BIA approves this project through the restored lands exemption, this would be the first off-reservation casino in Oregon. It would set a precedent for Coquille to purchase private lands with no ancestral ties into trust in their seven-county service areas and sprinkle small and large casinos across Oregon. Furthermore, this project does not require a compact, which means zero oversight or accountability for local and state government.

Please take all of these concerns into consideration. The path is the wrong path for Oregon. It would unhinge our balance of gambling and open the door to massive casino and gambling expansion that our state doesn't want or need.

This decision should be the decision of state and local elected officials.

Please reject this application under the restored lands exemption and understand the negative statewide social and economic impact this project would have, benefiting one Tribe at the expense of many others.

Sincerely,

Christine Goodwin
Rep. Christine Goodwin

Cc: Governor Tina Kotek
Rep. Virgle Osborne

From: [Michaels Holly](#)
To: [FY22, BIA CoquilleCasinoEIS](#)
Subject: [EXTERNAL] Coquille Casino letter - new version
Date: Tuesday, January 31, 2023 12:18:46 PM
Attachments: [Coquille Casino letter.pdf](#)

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

Hello Mr. Mogavero,

Please find attached a revised version of Rep. Goodwin's letter that was sent earlier this morning.

Thank you.



Holly Michaels | Director of Operations

Representative Christine Goodwin
House District 4
503-986-1404
900 Court Street, H 386 | Salem OR, 97301
<http://www.oregonlegislature.gov/goodwin>

Please note that all emails sent to and from this email address are shared among Representative Goodwin and her staff, and may be subject to disclosure under Oregon public records laws.

From: [Meg Klinkow Hartmann](#)
To: [FY22, BIA CoquilleCasinoEIS](#)
Cc: [Thomas Hartmann](#)
Subject: [EXTERNAL] Coquille Tribe Medford Gamin Facility Project
Date: Wednesday, February 1, 2023 7:29:33 PM

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My husband and I live in east Medford and we oppose the proposed gaming facility in Medford. We feel a gambling establishment would negatively impact the image of Medford, attract customers who do not spend time or money outside the gambling facility, add to police and utility usage, and lower property values.

Seven Feathers Casino is already within easy access up interstate 5, for those who seek this form of entertainment. Its owners generously and frequently provide charitable support to Medford projects so we get a benefit from this sort of business without the downsides. Such charitable activity is unlikely to continue if a competitive facility is erected in Medford. Though the Coquille Tribe may offer local help there is no historical evidence or requirement so it is an unnecessary gamble (pun intended).

Please do not build a Coquille Tribe Gaming Facility in Medford, Oregon.

Margaret Klinkow Hartmann
Thomas Hartmann
1615 Crown Avenue
Medford, OR 97504
megklinkow@aol.com

From: Chad Mead
To: [FY22, BIA CoquilleCasinoEIS](#)
Subject: [EXTERNAL] deIs comments Coquille Tribe Medford Gaming Facility Project
Date: Friday, January 27, 2023 6:36:57 PM

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One tribe one casino. How is this fair for other tribes when all tribes already have 1 casino. It is also monopolize when Coquille tribe already has a casino in coosbay north bend area. Jackson county isn't Coquille tribe land. It is cow creek and Rouge and Shata and klamath land tribes. Umpqua tribes do a lot of donating to Southern Oregon from there casinos and other tribes. Slitz Tribe members live in Medford Oregon they have to drive over 300 miles to There tribal office. The Slitz Tribe is apart of the Rouge tribe. What The Coquille tribe should do is divided With the Slitz Tribe let the Slitz tribe have a casino in Medford and have a New Tribal office Called Rouge Tribal office. That would be fair. Because there's a of history behind the rouge native tribes here in Jackson County but the Coquille tribes doesn't know our history and it would give back to the Slitz Tribe and give them a chance to see how there old native ways where here in Jackson County. With the Coquille tribe having a casino having there native artifacts in s casino it would confuse people when they didn't do anything like that here. The Rouge native Americans walked from table rocks to the Slitz Rez. That's Close to 500 miles. The Coquille tribe doesn't deserve to have a 2nd casino when this isn't there land to begin with there home land is in coosbay north bend area. Please do your research on our native American lands where each tribe has a casino and rez. You will find out there on there own lands not Other tribes lands or locations. There being greedy and there not thinking about there old ways. Where other tribes do think about there old ways and there old ways how they did things. Greed isn't one.

I16-1

From: Joseph Bauer
To: [FY22, BIA CoquilleCasinoEIS](#)
Subject: [EXTERNAL] Coquille Tribe Medford Gaming Facility Project
Date: Saturday, January 28, 2023 12:40:00 PM

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Joseph Bauer emailing about thoughts and support.

I support the Coquille Tribe using the Roxy Ann Lanes for a casino complex or have the opportunity to build next to the Roxy Ann Lanes bowling Alley.

If the Coquille Tribe renovates the building then I would like to still have a bowling alley in the casino to boost activity, profit and community activities.

I see that it would increase business in south medford, increase positive growth in the community, and provide another resource to a tribe that has proven to benefit the community and not just themselves.

Thank you. Hope you have an amazing day.

From: Chad Mead
To: [FY22, BIA CoquilleCasinoEIS](#)
Subject: [EXTERNAL] deIs comments Coquille Tribe Medford Gaming Facility Project
Date: Friday, January 27, 2023 6:36:57 PM

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

One tribe one casino. How is this fair for other tribes when all tribes already have 1 casino. It is also monopolize when Coquille tribe already has a casino in coosbay north bend area. Jackson county isn't Coquille tribe land. It is cow creek and Rouge and Shata and klamath land tribes. Umpqua tribes do a lot of donating to Southern Oregon from there casinos and other tribes. Slitz Tribe members live in Medford Oregon they have to drive over 300 miles to There tribal office. The Slitz Tribe is apart of the Rouge tribe. What The Coquille tribe should do is divided With the Slitz Tribe let the Slitz tribe have a casino in Medford and have a New Tribal office Called Rouge Tribal office. That would be fair. Because there's a of history behind the rouge native tribes here in Jackson County but the Coquille tribes doesn't know our history and it would give back to the Slitz Tribe and give them a chance to see how there old native ways where here in Jackson County. With the Coquille tribe having a casino having there native artifacts in s casino it would confuse people when they didn't do anything like that here. The Rouge native Americans walked from table rocks to the Slitz Rez. That's Close to 500 miles. The Coquille tribe doesn't deserve to have a 2nd casino when this isn't there land to begin with there home land is in coosbay north bend area. Please do your research on our native American lands where each tribe has a casino and rez. You will find out there on there own lands not Other tribes lands or locations. There being greedy and there not thinking about there old ways. Where other tribes do think about there old ways and there old ways how they did things. Greed isn't one.

From: Rhonda Young
To: [FY22, BIA CoquilleCasinoEIS](#)
Subject: [EXTERNAL] Medford Casino
Date: Sunday, January 29, 2023 12:19:27 PM

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January 29, 2023

Dear Sirs:

I am in TOTAL FAVOR OF CASINO!!

I have lived in Jackson County for 33 years now, I have seen many casinos and NOT ONE HAS A NEGATIVE IMPACTED AND AREA.... if anything it upgrades an area in so many ways.

New jobs for the area. Medford is a dead area.

No river walk, not many nice restaurant and more. This would help with tourists, and many area citizens that would like a nice casino.

Look at how nice when you drive by any casino how nice it looks, how clean it is. There really truthfully are not many negatives.

Its not fair to keep this out of Medford. Its time we upgrade Medford to the real world.

I am IN TOTAL FAVOR OF CASINO and know many that are.

Sincerely,

Rhonda K. Young
5416215778

From: Ian Gordon
To: [FY22, BIA CoquilleCasinoEIS](#)
Subject: [EXTERNAL] DEIS Comments, Coquille Tribe Medford Gaming Facility Project
Date: Tuesday, January 31, 2023 1:34:41 PM

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

Hello Mr. Haug, I wanted to reach out to you regarding the current consideration of approving a Casino project for Medford, OR.

I think that approval for a casino in Medford would be incredibly beneficial to the tribe as well as the residents in not just Medford but all of Jackson County. The EIS clearly demonstrates that almost 80 jobs in the short term will be created with close to 300 total jobs could be created with even more opportunity for growth.

This much needed boost to the job market in Medford would greatly help the community after he COVID pandemic basically shut down the "Downtown" scene and the Alameda fires tore through the i5 corridor further impacting the residents.

I20-1

Outside of the job creation, it is an amazing location geographically being right across the California border in a much easier to reach location than other Casinos (the Canyonville option is limited by weather conditions etc. being more in the Mountains and higher elevation).

Mr. Haug, I think adding this amazing option for entertainment would be greatly beneficial for not only the Coquille Tribe, but the City of Medford and Jackson County as well.

Please consider approving this project.

Respectfully, Ian Gordon

From: Kent Francis
To: [FY22, BIA CoquilleCasinoEIS](#)
Subject: [EXTERNAL] Medford Casino
Date: Friday, February 3, 2023 3:25:43 PM

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I'm not certain how these things work, but it seems quite evident it is VERY political. The Seven Feathers casino and Cow Creek tribe are very interested in keeping their monopoly. Gambling is a recreation that is proliferating. It will bring jobs and entertainment dollars to the Rogue Valley. Of course there will be abuse of addiction, but that hasn't stopped us from selling liquor, cigarettes, marijuana and advocating for other vices. Give them their license for slot machines and let's move on.

Kent Francis
Sent from my iPad

From: [desiree.canton](#)
To: [FY22, BIA CoquilleCasinoEIS](#)
Subject: [EXTERNAL] Coquille Tribe Medford Gaming Facility Project
Date: Wednesday, February 8, 2023 12:11:52 PM

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

Hi there!

A Medford home owner writing in to tell you, I am in full support of a casino in the area. It would revitalize much of that area and bring many more new folx from across the region to experience the beauty of this valley. I would love to see tables there as well even a spot for concerts and events! Medford does not have much for entertainment and I believe a casino could much improve that missing piece.

Warmly
Desiree Yanez Canton

Sent from my iPhone

From: Lisa Case
To: [FY22, BIA CoquilleCasinoEIS](#)
Subject: [EXTERNAL] coquille-eis.comMitton said
Date: Friday, February 10, 2023 4:25:37 AM

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

I am a Medford homeowner who has lived here and enjoyed the Roller Odyssey Skating Rink and so have my children. We have been wondering if a new venue for roller skating would be included in the new plans for the activities that are available to Medford!

By replacing the existing activities center with a venue that delivers widespread inactivity by sitting and drinking alcohol instead, I must say NO!

Medford is full to the brim with PURPLE PARROT and LUMPYS and the proposal looks like more of the same to me.

Thank you.
Lisa Case

From: [Candi Lewis](#)
To: [FY22, BIA CoquilleCasinoEIS](#)
Subject: [EXTERNAL] Coquille Tribe Medford gaming project
Date: Wednesday, February 8, 2023 12:12:08 PM

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I think it's an excellent idea to have a casino in Medford

Sent from my iPhone

From: [Dennie Hunter](#)
To: [FY22, BIA CoquilleCasinoEIS](#)
Subject: [EXTERNAL] "DEIS Comments, Coquille Tribe Medford Gaming Facility Project"
Date: Tuesday, February 7, 2023 2:21:00 PM

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Dear Mr. Mogavero,

As a Tribal Elder woman of our Coquille Tribe here in Coos Bay, Oregon I feel very blessed to have the honor to reach out to you with my opinion on our Tribe's gaming facility development in Medford, Oregon.

Hopefully, you are aware that Native American Indians of "today" are dedicated, hard working people hence, we would be an outstanding community partner. I believe this project would draw more visitors to the area and therefore increasing the economic impact of dollars staying in said community.

We as a tribe are very giving people and our beliefs are such that we have the mentality of "there is always enough of everything for everyone to share and, we belief in the Potlatch tradition of giving, taking only as much as you need and leaving some for others".

Our tribe would be delighted to partner with the Medford Community and we hope you will Bless us with your approval of said project.

Thank you,

Denise Hunter
Tribal Court Clerk
3050 Tremont St.
North Bend, OR 97459
(541)756-0904 Ext. 1220

From: [John Sidwell](#)
To: [FY22, BIA CoquilleCasinoEIS](#)
Subject: [EXTERNAL] No casino!!!!
Date: Wednesday, February 8, 2023 1:30:51 PM

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Sent from my iPhone

From: cjclarke2002@yahoo.com
To: [FY22, BIA CoquilleCasinoEIS](#)
Subject: [EXTERNAL] Casino in medford
Date: Wednesday, February 8, 2023 2:50:39 PM

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I am opposed to a casino in medford.
Brings in bad elements, hurts the environment, hurts other local businesses.
No casino.
Carol Clarke
Medford, OR 97501
[Sent from Yahoo Mail on Android](#)

From: [james Risko](#)
To: [FY22, BIA CoquilleCasinoEIS](#)
Subject: [EXTERNAL] Casino
Date: Wednesday, February 8, 2023 3:11:16 PM

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YES! Put in a Casino please.....
Jim R.

Sent from my iPad

From: [mitzi coleman](#)
To: [FY22, BIA CoquilleCasinoEIS](#)
Subject: [EXTERNAL] Support for the proposed casino in Medford
Date: Wednesday, February 8, 2023 4:13:31 PM

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To Whom it May Concern,

I am writing to lend my support for the proposed casino in Medford.

The Coquille Tribe has brought some much needed upgrades, living wage jobs, and family entertainment to Medford over the last year. Their new hotel resort and renovated golf course are top of the line, and I have no doubts the proposed casino will be even better.

We need more activities for local residents and ways to draw in tourists. A casino will do just that. It's apparent to me that the Coquille Tribe takes great pride in everything they do, and this casino will be no different.

Thank you for your consideration.

Mitzi L. Coleman

[Sent from Yahoo Mail on Android](#)

From: [Sandra Gerritz](#)
To: [FY22, BIA CoquilleCasinoEIS](#)
Subject: [EXTERNAL] Coquille Tribe Medford Gaming Facility Project
Date: Wednesday, February 8, 2023 5:48:14 PM

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I live in Medford and I would like to see a Casino here. I think it would provide a lot of Jobs and tourism and it would be nice to not have to drive an hour to a Casino.

sgerritz@gmail.com

From: [Athena Goldberg](#)
To: [FY22, BIA CoquilleCasinoEIS](#)
Subject: [EXTERNAL] Coquille Tribe Medford Gaming Facility
Date: Wednesday, February 8, 2023 9:17:40 PM

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Writing to share my opinion regarding the proposal for a casino in West Medford. Adding an additional opportunity for addiction does not add value to this community.

Regards,

Athena

From: [Oregon197 Salvadori](#)
To: [FY22, BIA CoquilleCasinoEIS](#)
Subject: [EXTERNAL] Coquille tribe Medford Casino
Date: Wednesday, February 8, 2023 11:47:33 PM

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Our family is for the casino being opened here, although, probably all the Christian people I know, wouldn't want it I guess... Even tho I am a Christian, I still think if it's a good time out, keep it within limits/healthy to have a bit of fun- I don't see the harm in that! My husband that recently passed away, and our two young adults are Native American, Wintun tribe, and I think it could be a good thing for little boring Medford! My parents are all for it also, and I'm so glad the bowling alley can remain! I would not be for the casino, if the bowling alley were to be taken out! Everything closes so early here, and we don't live anywhere close to a big city, let this happen, have good security to keep our the druggies/ homeless, and let's make this happen! I can volunteer, or work to help if needed. L. Salvadori

From: [Linda S Moore](#)
To: [FY22, BIA CoquilleCasinoEIS](#)
Subject: [EXTERNAL] Casino South Medford
Date: Thursday, February 9, 2023 1:42:25 PM

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I vote yes. Will bring in more tourists and result in increased revenues for local businesses.
Linda S Moore
Medford resident

From: [gayle stubbs](#)
To: [FY22, BIA CoquilleCasinoEIS](#)
Subject: [EXTERNAL] Medford casino
Date: Thursday, February 9, 2023 2:15:40 PM

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YES. GO FOR IT.

Sent from my iPhone

From: [Nora Thompson](#)
To: [FY22, BIA CoquilleCasinoEIS](#)
Subject: [EXTERNAL] Opposed
Date: Friday, February 10, 2023 8:54:39 AM

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I want to register my opposition to the proposed casino development in the Rogue Valley.
Thank you,
Nora Thompson
909 S Stage Rd
Medford OR 97501

From: [Jon Ivy](#)
To: [FY22, BIA CoquilleCasinoEIS](#)
Subject: [EXTERNAL] DEIS Comments Coquille Tribe Medford Gaming Facility Project
Date: Saturday, February 11, 2023 6:37:33 AM

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

Good evening.

My name is Jon Ivy and I am a Medford resident and a Vice-Chair of the Coquille Tribal Council.

Medford is my home and my community. This project will positively impact my community in several ways. Construction and operation of this project will provide local procurement opportunities for professional services, contractors, outside maintenance services, products and whatever services, equipment and supplies that are required to remodel and operate a class II gaming center. These dollars will circulate indirectly in The Rouge Valley local economy and beyond, having a multiplying effect on real revenue that it generates. In addition, as an employer of choice we offer competitive wages, benefits, upward mobility opportunity and diverse job opportunities for our community members looking for employment. We want you to keep more of your jobs, investment and tax revenues here in Jackson County.

One of the reasons that Jackson County was included in our service area at our Tribal Restoration was the many Tribal members that reside in Jackson County. This project has the ability to provide essential government services such as education, elder care and critical health care for our families here, reducing support or assistance from state or federal aid. Without diversifying our Tribal economy, we will be unable to keep up with the escalating costs of health care for our growing membership.

At Coquille, our core belief is taking care of everyone in the communities where we live and work. As we have demonstrated in the other areas where we do business, when the community thrives, the Tribe thrives. Our Tribal Council has made significant investments in our community and has the vision and tenacity to develop this project and others in Medford. We will continue to pride ourselves in being a community partner that not only puts our money where our mouth is, but is

not afraid to roll up our sleeves and build community parks, support local non-profits and collaborate with our city and county partners to improve life for everybody in the Rogue Valley.

Sincerely,

Jon Ivy

1445 Arlington Dr

Medford, Or 97501

From: [David and Pat Eisenberg](#)
To: [FY22, BIA CoquilleCasinoEIS](#)
Subject: [EXTERNAL] Coquille Tribe Medford Gaming Facility Project
Date: Saturday, February 11, 2023 10:49:50 AM

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As a resident of Jackson County Oregon for 15 years and a frequent visitor and shopper in Rogue Valley over the past 42 years while living in Siskiyou County, California, I oppose the plan to go against precedent and allow the Coquille Tribe to create a gaming facility in the Medford- Phoenix area. My arguments against this casino are as follows. The Coquille Tribe has no ancestral land base in the Rogue Valley. There are already tribal casinos on the ancestral land of the Cow Creek and Karuk Tribe within driving distance of the Rogue Valley. Unfortunately casinos have not had a history of improving the quality of life for the residents living near the casinos. In fact, casinos make money because people, many who can ill afford to do so, lose money. The increased traffic that would occur on the old highway 99 is also of concern. I believe law enforcement which already is busy enough would also see an increase in calls with the casino in town. I would also be surprised if the federal government would approve the request given the lack of historical presence of the Coquille Tribe in the Rogue Valley. Hopefully those who are in decision making positions will once again make the wise choice to deny the Coquille Tribe’s request for a casino in the Rogue Valley.

I37-1
I37-2
I37-3

Sincerely,

Pat Eisenberg

From: [Jill Ganger](#)
To: [FY22, BIA CoquilleCasinoEIS](#)
Subject: [EXTERNAL]
Date: Saturday, February 11, 2023 4:05:23 PM

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Casino

My sister and I like going to seven feathers. It's a getaway for us and we enjoy the slot's and pool. We don't ever go concerts or extra things. It would be nice to have an option if staying in Medford so we don't have to drive even though it's not that far. I know there are lots of people out there that have gambling issues but they are already gambling in the bars here or their own private residents.

Thank you!

From: [eddie gonzalez](#)
To: [FY22, BIA CoquilleCasinoEIS](#)
Subject: [EXTERNAL] Build The Casino
Date: Saturday, February 11, 2023 5:07:28 PM

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

Medford needs a casino as Canyonville and Yreka are to far away.

Get it built asap! Need more jobs here.

Sent from my iPad

From: [Haug, Brian J](#) on behalf of [FY22, BIA CoquilleCasinoEIS](#)
To: [Shahrokhi, Alexander S](#)
Subject: FW: [EXTERNAL] Coquille Tribe Medford Gaming Facility Project
Date: Friday, February 17, 2023 2:56:41 PM
Attachments: [image002.png](#)

Best regards,



Brian J. Haug, R.G. [he/him]

Regional Scientist

Bureau of Indian Affairs | [NW Regional Office](#)

Environmental & Cultural Resource Mgmt.

911 NE 11th Ave., Portland, Oregon 97232-4169 | m 503.347.0631

*"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

From: Dana Rayburn <danarayburn@gmail.com>
Sent: Monday, February 13, 2023 12:11
To: FY22, BIA CoquilleCasinoEIS <CoquilleCasinoEIS@bia.gov>
Subject: [EXTERNAL] Coquille Tribe Medford Gaming Facility Project

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I am a Jackson County resident and am opposed to the Coquille Indian Tribe building a casino on Highway 99 in South Medford.

Thank you,

Dana Rayburn
2935 David Lane
Medford OR 97504

From: [Haug, Brian J](#) on behalf of [FY22, BIA CoquilleCasinoEIS](#)
To: [Shahrokhi, Alexander S](#)
Subject: FW: [EXTERNAL] Casino in So. Medford
Date: Friday, February 17, 2023 2:56:18 PM

Best regards,

Brian J. Haug, R.G. [he/him]
Regional Scientist
Bureau of Indian Affairs | NW Regional Office
Environmental & Cultural Resource Mgmt.
911 NE 11th Ave., Portland, Oregon 97232-4169 | m 503.347.0631
“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

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

From: clarkie@realskate.com <clarkie@realskate.com>
Sent: Monday, February 13, 2023 15:17
To: [FY22, BIA CoquilleCasinoEIS](#) <CoquilleCasinoEIS@bia.gov>
Subject: [EXTERNAL] Casino in So. Medford

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I am all for the tribes capitalizing for their own purposes, doing what they want with their land, and it's great that they give back to the community with grants and more. However, in a county such as Jackson where teenagers are so underserved, I hate to see a wholesome activity taken away from under 21 year olds. The bowling alley is very popular not only for teens, but families, seniors, developmentally disabled adults, clubs, etc. and serves a broad spectrum of folks in our community well. So. Oregon has a lot of at-risk youth given all the drug trafficking along the I5 corridor. Alternative activities, such as skateparks, give youth other options. Casinos can add to addictive behavior, and can be a magnet for crime of all kind. The hotel next door is not a good combination I think. Thanks for asking for public opinion.

Sincerely,
Clarkie Clark
Phoenix, OR



JOHN W. SWEET
BOARD OF COMMISSIONERS
225 N. Adams Street, Coquille, Oregon 97423
(541) 396-7541
FAX (541) 396-1010 / TDD (800) 735-2900
E-mail: jsweet@co.coos.or.us

February 14, 2023

Mr. Tobiah Mogavero
Bureau of Indian Affairs
CoquilleCasinoEIS@bia.gov

RE: DEIS Comments, Coquille Tribe Medford Gaming Facility Project

Dear Mr. Mogavero:

I am Coos County Commissioner John Sweet, and I have worked with the Coquille Indian Tribe for the ten years that I have served as County Commissioner. I am honored to have the Coquille Tribe in Coos County. Thank you for allowing me to testify on behalf of the Coquille Indian Tribe in their efforts regarding their Medford casino project. My testimony is as follows:

1. As a County Commissioner, I have worked closely with the Coquille Tribe. Their efforts to improve forest management in Coos County and restore the historic Coquille River salmon runs have been critical to our communities and our economy. Salmon fishing is not only culturally important for the Tribe, Coos County, and its citizens, it is also a critical part of our economy. We know that the salmon runs are in need of critical intervention in order to return to their previous levels, and we appreciate the efforts of the Coquille Tribe to restore these important fisheries.
2. The Coquille Tribe also gives generously to communities in their five county service areas through their Coquille Tribal Community Fund. They focus on the neediest areas of our communities, including hungry children and needy families. I had the opportunity to serve on the Coquille Tribal Community Fund for several years, and I was impressed at both the spirit and the magnitude of their giving.

The Coquille Indian Tribe's positive environmental and socio-economic impacts are significant, and I am therefore expressing my support for the Coquille Tribe's economic development in Medford due to the positive environmental and socio-economic benefits the project will provide.

Sincerely,

A handwritten signature in black ink, appearing to read "John W. Sweet".

John W. Sweet
Coos County Commissioner

From: [Haug, Brian J](#) on behalf of [FY22, BIA CoquilleCasinoEIS](#)
To: [Shahrokhi, Alexander S](#)
Subject: FW: [EXTERNAL] Testimony for Coquille Tribe's Draft EIS
Date: Friday, February 17, 2023 2:55:49 PM
Attachments: [Testimony for Coquille Tribe's Draft EIS.pdf](#)
[image002.png](#)

Best regards,



Brian J. Haug, R.G. [he/him]
Regional Scientist
Bureau of Indian Affairs | [NW Regional Office](#)
Environmental & Cultural Resource Mgmt.
911 NE 11th Ave., Portland, Oregon 97232-4169 | m 503.347.0631
*“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

From: Bobbi Brooks <bbrooks@co.coos.or.us>
Sent: Tuesday, February 14, 2023 14:49
To: FY22, BIA CoquilleCasinoEIS <CoquilleCasinoEIS@bia.gov>
Subject: [EXTERNAL] Testimony for Coquille Tribe's Draft EIS

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Please see the attached testimony of Coos County Commissioner John Sweet.

~~~~~  
~~~~~  
Bobbi Brooks
Businesss Operations Manager
Coos County Board of Commissioners
(541) 396-7535
bbrooks@co.coos.or.us
<http://www.co.coos.or.us>

~~~~~  
~~~~~

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From: [Haug, Brian J](#) on behalf of [FY22, BIA CoquilleCasinoEIS](#)
To: [Shahrokhi, Alexander S](#)
Subject: FW: [EXTERNAL] Coquille Gaming Casino Medford
Date: Friday, February 17, 2023 2:55:01 PM

Best regards,

Brian J. Haug, R.G. [he/him]
Regional Scientist
Bureau of Indian Affairs | NW Regional Office
Environmental & Cultural Resource Mgmt.
911 NE 11th Ave., Portland, Oregon 97232-4169 | m 503.347.0631
“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

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

From: Alexis Ravuri <alexis.ravuri@yahoo.com>
Sent: Wednesday, February 15, 2023 16:43
To: FY22, BIA CoquilleCasinoEIS <CoquilleCasinoEIS@bia.gov>
Subject: [EXTERNAL] Coquille Gaming Casino Medford

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Hello,

Why wouldn't the community want to add more living wage jobs to the Medford area! I would say yes!

Alexis

Sent from my iPhone

From: [Haug, Brian J](#) on behalf of [FY22, BIA CoquilleCasinoEIS](#)
To: [Shahrokhi, Alexander S](#)
Subject: FW: [EXTERNAL] DEIS Comments, Coquille Tribe Medford Gaming Facility Project
Date: Friday, February 17, 2023 2:54:44 PM
Attachments: [image002.png](#)

Best regards,



Brian J. Haug, R.G. [he/him]

Regional Scientist

Bureau of Indian Affairs | [NW Regional Office](#)

Environmental & Cultural Resource Mgmt.

911 NE 11th Ave., Portland, Oregon 97232-4169 | m 503.347.0631

*"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

From: A M SANDBERG <auntienne8@msn.com>
Sent: Thursday, February 16, 2023 16:13
To: FY22, BIA CoquilleCasinoEIS <CoquilleCasinoEIS@bia.gov>
Subject: [EXTERNAL] DEIS Comments, Coquille Tribe Medford Gaming Facility Project

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Dai Sla,

I am an enrolled Elder member of the Coquille Tribe and want to add my support to the Tribe's effort to place land into trust in Medford, Oregon.

I listened to the first public comment meeting and was struck by the negativity of the majority of the comments, submitted primarily by individuals associated with (employed or enrolled) the Cow Creek Indian Tribe. For centuries, governmental policies have sought to "divide and conquer" Indigenous Nations and I believe this is what is at play in this instance. We have been socialized to believe there is a limited pie, and while there is some truth to this with regards to discretionary gaming funds, I do not think it is productive to continue pitting one tribe against the other in ventures to bring self-sufficiency to all tribes.

The Cow Creeks have benefitted from the location of their casino along the I-5 corridor whereas the Coquille's casino is located along Highway 101 in a relatively remote area of the Oregon Coast. Our plan for a gaming facility is an effort to equalize access as well as to bring an additional revenue-

making enterprise to the Medford area. The Coquilles have invested many years and dollars in the Medford community and recently opened a beautiful hotel alongside the other businesses on the proposed Fee-to-Trust land. We have changed the attitude of the community from one where we were not welcomed to one where City Council now sees us as promising business partners and community members. While visiting the hotel last fall, I encountered an employee who expressed delight at seeing another Native on site as well as her gratefulness of being employed by an Indigenous Nation. This reaction mirrors the response I have often had with employees at The Mill Casino and Hotel in Coos Bay. We are a great employer that offers a positive working environment, competitive wages and benefits.

Granting the Fee-to-Trust proposal in Medford will enable the Tribe to further our presence in the area, along with increased generation of income and benefits to the Medford community. In turn, this additional revenue will enable the Coquille Tribe to diversify their footprint and support needed services for Elders and youth. We are a non-per capita Tribe and our monetary assets allow us to improve services (primarily health care and education) to all tribal members rather than enriching individuals based on casino profits.

In closing, I hope you will be able to set aside self-serving concerns about “encroachment” and view this request as an effort to increase our presence and community partnerships that will benefit both the Coquilles and the entire Medford community. Thank you for taking the time to consider my comments.

Annette Sandberg

26820 149th Ave SE

Kent, WA 98042

Sent from [Mail](#) for Windows

From: [Haug, Brian J](#) on behalf of [FY22, BIA CoquilleCasinoEIS](#)
To: [Shahrokhi, Alexander S](#)
Subject: FW: [EXTERNAL] DEIS Comments, Coquille Tribe Medford Gaming Facility Project
Date: Friday, February 17, 2023 2:54:03 PM
Attachments: [McKeown testimony written for Coquille EIS 02172023.docx](#)
[image_22.png](#)

Best regards,



Brian J. Haug, R.G. [he/him]

Regional Scientist

Bureau of Indian Affairs | [NW Regional Office](#)

Environmental & Cultural Resource Mgmt.

911 NE 11th Ave., Portland, Oregon 97232-4169 | m 503.347.0631

"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

From: Caddy McKeown <chmcoos@gmail.com>
Sent: Friday, February 17, 2023 12:39
To: FY22, BIA CoquilleCasinoEIS <CoquilleCasinoEIS@bia.gov>
Subject: [EXTERNAL] DEIS Comments, Coquille Tribe Medford Gaming Facility Project

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Mr. Tobiah Mogavero
 Bureau of Indian Affairs

Sent via Email: CoquilleCasinoEIS@bia.gov

RE: DEIS Comments, Coquille Tribe Medford Gaming Facility Project

Dear Mr. Mogavero:

I am retired State Representative Caddy McKeown, and I worked with the Coquille Indian Tribe for the eight years that I served as State Representative. I was also privileged to work directly with tribal leadership for six years as a member of the Legislative Commission on Indian Services. Representing the Oregon Legislature on the commission was truly an honor, as was having the Coquille Tribe in House District 9. Thank you for allowing me to testify on

behalf of the Coquille Indian Tribe in their efforts regarding their Medford casino project. My testimony is as follows:

1. Construction of this project will create up to 78 jobs in the short term, and ongoing operations are expected to create 229 direct jobs and lead to an additional 131 jobs in an area where residents are seeking opportunities. As a retired state legislator, I am aware of how desperately our rural communities need good jobs and opportunities for our citizens to provide for their families.
2. As a legislator, I worked closely with the Coquille Tribe. In my role, I found that the Tribe worked diligently to help the people in their communities, including expanding access to healthcare for all citizens in their communities. Their primary care clinics in Coos Bay and Eugene create “no cost” care, positively impacting the socio-economic status of many of the neediest families.
3. The Coquille Tribe also gives generously to communities in their five county service area through their Coquille Tribal Community Fund. They focus on the neediest areas of our communities, including hungry children and needy families. I appreciate that they see the people that are often the least visible to the rest of us, and try to make a difference in their lives.

The Coquille Indian Tribe’s positive environmental and socio-economic impacts are significant, and I am therefore expressing my support for the Coquille Tribe’s economic development in Medford due to the positive environmental and socio-economic benefits the project will provide.

Sincerely,

Caddy McKeown
Retired State Representative, Oregon House District 9

--

Caddy McKeown

Cell: 541-290-2983
890 Telegraph Drive
Coos Bay, Oregon 97420

From: Jane Metcalf <jf2metcalf@gmail.com>
Sent: Saturday, February 18, 2023 12:04 PM
To: FY22, BIA CoquilleCasinoEIS <CoquilleCasinoEIS@bia.gov>
Subject: [EXTERNAL]

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Coquille Casino letter of support
Edward L Metcalf

February 14, 2023

Mr. Tobiah Mogavero
Bureau of Indian Affairs
Via email: CoquilleCasinoEIS@bia.gov

Dear Mr. Mogavero,

My name is Ed Metcalf and I have served as the Chairperson of the Coquille Indian Tribe for 21 years before retiring in 2012. I am also a grandparent to five tribal member children, who I have devoted my time and energy to create a better world for them as well as members of my tribe. Many of the years of my service as Chairman were devoted to repairing the economic and cultural harm that had been inflicted on my Tribe due to failed federal policies, assimilation and dissemination of our Tribal members. In 1989 when the Coquille Tribe was restored, Congress defined the geographic area for the restoration of the Tribe's reservation which included five Oregon counties that represented where most of our members had been dispersed. Within these five counties, my Tribe had the ability to take land into trust and pursue economic opportunity to build back the Coquille Indian Tribe and its ability to take care of its membership through elder care, education and health care.

I raised my children in Coos County where I drove a log truck for a local timber company. Many of those years were difficult for rural Oregon, including

the Coquille Tribe. I stepped up to serve my Tribe when our elders needed a Chairman to lead the Tribe into a new phase of growth and development. During this time, our timber industry was declining, and rural Oregon was greatly impacted. This adversity allowed me to witness how small communities can make incredible things happen when they work together. The Coquille Tribe's two centuries of adversity have taught me to be grateful for the good and simple things in life: healthy friends and family, good paying jobs, safe housing, clean air and water, healthy salmon runs and accessible education.

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

From: Robert Wade <zimbobwade@gmail.com>

Sent: Sunday, February 19, 2023 3:00 PM

To: FY22, BIA CoquilleCasinoEIS <CoquilleCasinoEIS@bia.gov>

Subject: [EXTERNAL] Coquille Tribe Medford Gaming Facility Project

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I am a resident of Medford for 21 years. I feel very strongly that the Gaming Casino should not be allowed in Medford, especially on the former agricultural land between Interstate 5, exits 24 and 27. This area is already has a problem with congestion and how sad it is to think our beautiful agricultural lands will be replaced by a casino. Most of the citizens that move here is because of the beauty of the land not gambling.

Sincerely,

Susan Wade

147-1

From: Riley Sutphin <rileysutphin@gmail.com>
Sent: Sunday, February 19, 2023 5:33 PM
To: FY22, BIA CoquilleCasinoEIS <CoquilleCasinoEIS@bia.gov>
Subject: [EXTERNAL] Medford Casino

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

Hello,

Just writing to let you know that as a long time Jackson country resident I oppose the construction of a casino operated by the Coquille tribe in Medford. I'm not opposed to the idea of a casino in Medford, however having one that is owned by a tribe that has no ancestral connection to the area and doesn't have a reservation within 100 miles seems like a step in the wrong direction. I also think that it would set a bad precedent in the state and would allow tribes that have more means to build casinos encroach on other less affluent tribe's earnings.

I48-1

Respectfully,

Riley Sutphin

From: Denise Sutphin <denise@bikeschool.com>
Sent: Sunday, February 19, 2023 7:07 PM
To: FY22, BIA CoquilleCasinoEIS <CoquilleCasinoEIS@bia.gov>
Subject: [EXTERNAL] DEIS Comments, Coquille Tribe Medford Gaming Facility Project"

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Hello,

I am not against gambling or a gambling facility but Medford doesn't need an attraction like this. We have a huge homeless population and more will come if this is built.

149-1

Also, the Cow Creek tribe in Canyonville should have the right to open a casino in the Medford if one were to be approved. They have done so much for our communities with donations of materials and funds for school projects. A casino from North Bend does not have ties to Medford or Southern Oregon.

Sincerely,

Denise Sutphin

From: n <nanunis@aol.com>
Sent: Sunday, February 19, 2023 10:45 PM
To: FY22, BIA CoquilleCasinoEIS <CoquilleCasinoEIS@bia.gov>
Subject: [EXTERNAL] Coquille Tribe Medford Gaming Facility Project

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I do not want a casino in Medford. The impacts to the environment, transportation, public services, water resources and general livability of our beautiful community would be negative. The fact that it would bring money into the community does not overrule these impacts. Casinos are not what most community members want to see more of in the Rogue Valley.

Please do not allow it.

Nancy Unis
Medford, OR

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

From: Connie Liles <lilestcavalon@aol.com>

Sent: Monday, February 20, 2023 9:48 AM

To: FY22, BIA CoquilleCasinoEIS <CoquilleCasinoEIS@bia.gov>

Subject: [EXTERNAL] Coquille gaming permit

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I'm a historian. I've read countless books on Rogue Valley history and even wrote one myself. The Coquille Indians have no..zero..claim to the Rogue Valley. The Takelma Indians lived here. It's a well documented fact. The only way to enable another tribe to lay claim would be political. And usually politically means financially.

Tribes typically like to hire as many from their tribe as possible. In the Rogue Valley that is not possible. Tribes are relieved of taxes because of their sovereignty. In the Rogue Valley they have no sovereignty so I assume they would have to pay taxes like the rest of us.

The Rogue Valley used to support our history. When folks come to the Rogue Valley we would like accurate information. When the little leaguers come and the countless other visitors, will they assume the Coquille tribe represents our history? Or will we have a revisionist history...just to make a buck.

Please be proud of our valley. Show respect for our history. And if not that then show respect to the hard working folks that actually pay taxes to support it.

Connie Liles (Todd Liles)

Sams Valley, Oregon

Mr. Tobiah Mogavero
Bureau of Indian Affairs

Sent via Email: CoquilleCasinoEIS@bia.gov

RE: DEIS Comments, Coquille Tribe Medford Gaming Facility Project

Dear Mr. Mogavero:

I am Bill Richardson, President of the Egyptian Theater Preservation Association, and I have worked with the Coquille Indian Tribe for at least twenty years. It has been a pleasure to work with them to restore the historic Egyptian Theater. Thank you for allowing me to testify on behalf of the Coquille Indian Tribe in their efforts regarding their Medford casino project.

The Coquille Tribe also gives generously to communities in their five county service area through their Coquille Tribal Community Fund (CTCF). The Egyptian Theater Preservation Association has been the recipient of grants from the CTCF that have allowed us to preserve this historical treasure. The Egyptian was built by Charles Noble, a descendant of one of the area's first settlers, in 1922. He spent \$200,000 to convert the garage into the theater in 1925. The building was designed by Lee Arden Thomas and Albert Mercier and includes piers decorated with papyrus blossoms, wrought-iron ceiling lights in the form of hooded cobras, and stairways with 8-foot (2.4 m) pharaoh statues. The main theatre seats 770 and is an example of the Egyptian Theatre style of Egyptian Revival architecture that was popular in the early 20th century in the U.S., especially following the 1922 discovery of the tomb of King Tut. The theatre also has all of its original vaudeville backdrops. The theatre originally had one screen but the balcony was converted to house two screens in 1976, increasing the seating capacity to 1,000.

In 2000, the Egyptian housed the only theatre organ still in its original theatre in Oregon, a 4/18 Mighty Wurlitzer pipe organ. In 2010, it was one of four remaining theatres in the Egyptian Revival style in the United States and began inviting the community to use the facility for meetings, concerts, plays, and other events. The building was listed on the U.S. National Register of Historic Places on May 24, 2010. With unfunded \$3 million renovations needed, the theatre was one of ten entries on the Historic Preservation League of Oregon's Most Endangered Places in Oregon list in 2011. The Tribe's donations have helped us to save this special and important place.

The Tribe cares about the people and places that they touch. The Egyptian Theater is only one example of that care. I want to express my support for the Coquille Tribe's economic development in Medford due to the positive socio-economic benefits the project will provide.

Sincerely,



Bill Richardson
President, Egyptian Theater Preservation Association

From: Carmen Bernhardt <carmenbernhardt@yahoo.com>
Sent: Monday, February 20, 2023 4:34 PM
To: FY22, BIA CoquilleCasinoEIS <CoquilleCasinoEIS@bia.gov>
Subject: [EXTERNAL] DEIS Comments, Coquille Tribe Medford Gaming Facility Project

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- *An approved Medford, Oregon Coquille Casino will provide funding for housing, medical, social services, education, and many other resources for the Coquille tribe.*
- *If approved, this casino can increase income, population, and employment to the tribe. Along with reductions in poverty and unemployment.*
- *This casino, if approved, will profit opportunities for the local area, with the increase in property values, more local businesses flourishing, and increased spending among the locals.*
- *Legalized gambling can make a significant amount of money for the Medford community and surrounding areas.*
- *The tax revenues allow local politicians to fund essential community services or local infrastructure projects, or at the very least, avoid spending cuts or increase taxes elsewhere.*
- *This casino will create jobs for the neighborhood, providing much-needed employment opportunities for locals.*
- *Studies have shown that casinos have produced the greatest economic benefits where the local economy is struggling, helping bring down unemployment rates, as well as bringing up average wages in the more immediate neighborhood of the casino.*
- *Please approve this casino!*

Please approve this casino!

DEIS Comments, Coquille Indian Tribe Fee-to-Trust and Gaming Facility Project

Hello Mr. Haug,

My name is Macy Metcalf and I am an enrolled member of the Coquille Indian Tribe. I currently am a student attending Bushnell University in Eugene, Oregon. Over my life, the Coquille Tribe has provided many important services and opportunities that have helped me grow into a self-sufficient adult.

When I was born, I was a preemie baby that required specialized health care in the neonatal intensive care unit for many weeks. My parents would not have been able to afford the health care expenses without the health care services of the Coquille Tribe. Growing up, the Tribe provided me dental care, health care and educational support throughout my elementary and high school education. As I moved out on my own, I received housing assistance and support during the covid pandemic.

Through the Tribe's businesses, I was able to experience working in Medford Oregon at the different Medford businesses that the Tribe owns. Medford is a bigger community than Coos Bay where I was born and offers more amenities and job opportunities than are available in Coos County. Our Tribal Restoration Act allows my Tribe to have businesses in all five counties that were identified by Congress in our Act. This allows young people like me, to have opportunity and choices beyond a small, rural town.

I support the Tribe's gaming project in Medford as it will give young people like me opportunities for jobs in bigger urban markets. Additionally, this project will be able to provide for the continuation of health care and education services for my Tribal people. We are a growing, thriving people. I worry that my future children will not have the same services and support that I have benefited from, without other economic development projects.

I ask the BIA to approve the Coquille Tribe's fee-to-trust application for the Medford gaming project.

Sincerely,

Macy Metcalf

Tribal Number: 1114
1064 Kelly Blvd.
Eugene, OR. 97477

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

From: Alicia Van Riggs <avanriggs@gmail.com>

Sent: Wednesday, February 22, 2023 7:35 AM

To: FY22, BIA CoquilleCasinoEIS <CoquilleCasinoEIS@bia.gov>

Subject: [EXTERNAL] Coquille Tribe Medford Gaming Facility Project

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Hello,

I am a resident of Jackson County, OR. I live in Central Point. I do not want the gaming industry to have a casino in Medford. Casinos encourage and facilitate addicting behaviors (alcoholism, gambling) as well as inviting illegal activity (human trafficking). Please do not approve the Medford project.

Thank you,

Alicia Van Riggs

317 Live Oak Loop

Central Point, OR 97502

From: Judy Farm <judyfarm@tribal.one>
Sent: Tuesday, February 21, 2023 2:38 PM
To: FY22, BIA CoquilleCasinoEIS <CoquilleCasinoEIS@bia.gov>
Subject: [EXTERNAL] DEIS Comments, Coquille Tribe Medford Gaming Facility Project

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Dear Mr. Tobiah Mogavero,

My name is Judy Farm and I am the CEO of the Coquille Tribe's economic development corporation. I have worked in Jackson County for the Tribe in various positions over the last 25 years.

My testimony addresses concerns about the competitive impacts of the Coquille Tribe's proposed 2.4 acre class II gaming center on other class III casino/resorts that are located miles away.

The Coquille Tribe is uniquely positioned to be able to provide real time data on the impact of a class II gaming facility. In 2015 the Coos Confederated Tribes opened a class II facility in Coos Bay that is comparable to what we propose for Medford. The Coos class II facility is located a mere 4 miles away from the Mill Casino hotel & RV Park. We embraced the competition and committed to increasing our customer experience and raising the bar. We even took out a full page ad in the local newspaper to welcome them and their new business venture (see attached). This class II facility located in our shallow rural market, made a small impact to our revenues, but we in fact recovered from this impact within a short window of time. Today, both Tribes and the community benefit from the competition and the additional jobs and community investments that it brings.

These benefits of tribal gaming competition mirror what we have seen elsewhere in the state. Take for instance, the addition of the Cowlitz's class III casino & resort - The Ilani casino - which opened in 2017. The Confederated Tribes of Grand Ronde opposed that project. At that time, Grand Ronde's lobbyist Justin Martin stated, in Willamette Week, ""This will be a big

financial hit to the tribe...,” The Grande Ronde Tribe forecasted that the Cowlitz casino would cause a loss of just over \$100 million by using a market projection based on distance from market and estimated drive time. Their estimates showed an impact of over 42% in loss of revenue. Similarly, the Oregon lottery raised concerns and had dire forecasts claiming the Cowlitz project would cut state lottery revenue by 40%. However, a year after the Cowlitz casino opened, the Oregon State Office of Economic Analysis in a report to the Oregon Lottery board stated,

"Video lottery sales in zip codes along the Oregon-Washington border in the Portland region have fallen around 15 percent, instead of the 40 percent expected. Our office was not alone in over-estimating the initial impact of the new casino. The Confederated Tribes of the Grand Ronde, owners of the Spirit Mountain Casino, which was previously the closest casino to the Portland metro region, announced back in the fall that sales had fallen around 17 percent, relative to the previous year, whereas the forecasted sales would fall by 40 percent."

Moreover, later in 2018, the Oregon Lottery reported that projected losses due to the Ilani casino did not materialize. Instead, the State retroactively characterized its projected Lottery losses as "rather aggressive" and added that the Ilani development resulted only "in an impact of 1-1.3% of annual video lottery revenue."

We know that competition has numerous positive impacts for customers and local businesses. Competition generates more economic activity and supports more local retailers and service providers. Competition brings choice and variety, regardless of the distance between regional competitors. We have all seen fast food restaurants or other similar businesses clustered together on the same block. The economics of gaming are no different from the economics of hamburgers. Can you imagine McDonalds arguing that there should be no Wendy's in town?

The key step to building a local economy is for a community to use its strengths to work toward self-sufficiency. Our class II gaming center will offer a local experience to our local customers. This Medford-based business will keep dollars circulating in our community here in Jackson County, where they belong—benefitting the residents here rather than some other community.

Additionally, the NEPA document should focus on the safety aspect of Medford area gaming customers not being exposed to the hazards of traveling over five mountain passes during inclement weather on one of the most dangerous interstate stretches in rural Oregon. Another added benefit by offering more local options to Jackson County residents would be the climate impact with reducing automobile carbon emissions when customers choose a local gaming experience.

I56-1
cont.

I56-2

I56-3

In closing, we have not been allowed this regulatory process for over ten years due to another business deploying barriers to entry tactics. The impacts of this project to the Jackson County community in terms of investment, jobs and community partnership greatly outweigh any small but recoverable economic impact to regional competition. I request that these overwhelming positive impacts be considered in the NEPA evaluation as evaluation of this project moves forward.

Sincerely,

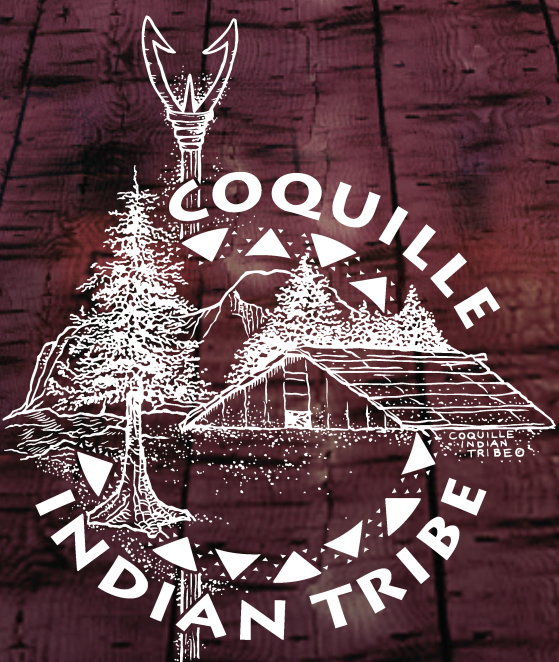
Judy Farm

Dai s'la... Welcome friend!

**The Coquille Indian Tribe
welcomes
Three Rivers Casino Coos Bay
to the community.**

We have been a part of this community for a long time and have come to understand - and truly believe - that when new business comes to the area, all of our communities and surrounding neighbors prosper.

*From the Coquille Indian Tribe and
the team members at The Mill Casino•Hotel & RV Park,
we welcome our new neighbors in Coos Bay.*



From: Duke Summers <dukesummers@coquilletribe.org>
Sent: Wednesday, February 22, 2023 11:24 AM
To: FY22, BIA CoquilleCasinoEIS <CoquilleCasinoEIS@bia.gov>
Cc: Duke Summers <dukesummers@coquilletribe.org>
Subject: [EXTERNAL] DEIS

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I support the tribe as a tribe member and elder. The revenues from this gaming facility will support tribal member services such as health care, Elder care and education. This gaming facility will help tribal members in Medford have a closer connection to tribal services and the tribe. The tribe is an employer of choice and will offer new jobs with the opportunity for growth for people in our area. This would draw more visitors to the area and increase the economic impact of dollars staying in our community. The tribe is a wonderful community partner. This facility would help the Medford community by giving back to charitable organizations, community projects and community groups.

Duke Summers

Superintendent

Properties Facilities

Coquille Indian Tribe

Cell:541-217-8002

Office:541-756-0904 ext 1219

[Email:dukesummers@coquilletribe.org](mailto:dukesummers@coquilletribe.org)

Attention: Mr. Tobiah Mogavero, Bureau of Indian Affairs,

Jalla, Greetings:

I am writing this letter in support for the DEIS for the Coquille Tribe. My name is Bridgett Wheeler, and I am an enrolled member of the Coquille Indian Tribe. More importantly to this petition, I am a Coquille tribal member whose family lineage members reside primarily in the Medford area, and inhabited this area way before Medford was even named. Its funny to be writing a letter to the government to implore them to recognize the effects of disbursement and survival based on their governmental actions over a 100 years ago, an action of assimilation. This particular extension and existence of coquille membership to the Rogue River area is ultimately what determined, in the late 1980's, that Jackson County would be a part of our 5-county service area. Our rogue river area tribal population has since grown into a membership base of more than 20% of our tribal population.

My tribe's application and intention to provide economic growth and stabilization of our tribal government was never based on a claim to the ancestral homelands of this area. The tribe's application and intention is based on law; on our tribe's restoration act and the clearly defined congressional decision that allows us to expand economically into our service areas. I hope, more than anything, that the Department of Interior and the BIA will ensure their decision about this application stands on the pillars of ethics, the law, and the promise.

As I listened to testimony from those "for" and those "opposed" to this project, my heart has been pained and saddened. I'm saddened that so many tribes are once again pit against each other; I am saddened that we feel that we have to fight against one another to operate as sovereign nations; that we have to fight against each other to ensure the health of our elders, and the education of our children. We have to fight against each other to sustain our culture, our language, and to ensure a sustainable future for our children and grandchildren. Your agency is responsible for ensuring and supporting a future for ALL of the tribes, that we are all given the opportunity to claw our way out of atrocious states of mental health, addiction, and poverty. Your agency is identified to be our steward, our healing partner, and to no longer act and govern as the agency that was created by the war department.

I am currently the 2nd Vice Chair of the Oregon State Board of Education. An agency that is working harder than any state agency to remedy the detrimental and colonial impacts on education to native students. My platform as a native American board member is to use my voice to support pedagogy and curriculum that enhances and heals the native student experience every day in the schools! My job as a state board member is to also listen to the vital voices and pleas through our public comment process. And my job is to listen to public comments, but to make sure my choices, my decisions, and my vote, are to protect the rights of ALL students. To make decisions based off my understanding of the law, policy, and what is best for not just the successful, academic achievers, but for the kids that show up every day that struggle. For the kids that are cold, hungry, bullied, angry, lost, and feel too left out to engage in education when they are overwhelmed with so many other stressors.

That is my hope in this letter. That we all realize that public comment is important, and it is critical to any process. But ultimately your job is to ensure that everyone, strong or weak, loud or quiet, are represented in your decision. This isn't about money, and this isn't about reservations, and more importantly this isn't a competition. This is an opportunity that the United States government put into place to support ALL tribes to be successful, self-sustaining, and to heal from the atrocities incited

hundreds of years ago. But most importantly, please keep in mind, that if public comment were the largest determinant on whether us Indians could exist, then none of us would be here.

Thank you so much for the opportunity,

Bridgett L. Wheeler

Bridgett L. Wheeler, B.S. LA

Assistant Executive Director

Coquille Indian Tribe

From: Cheyenne Datan <cdatan@tribal.one>
Sent: Wednesday, February 22, 2023 12:10 PM
To: FY22, BIA CoquilleCasinoEIS <CoquilleCasinoEIS@bia.gov>
Subject: [EXTERNAL] DEIS Comments, Coquille Tribe Medford Gaming Facility Project

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Hello, my name is Cheyenne Datan.

I am a student athlete currently attending Linfield University. I am also a member of the Coquille Indian Tribe and had the opportunity to live and work in Medford when not attending school.

Being a tribal member and having the opportunity to work at my tribe's businesses in Medford has been very valuable for me as I am getting hands-on experience in business and development. The jobs in Medford have great benefits and provide our employees with a culture and team atmosphere as well as support and tools for further development for those people who are looking for future opportunities.

I am in support of the class II gaming center for Medford as it will add more jobs for our Medford economy. As a tribal member, I know that my future kids and grandkids will not be able to have the access to health care and education support that I have had throughout my life without new revenues. The Coquille Tribe invests its profits into health care, education and care for Tribal elders. We do not receive per capita payments like many other Tribes. Without new businesses to contribute to these essential services, my Tribe will be looking at having to cut critical services to its members. I ask the BIA to approve the draft EIS and take the 2 acres of land into trust for this project.

Thank you.

From: Joanne Wilcox <jandbwilcox@ccountry.net>
Sent: Wednesday, February 22, 2023 1:16 PM
To: FY22, BIA CoquilleCasinoEIS <CoquilleCasinoEIS@bia.gov>
Subject: [EXTERNAL] CoquilleTribe Medford Gaming Facility Project

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We urge you to reject this project because it would negatively impact the several tribal casinos already in place. Those tribes actually did live on their land whereas the Coquille Tribe never had a Rogue Valley reservation. Allowing this tribe to have their casino in a federal trust would set a precedent. The approved casinos are on tribal lands. How many casinos are needed on the west coast of America?

Air pollution is always a concern in this Valley. More cars, more people, more low income famiiy problems due to a casino anywhere in the Valley will negatively impact the agencies that provide law & order enforcement, health, & human resources, & the medical facilities as well as infrastructure complications.

I60-1

I60-2

Please refute this tribe's clever end-run around the Bureau's original rejection of their plans.

Bob & Joanne Wilcox, 2569 Old Stage Road/Central Point, OR 97502

From: Standard Financial <stdsis@standardfinancial.us>
Sent: Wednesday, February 22, 2023 2:19 PM
To: FY22, BIA CoquilleCasinoEIS <CoquilleCasinoEIS@bia.gov>
Subject: [EXTERNAL] Coquille Tribe Medford Gaming Facility Project

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No Coquille Casino in Medford or Southern Oregon.

1. The Coquille Tribe already has a casino in Coos Bay.
2. The Coquille Tribe have absolutely no aboriginal or ancestral history to this part of the state.

It's crazy it's even being considered. If they can get approval based on these facts, we will have casinos popping up all over the state like mushrooms.

Reginald P. Breeze
100 E. Main St Ste A
Medford, OR 97501

From: Fauna Hill <faunaeileen@gmail.com>
Sent: Wednesday, February 22, 2023 3:30 PM
To: FY22, BIA CoquilleCasinoEIS <CoquilleCasinoEIS@bia.gov>
Subject: [EXTERNAL] "DEIS Comments, Coquille Tribe Medford Gaming Facility Project."

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Jala and Hello,

My name is Fauna Hill and I am a member of the Coquille Indian Tribe, married to a member of the Coquille Indian Tribe, and I have two children enrolled in the Coquille Indian Tribe.

I fully support the application for a proposed 2.4-acre fee-to-trust transfer and gaming facility project.

Firstly, this action does not significantly impact the quality of the human environment. The Tribe will simply be remodeling a bowling alley and the 2.4 acre property that it sits on.

There are no impacts to threatened or endangered species or air or water quality. This is not a historical or cultural site. The only way it is of "significance for indigenous peoples" is that it will support Tribal member services including education, health care, and care for our elders.

Secondly, this will be a gaming facility that is the right size for the local community and will not negatively impact housing stock, businesses, property values, or expected noise. The remodel will improve aesthetics.

Finally, the Coquille Indian Tribe has been and will continue to be a wonderful community partner in Medford. The new gaming facility will give back to the community through charitable donations as well as increasing jobs.

This is such a win-win opportunity for the Coquille Indian Tribe and Medford, with no significant negative impacts to the environment or the community.

Thank you for the opportunity to comment.

Shuenhalni and take care,

Fauna E. Hill, enrollment #403

From: Info Email <info@thebrandbuild.com>
Sent: Wednesday, February 22, 2023 5:31 PM
To: FY22, BIA CoquilleCasinoEIS <CoquilleCasinoEIS@bia.gov>
Subject: [EXTERNAL] Support of the Class 2 Project

163

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Good evening,

I support the class 2 casino build project in Medford Oregon for the following reason.

The positive impacts on the local economy

1. Creating the spending power of up to 200 new jobs in the community
2. Opening vendor opportunities for local businesses to provide goods and services to the new gaming facility.
3. The spending that will happen from those new jobs and opportunities.

The draft EIS projects the project will produce \$18.6 million in direct economic impact and an additional \$16.4 million in indirect and induced economic impact.

Thank you,

JJ

From: redtail7@aol.com <redtail7@aol.com>
Sent: Thursday, February 23, 2023 9:45 AM
To: FY22, BIA CoquilleCasinoEIS <CoquilleCasinoEIS@bia.gov>
Subject: [EXTERNAL] Facility Project

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

Hello to those overseeing the proposed casino project of the Coquille band in Jackson County, Oregon,

I am a citizen of Jackson County, Oregon with some serious concerns regarding the proposed building of a casino by the Coquille tribal entity in Medford, Oregon.

Historically there has been no presence of the Coquille band in Jackson County. We have seen some philanthropic gestures on their part as a lead-up to this proposed being considered, but until this project was proposed, the Coquilles were absent from the county.

If the Fed. Bureau of "Indian" affairs find in favor of the Coquille band's petition, we would be faced with the creation of a Coquille reservation in our county – with serious negative consequences! We would have no regulation or supervision by local authorities. We conceivably could be faced with situations where our County Sheriffs or municipal police could not even respond to emergency situations in the new reservation. We would also lose a considerable amount of land from our tax roles.

I64-1

I64-2

There a other very serious concerns to be addressed:

Jackson County, Oregon has a very serious drug problem: Meth, oxycodone & derivatives, and Fentanyl. The addicted frequently can be found in casinos and looking to rob people who frequent such establishments.

Concurrently we have a growing number of aged – many alone, socially isolated, and extremely vulnerable to gambling addiction.

Thank you for considering the voice of a citizen of Jackson County, Oregon,

Kathleen Robertson-Rieman

Redtail7@aol.com

From: Kyle Viksnehill <kyleviksnehill@coquilletribe.org>
Sent: Thursday, February 23, 2023 9:51 AM
To: FY22, BIA CoquilleCasinoEIS <CoquilleCasinoEIS@bia.gov>
Subject: [EXTERNAL] DEIS Comments, Coquille Tribe Medford Gaming Facility Project

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

Hello, Mr. Mogavero:

I am writing in support of approving the Tribe's Proposed Project. My name is Kyle ViksneHill, and I am a member of the Coquille Indian Tribe. I am also the Chief Financial Officer of the Coquille Tribal government. I consider myself to be very fortunate – to have benefitted from the education and employment programs and services that the Tribe has built since we were restored in 1989, and to be able to help my Tribe continue the work of building and sustaining those same programs for future generations.

As the Chief Financial Officer of the Tribal government, I have no involvement in the Tribe's economic development activities. Unlike other Tribes, the Coquille Tribe does not distribute revenues to its Tribal members on a per capita basis; this is explicitly forbidden in the Tribe's constitution. Instead, the Tribe uses its revenues to provide for basic essential services: Healthcare; Family and Social Services; costs of stewarding and protecting our cultural and natural resources; educating our children; and taking care of our old people. Understanding the costs of these services and how they are expected to change over time is a large part of the work that I do as the Chief Financial Officer of the Tribal government.

The Tribe has recognized for a long time that our current revenues are not enough to meet these basic needs for our Tribal members today. The Tribe has also recognized for a long time that our cost to provide these services will continue to increase, as the population of our Tribe grows, and due to general inflationary increases, at a rate beyond the expected growth of our current revenues.

The Tribe started its economic development efforts in Medford over 10 years ago recognizing that we need new sources of revenue – not to enrich ourselves – but to keep up with the growth in costs and the growth of our Tribal population, and to make a meaningful advance towards

fully meeting the needs of our Tribal members for basic essential services and not just the small portion of that need that we are able to provide today.

I strongly encourage the BIA to approve the Coquille Indian Tribe's Proposed Project, and thank you again for this opportunity to provide comments.

Kyle ViksneHill

CFO | Coquille Indian Tribe

D: 541-756-0904 ext. 1215 | M: 541-808-4758

Mail: 3050 Tremont St, North Bend OR, 97459

Email: kyleviksnehill@coquilletribe.org

From: Harry Hirsch <hareeric49@gmail.com>
Sent: Thursday, February 23, 2023 3:19 PM
To: FY22, BIA CoquilleCasinoEIS <CoquilleCasinoEIS@bia.gov>
Subject: [EXTERNAL] Coquille Tribe Medford GamingFacility Project

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

As per Tuesday's Rogue Valley Tribune *In Our View* "Tribe takes another spin at casino proposal,"

I would say YES to building the Cedars at Bear Creek casino in Medford, As a retiree with free time and financial wherewithal I enjoy spending time at a casino. I would prefer not to drive 70 miles to 7 Feathers in Canyonville nor 55 miles to Yreka, Ca. The money I spend dining and gambling at the casino could better be used locally. The objections to a new casino ring hollow and reek of nimbyism. Cow Creek does not want competition. The good old boy network in Medford should no longer. decide what the over 65% YES vote represents. Oh, by the way, the overwhelming number of people I meet at the casinos are from Medford!

Sincerely

Harry Hirsch,
Medford,

From: Beth Gipson <bettyann81@hotmail.com>
Sent: Thursday, February 23, 2023 5:00 PM
To: FY22, BIA CoquilleCasinoEIS <CoquilleCasinoEIS@bia.gov>
Subject: [EXTERNAL] Decision comments coquilletribe medfordgaming facility orject

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Hello, I wanted to reach out and say I would hate to see coquille go out of their land area use to put a casino in Southern oregon. Not only are they completely out of their ancestral area but we all (tribes) follow the rule ,1 tribe 1 casino....also. a tribe should not go against the rule and hurt other tribes to benefit theirselves. This would hurt tribes in their own ancestral area financially..klamath ,karuk,and the cow creek would all hurt if coquille went between us all.tjey have a casino in a bigger city.no need to be greedy. Please,do not allow this to happen, no to coquille to having another casino. Thanks,Beth gipson

Randy Sparacino
Medford Resident

02/22/2023

Bryan Newland, Esq.
Assistant Secretary – Indian Affairs
United States Department of the Interior
1849 C Street N.W.
Washington, D.C. 20240

Paula Hart, Director
Bureau of Indian Affairs, Office of Indian Gaming
1849 C. Street N.W.
MS-3657-MIB
Washington, DC. 20240

Dear Assistant Secretary Newland and OIG Director Hart:

I do not speak on behalf of the City Council on this topic. I am representing myself as a member of this community and serving this community. I recognize that nearly a decade ago the Medford City Council took an opposing position based on the information at that time but I as an individual believe that it is in the best interest of the City of Medford to take a neutral position on the project. At the same time, the City of Medford should continue to engage with the Coquille on a potential agreement for services in lieu of taxes should the project be approved.

Additionally, the Jackson County Commissioners have also recently announced their position as “neutral” towards the project as they engage Coquille leadership in their own agreement.

I also want to recognize that as a member of this community I appreciate the economic contributions that the Coquille have already committed to our community with the construction of the Compass Hotel and the jobs that has delivered to our valley.

As far as the concern regarding the potential criminal impact of expansion of the facility, as a formal police executive, I believe that can be mitigated by on site security and a well-crafted agreement with the City and County to provide additional services as necessary.

Thank you for your consideration.

Sincerely,



Randy Sparacino

From: Greg Lemhouse <greg@ustrategies.org>
Sent: Thursday, February 23, 2023 5:26 PM
To: FY22, BIA CoquilleCasinoEIS <CoquilleCasinoEIS@bia.gov>
Subject: [EXTERNAL] Letter of support from Medford Mayor Sparacino

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Please accept the attached letter of support for the Coquille Casino Application

Greg Lemhouse

Phone: [541.944.7185](tel:541.944.7185)

Email: greg@ustrategies.org

Website: ustrategies.org

CONFIDENTIALITY NOTICE:

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From: Brett Kenney <brettkenney@coquilletribe.org>
Sent: Thursday, February 23, 2023 9:34 PM
To: FY22, BIA CoquilleCasinoEIS <CoquilleCasinoEIS@bia.gov>
Subject: [EXTERNAL] DEIS Comments, Coquille Tribe Medford Gaming Facility Project

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

Enclosed please find two items relevant to this matter, which I submit for the record. Thank you.

Brett Kenney, Tribal Attorney

Coquille Indian Tribe

(541) 297-2996

brettkenney@coquilletribe.org

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TIM KNOPP
STATE SENATOR
DISTRICT 27



OREGON STATE SENATE

June 7, 2022

The Honorable Bryan Newland Assistant Secretary
Indian Affairs Department of the Interior
MS-4141-MIB 1849 C Street, NW
Washington, DC 20240

Bryan Mercier, Regional Director
Bureau of Indian Affairs Northwest Regional Office
911 NW 11th Ave
Portland, OR 97232-4169

Dear Sirs,

I strongly believe that the process related to establishing gaming facilities in Oregon was put in place and should be allowed to work in Medford, Oregon, as it has across the state. It's important that the Coquille Tribe have the opportunity to formally file, and go through that process. I encourage you to review all the facts to make your decision based on tribal needs, and community benefits.

Sincerely,

Senator Tim Knopp
Oregon State Senator, District 27



March 3, 2022

6:00 P.M.

Medford City Hall, Council Chambers

411 W. 8th Street, Medford, Oregon

The regular meeting of the Medford City Council was called to order at 6:00 p.m. in the Medford City Hall Council Chambers on the above date with the following members and staff present:

Councilors Clay Bearnson, Tim D'Alessandro, Alex Poythress, Sarah Spansail, Eric Stark, Kevin Stine, Michael Zarosinski; City Manager Brian Sjothun, City Attorney Eric Mitton, City Recorder Winnie Shepard; Mayor Randy Sparacino and Councilor Chad Miller were absent.

20. Recognitions, Community Group Reports

20.1 SORED I Quarterly Report

SORED I Executive Director Colleen Padilla provided a quarterly update on the One Rogue Valley strategy, various recruitment/relocation projects, the revolving loan program, public outreach and the wildfire resiliency grants. (See attached handout.)

20.2 Travel Medford Quarterly Report

Travel Medford Senior Vice President TJ Holmes provided a quarterly update on Travel Medford's website activity, transient lodging tax revenue for past three years, strategic goals, etc. (See attached handout and PowerPoint.)

30. Oral Requests and Communications from the Audience

30.1 Bob Shand, Medford, submitted written comments opposing the water reclamation facility study.

40. Approval or Correction of the Minutes of the February 17, 2022 Regular Meeting

There being no additions or corrections, the minutes were approved as presented.

50. Consent Calendar

None.

60. Items Removed from Consent Calendar

None.

70. Ordinances and Resolutions

70.1 COUNCIL BILL 2022-18

AN ORDINANCE approving and authorizing execution of a three-year consulting services contract in the amount of \$670,000.00 with Geosyntec Consultants, Inc., to complete a Stressor Analysis for the Regional Water Reclamation Facility (RWRF).

Motion: Approve the ordinance.

Moved by: Alex Poythress

Seconded by: Tim D'Alessandro

Roll call: Councilors Bearnson, D'Alessandro, Poythress, Spansail, Stark, Stine, and Zarosinski voted yes.

Motion carried and so ordered. Council Bill 2022-18 was approved.

70.2 COUNCIL BILL 2022-19

AN ORDINANCE approving and authorizing execution of a grant agreement with the Oregon Department of Administrative Services (DAS) from State General Funds, in an amount totaling \$1,000,000 to help support programs or services that address housing insecurity, lack of affordable housing, or homelessness.

Deputy City Manager Kelly Madding provided a staff report. (See attached PowerPoint.) The legislature awarded \$1,000,000 to the City of Medford, specifically to support housing services. Funds must be spent before June 30, 2023.

Councilor Poythress noted a conflict of interest and recused himself from the discussion and motion.

The funding status of the navigation center was provided. The \$1,000,000 could be used for the urban campground; however, staff recommended funding a commercial kitchen for the navigation center. The center currently has a kitchen, but it is not a commercial kitchen or designed to provide food for large groups of people. Until a commercial kitchen is installed, all meals will be delivered from outside agencies.

Building Director Sam Barnum explained that the building permits were not included in the original construction estimates. Some aspects of the construction were not included in the original design; he was unsure why the other permits were not included.

Motion: Approve the ordinance.

Moved by: Tim D'Alessandro

Seconded by: Sarah Spansail

Roll call: Councilors Bearnson, D'Alessandro, Spansail, Stark, Stine, and Zarosinski voted yes.

Motion carried and so ordered. Council Bill 2022-19 was approved.

Motion: Allocate up to \$500,000 of the funding approved in Ordinance 2022-19 for the navigation center renovation and direct staff to bring back a recommendation for the use of the remaining \$500,000.

Moved by: Tim D'Alessandro

Seconded by: Sarah Spansail

Roll call: Councilors Bearnson, D'Alessandro, Spansail, Stark, Stine, and Zarosinski voted yes.

Motion carried and so ordered. \$500,000 of the funding will be allocated to the navigation center; staff will provide recommendations for the remaining \$500,000.

80. Public Hearings

80.1 PUBLIC HEARING

Consider an appeal of the Public Works Director's decision to remove parking spaces and designating a "No Parking" zone on the north side of Willowdale Avenue between Kingswood and Climate Control Mini Storage.

City Attorney Eric Mitton advised that the appellants withdrew their appeal on this matter. Their concerns were not directly related to the topic of the appeal and will be addressed by staff.

90. Council Business

90.1 Proclamations issued

None.

90.2 Committee Reports and Communications

a. Council Officers Update

Councilor D'Alessandro recommended a team of foot patrol officers specifically in the downtown area.

Motion: Direct staff to present options to the City Council for consideration of a pilot program for a downtown patrol team that would operate from May 1 through June 30. These options should include costs, funding options, hours of operation and measureable outcomes to be reported back to Council on July 21, 2022.

Moved by: Tim D'Alessandro

Seconded by: Alex Poythress

Councilors noted that the navigation center's 40-60 beds and the loo installation should also help the issues in the downtown area. This program would supplement the livability team.

Roll call: Councilors Bearnson, D'Alessandro, Poythress, Spansail, Stark, Stine, and Zarosinski voted yes.

Motion carried and so ordered. Staff will determine options to present to Council July 21, 2022.

Motion: Direct staff to begin negotiating a municipal services agreement with the Coquille Tribe regarding a 2.42 parcel of land on South Pacific Highway, to protect the City's financial interests.

Moved by: Kevin Stine

Seconded by: Tim D'Alessandro

Councilor Stine clarified that this motion takes no substantive position on the issue of whether the land should be placed into trust; it is only to protect the City's financial interest.

Mr. Mitton advised that the Bureau of Indian Affairs unilaterally reversed the prior denial. The City has only received notice that the denial was revoked. Any agreement should allow for compensation to the City for services provided.

Roll call: Councilors Bearnson, D'Alessandro, Poythress, Spansail, Stark and Stine voted yes; Councilor Zarosinski abstained.

Motion carried and so ordered. Staff will begin negotiations for a fee-for-service agreement.

b. Committee Reports

Councilor D'Alessandro reported that the Medford Water Commission is working on resiliency during the drought and potentially use more water from the Rogue River.

Councilor Zarosinski reported that the Transportation Commission discussed grant applications for the safe routes to school program and three RVMPO projects.

Councilor D'Alessandro reported that the Regional Rate Committee has been discussing the result of the permit appeal.

100. City Manager and Staff Reports

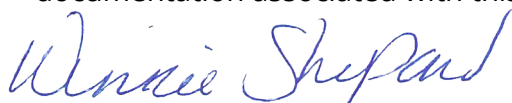
City Manager Brian Sjothun restated that the City Council meetings will be open to the public on March 17, if the COVID cases remain low.

Councilor Stine requested that interviews for the Vision Implementation Committee members take place in March, with appointments made during the April 21, 2022 City Council meeting.

110. Adjournment

There being no further business, this City Council meeting adjourned at 7:05 p.m.

The City Recorder maintains a recording of these proceedings with the agenda, minutes and documentation associated with this meeting.



Winnie Shepard, CMC
City Recorder

Attachments

- 20.1 SOREDI handout
- 20.2 Travel Medford handout and PowerPoint
- 70.2 DAS grant funding PowerPoint



City of Medford, Regional Update – Thursday, March 3, 2022

1) **Medford Vision 2040**

Thank you for the invite to participate in a lead partner role!

2) **One Rogue Valley (1RV) Strategy Progress**

- Evaluating what is priority now (with mandates being lifted) and corresponding staff capacity.
- Internal infrastructure/technology overhaul in process. New Customer Relationship Manager (CRM) database system is now allowing us to track activities and **specifically tag tactics within the 1RV Strategy to create real time, relevant dashboards.**

3) **Recruitment/Relocation Projects**

- Working 4-5 strong projects throughout our region, all are direct leads.
- Total expected new investments \$35- 40m; 150-200 jobs at build out. Food manufacturing (2); Bioscience (1); Secondary wood products (1); Health Supplements (1)
- Continued response to leads through Business Oregon.

4) **Revolving Loan Program**

- New loan approved for Medford-based fitness center, \$100,000. Lease hold improvements, 3-5 new staff.
- **Over \$3 million in cash assets available to lend.**
- SOREDI board is considering paying off two USDA notes, which will free up all loan assets and potentially remove federal restrictions, providing opportunity to be more creative with lending and special projects.

5) **Connecting Again – SOBC Change Up! (Attachment)**

- Southern Oregon Business Conference video series – **Moving Forward Through Change**
- Three industry focused 5-minute video keynotes, with 2 watch corresponding watch parties (30-40 guests), one in each county, different venues.
- April – Development (Outlier Construction); August – Manufacturing (Cummins); October – Hospitality (Thomason Hospitality Group)

6) **SOREDI Round Up on the Rogue (Attachment)**

- Annual Meeting on Thursday, June 30 (attachment) with Hellgate Jetboats; limited to 168 guests
- Registration will be open soon.

7) **Southern Oregon Edge Business Profiles (Attachments)**

- Weekend Beer Company, Grants Pass
- Grants Co-op, Medford

8) **Wildfire Resiliency Grants**

- Portal expected to open end of March, over \$100,000 raised/committed
- Considering event in Phoenix/Talent in May to celebrate successes, brainstorm & provide networking for elected officials, south valley businesses and members of the development industry.

Colleen Padilla, Executive Director, colleen@soredi.org

Southern Oregon Regional Economic Development, Inc. | 1311 East Barnett Road, Ste. 301 Medford, OR 97504 | (541) 773-8946

Moving forward through **CHANGE**

Real Estate & Development

Keynote:

Robb Mayers

Outlier Construction

Ashland, April 21st (Thursday) @ Ashland Works

Panelist: **Tom Fischer**, Coldwell Banker

Panelist: **Breanne Eagles**, Moss Adams

Grants Pass, April 27th (Wednesday) @ Weekend Brewing

Panelist: **Aaron Ausland**, Ausland Group

Panelist: **Kelsey Ausland**, Ausland Group

Phoenix, August 24 or 25 (TBD) @ TBD

Panelist: **Randy Pena**, Braun Brush

Panelist: TBD, TBD

Grants Pass, August 31st (Wednesday) @ TBD

Panelist: TBD, TBD

Panelist: TBD, TBD

Manufacturing

Keynote:

Dustin Hall

Cummins Inc.

Medford, October 20th (Thursday) @ Urban Cork

Panelist: **Randy Pena**, Braun Brush

Panelist: TBD, TBD

Tourism & Hospitality

Keynote:

Dave Thomason

Thomason Hospitality Group

Grants Pass, August 31st (Wednesday) @ Taprock Grill

Panelist: **Travis Hamlyn**, Hellgate Jetboats

Panelist: **Josie Malloy**, Grants Pass Chamber of Commerce

Register Today!

Events will be held in person, from 4-6 pm.

Beverage and light appetizers provided.

Capacity limited; registration required.

SORED.org/events



Southern Oregon Regional
Economic Development, Inc.
Wildly Serious About Business

SOBC Series

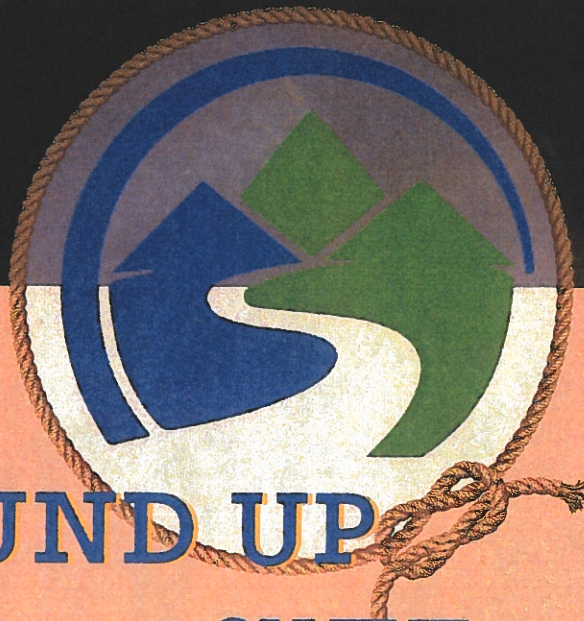
(formerly Southern Oregon
Business Conference)

Partners

KeyBank



MOSSADAMS



ROUND UP

ON THE

Rogue

**SORED I
2022
Annual
Meeting**

**June 30th
3-8 pm
Grants Pass**

**Hellgate Jet Boats
+ dinner**

Tickets limited; registration required.

\$80 / \$100

Members / Non-Members

Sponsorships/Questions:
info@soredi.org

soredi.org/2022rogue





Southern Oregon Regional
Economic Development, Inc.
Wildly Serious About Business

Celebrating the Weekend... Every Day!

Photo by David Gibb | dgibbphoto.com



Weekend Beer Company
www.weekendbeercompany.com
1863 NW Washington Blvd.
Grants Pass, OR 97526
(541) 507-1862

In November of 2018, the citizens of Grants Pass and beyond were invited to celebrate the weekend every day of the week. Weekend Beer Company was started by two couples—four friends who share a passion for great beer.

Southern Oregon proved to be the perfect place for the entire group to settle and open their very own brewery. “We live where people vacation,” said Kelsey Yoho, a co-owner of Weekend Beer Co.

The business became a quick success story and as the customers increased, the owners began the search for a larger location. SOREDI helped with gap financing and property tax abatement incentives—helping to reduce bottom line expenses for a few years, making the owners’ dream possible.

In March 2021, the combined brewery and taproom opened a new location on Washington Blvd. On any given day, you may find young adults meeting up with friends, families getting tacos with their kids, even senior citizens laughing and drinking. With such an inclusive atmosphere, it’s hard not to have a good time—even on a Monday.

“Starting our own business was something we’d wanted to do for a long time.”

-Kelsey Yoho
Co-Owner

THE SOUTHERN OREGON
EDGE

www.SOREDIOrg/edge
by SOREDI | Southern Oregon Regional Economic Development, Inc.

(541) 773-8946

Small Investment, Big Return!

Weekend Beer Company was started by two couples—four friends who share a passion for great beer. The business became a quick success story and as the customers increased, the owners began the search for a larger location. In March 2021, the combined brewery and taproom opened a new location on Washington Blvd, where visitors can now brew up a good time—even on a Monday.

Located along the highway to both the Redwoods and the Coast, Grants Pass is rural enough to be scenic and outdoorsy, but metropolitan enough to lend convenience to the lives of its 38,502 inhabitants. “We live where people vacation,” said Kelsey Yoho, a co-owner of Weekend Beer Co. After meeting her husband, Troy, and both serving ten years as Army officers, the Yohos returned to Kelsey’s hometown and reconnected with Brandon and Ashley Crews, the other half of the company’s ownership. The Crews had both grown up in Grants Pass as well, where they met and graduated before going off to college. After thirteen years though, in which Brandon became a professional brewer and Ashley worked in marketing, the couple decided to return home. Southern Oregon proved to be the perfect place for the entire group to settle and open their very own brewery.

And the rest is history.

SOREDI was even able to be a part of the Weekend Beer Company’s story. A taproom and brewery are not cheap investments, and SOREDI helped with gap financing and property tax abatement incentives—helping to reduce bottom line expenses for a few years, making the owners’ dream possible. “Starting our own business was something we’d wanted to do for a long time,” Yoho said. “And after going to numerous breweries and taprooms, even in other countries, you start to see what works.”

Unlike some industries, breweries benefit from other local competitors. Tourists are more likely to spend a weekend tasting brews if there are multiple taprooms in the area. “It’s a pretty collaborative industry,” said Yoho. The biggest challenge is to get the word out to brewery tourists—Bend and Portland are not the only cities in the State with great taprooms. Southern Oregon is growing into a brewery destination as well—and when coupled with great outdoor recreation opportunities, the whole region has untapped potential as a tasting spot.

For example, in 2020, Weekend Beer Co. brewed up a partnership with Orange Torpedo Trips that allows visitors—and locals—to experience the beauty of the Wild and Scenic Rogue River, while also enjoying a pint or two. OTT’s Paddled Pub is a custom-designed raft—with a built-in bar. And the drinks—you guessed it! —are from Weekend Beer Company. What else says relaxation like a seven-mile float on a warm summer day?

Weekend Beer Company also prides themselves on their ability to appeal to a large demographic. On any given day, you may find young adults meeting up with friends, families getting tacos with their kids, even senior citizens laughing and drinking. With such an inclusive atmosphere, it’s hard not to have a good time. The food that accompanies their great beers comes from local food trucks who have agreements with Weekend Beer Company to park outside and serve their specialties. Having the food trucks—run by other local business owners—is yet another example of collaboration with the community, says Yoho.

Having already expanded from 500 sq ft of outdoor seating to 8,000 sq ft, Weekend Beer Company has plans for parking lot expansions—forty-four more spaces—and the addition of at least two more food trucks. With a current staff of seven, the brewery is poised to grow to a three-barrel brewing system, and eventually bottle more of their beers. With this step, distribution will be launched beyond the taproom’s walls—meaning you may be able to pick up your favorite brew on store shelves.

In the coming seasons, Weekend Beer Company is excited to host more events—and people. Expanding to a larger location during the height of COVID-19 was not something that many businesses were able to do. In many ways, the success of the business has been an inspiration to others—especially in the local community. Whether one prefers floating down the river with a drink in hand or reuniting with friends at the taproom, the startup brewery invites others to believe in relaxing and “living the weekend” — any day.



Photo by David Gibb | digbphoto.com

In November of 2018, the citizens of Grants Pass and beyond were invited to celebrate the weekend every day of the week.

THE SOUTHERN OREGON
EDGE

www.SOREDI.org/edge

by SOREDI | Southern Oregon Regional Economic Development, Inc.



Southern Oregon Regional
Economic Development, Inc.
Wildly Serious About Business

Small Investment, Big Return!



Photo by David Gibb | dgibbphoto.com

In the midst of the Great Depression, fuel was hard to afford. So, in 1934, ninety-nine farmers in Southern Oregon came up with ten dollars each—ten dollars which was invested into a cooperative that is still growing, eighty-seven years later.

Today the Grange Co-op is no longer known for fuel. Over nearly nine decades, community needs and wants have changed and now, in addition to having the only organic feed mill between Sacramento and Eugene, Grange Co-op sells feed, fertilizers, clothing, snacks, pet supplies, and outdoor home décor in its seven stores and online.

The company is also committed to supporting its local communities. By providing discounts, awards, and scholarships for local youth programs, offering educational assistance to their employees, and contributing to fire relief funds for Southern Oregon and Northern California—the Grange Co-op can fulfill its purpose of helping its employees, customers, and communities achieve more together.

Grange Co-op
www.grangecoop.com
2833 N Pacific Hwy
Medford, OR 97501
(800) 888-6317

“The company’s biggest success has been the ability to change, to listen to customers, and stay connected to the community. Because it all comes back to the people.”

-Neil Itzen
CEO

THE SOUTHERN OREGON
EDGE

www.SORED1.org/edge
by SOREDI | Southern Oregon Regional Economic Development, Inc.

(541) 773-8946

Small Investment, Big Return!

In the midst of the Great Depression, fuel was hard to afford. So, in 1934, ninety-nine farmers in Southern Oregon came up with ten dollars each—ten dollars which was invested into a cooperative that is still growing today, eighty-seven years later. The Grange Co-op is no longer known for fuel, but anyone in Southern Oregon or Northern California who does farming, gardening, or likes bootcut jeans has probably visited at least one of the Grange's seven stores. The company's largest location is as far south as Yuba City, with six other stores around the Rogue Valley and Klamath Falls. And more expansion is on the horizon—not every company that's been around for nearly nine decades can claim that.

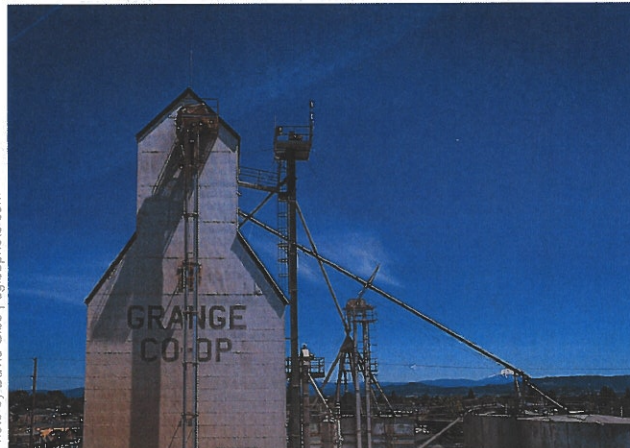


Photo by David Glibb | dglbbphoto.com

For nearly nine decades, Grange Co-op has attended to the community's needs

In 1947, the Grange Co-op grain elevator became a landmark in Central Point. Even after it caught fire in 1961, it was rebuilt in less than a year and is still functioning today. And according to Grange Co-op's CEO, Neil Itzen, and its Marketing Director, Jason Wall, the company has the only organic feed mill between Sacramento and Eugene. "The company's biggest success has been the ability to change, to listen to customers, and stay connected to the community," Itzen agreed. "Because it all comes back to the people."

Of course, in eighty-seven years, community needs and wants have changed. Farming in the Rogue Valley is a different process than it was during the Depression era, and now Grange Co-op stores sell far more than just feed and fertilizers. Today customers can also find clothing, snacks, pet supplies, and outdoor home décor on Grange shelves—or on the online store, which is yet another example of adapting to the customer.

And for anyone involved in the community's agricultural programs, the generosity of Grange Co-op is remarkable. Each year, youth in Southern Oregon and Northern California receive support in 4-H and FFA, through discounts, awards, and scholarships. Even gardening clubs, civic organizations, and community projects receive donations through the company. In the past few years, Grange Co-op has contributed to fire relief funds for Southern Oregon and Northern California. "These things matter to our people—so they matter to our company," said Itzen. In addition to all this, the co-op offers an educational assistance program, allowing employees who have worked for the company for at least six months, a \$2,500 yearly reimbursement on applicable school expenses, such as college classes or preparation courses (SAT, GRE, GMAT, etc.).

"We look for people who care about people," Itzen replied, when asked about the recruiting process. "We want them to believe in what they're doing—providing friendliness and quality products to their local community." Currently, Grange Co-op employs about 150 individuals in the Rogue Valley and around 270 overall. Training is done completely in-house, so there are very few requirements for prospective job seekers, other than a good attitude and a willingness to help people. "Grange Co-op offers internships and internal growth... you can do a lot of cool things here," finished Wall. "It's a fun place to be."

While the future may not be set in stone for anyone, the Grange Co-op has constantly-evolving visions for expansion. It's safe to say that as Grange Co-op grows, they will do so in a way that fulfills their purpose of helping their employees, customers, and communities achieve more together.

THE SOUTHERN OREGON
EDGE

www.SORED1.org/edge

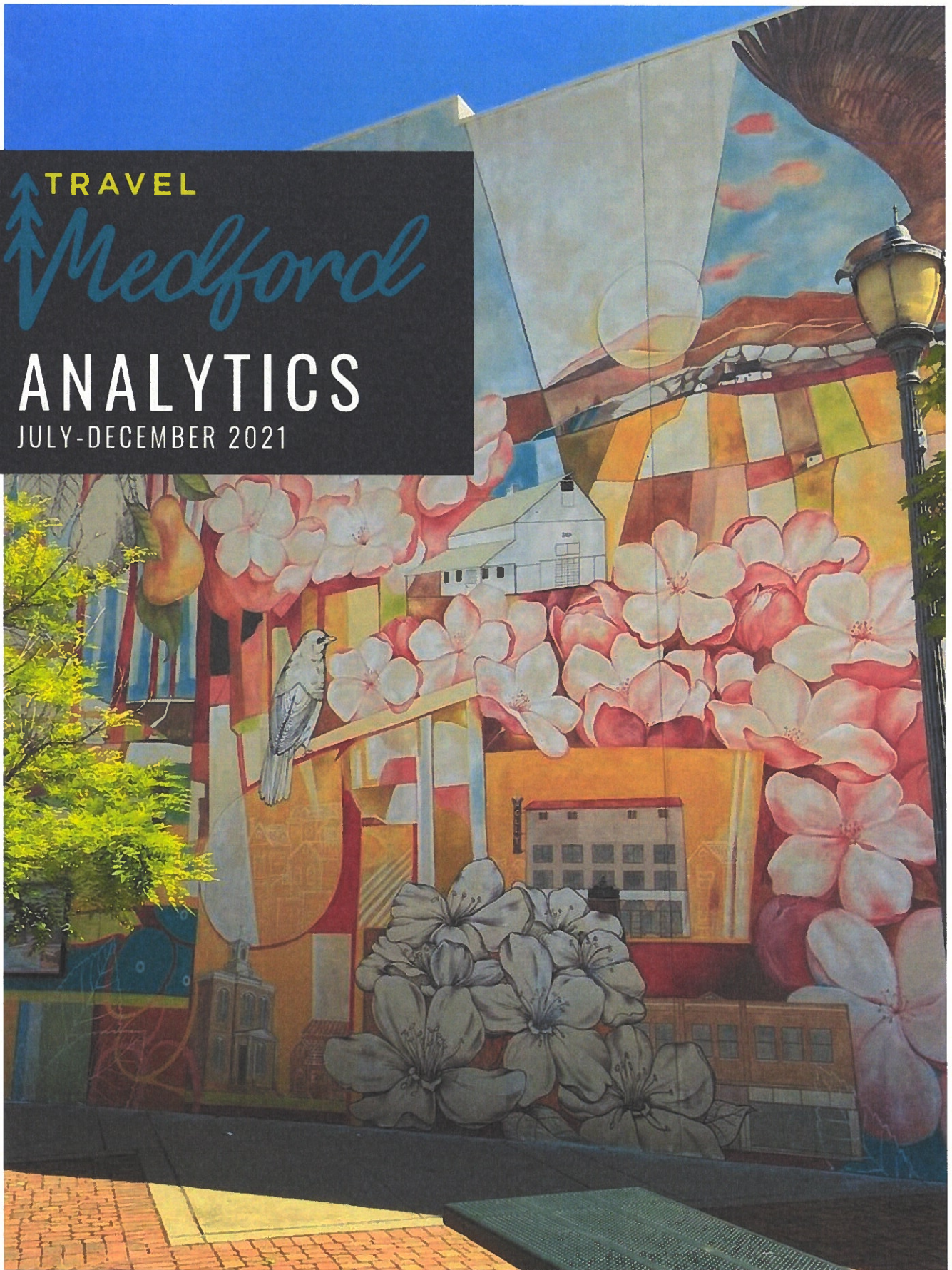
by SOREDI | Southern Oregon Regional Economic Development, Inc.

TRAVEL

Medford

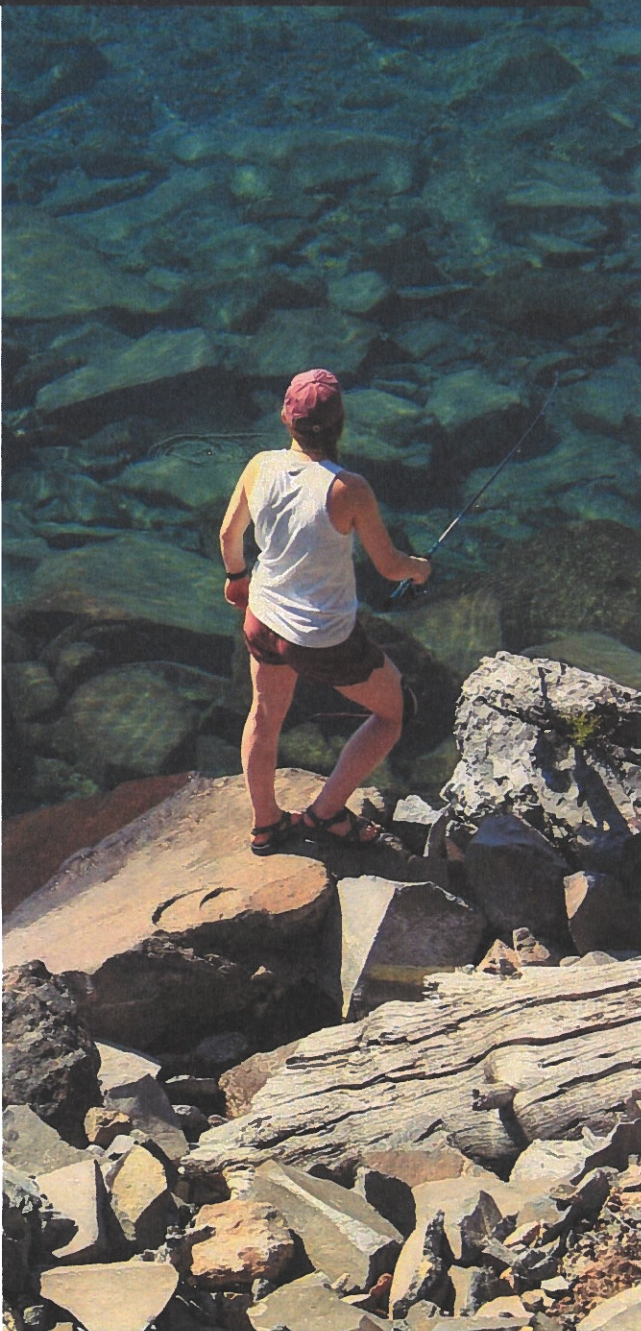
ANALYTICS

JULY-DECEMBER 2021



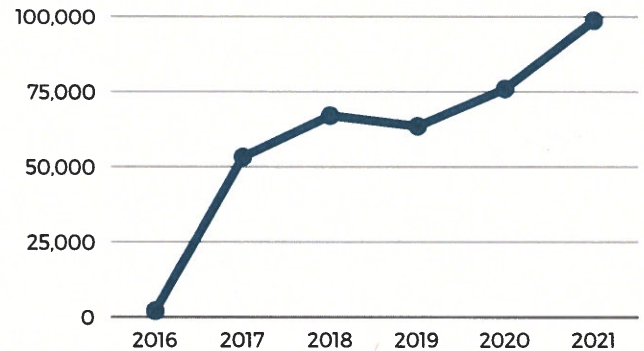
WEBSITE REPORT

JULY-DECEMBER 2021



30% INCREASE WEBSITE USERS YOY

2021: 98,661
2020: 75,930
2019: 63,444



29.5% INCREASE WEBSITE SESSIONS YOY

2021: 121,723
2020: 93,948
2019: 63,444

61% INCREASE WEBSITE PAGEVIEWS YOY

2021: 404,535
2020: 251,103
2019: 259,740

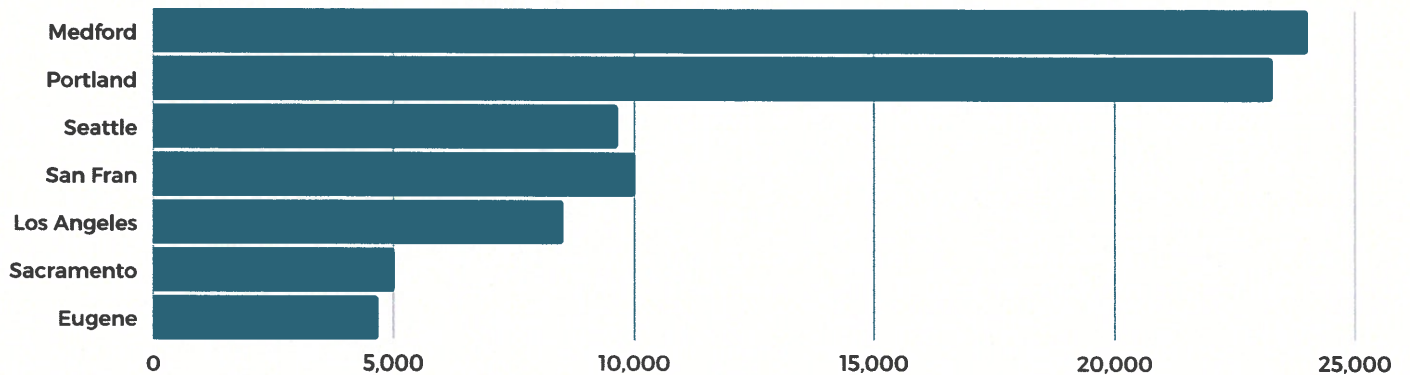
WEBSITE REPORT

JULY-DECEMBER 2021

WEBSITE DEMOGRAPHICS

Website Demographics are the demographics of users who have initiated at least one session on the www.travelmedford.org website. They are capture in the area that they initiate the interaction.

USER BY CITY LOCATION



CALIFORNIA USERSHIP

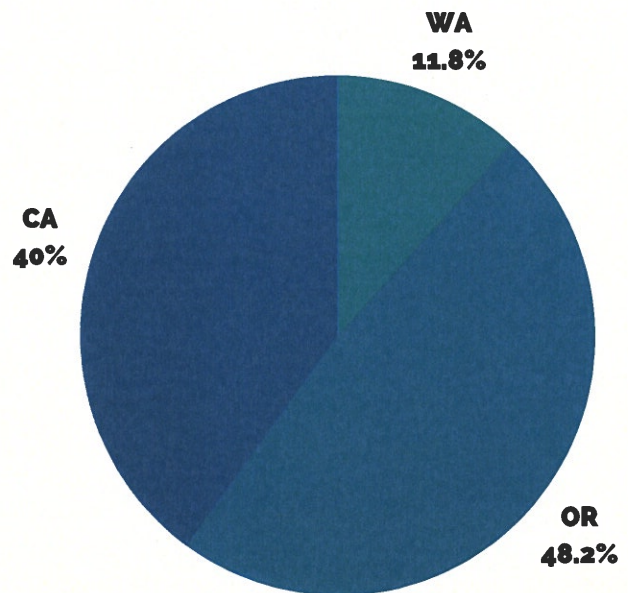
User ship from California has increased by 33.68% YOY with the primary audience coming from San Fransisco, LA & Sacramento.

OREGON USERSHIP

User ship from Oregon has increased by 41% YOY with the primary audience coming from the. interstate 5 corridor.

WASHINGTON USERSHIP

User ship from Washington has increased by 10% YOY with the primary audience coming from Seattle, Vancouver & Bellevue.



35+

over 60 percent of users are over the ge of 35

#01

Referral is coming from Facebook

65%

of users are tapping into Travel Medford via their mobile device

WEBSITE REPORT

JULY-DECEMBER 2021



TOP 5 PAGES VIEWED

MOST VIEWED PAGES

1. Crater Lake
2. Event Calendar
3. Top Attractions
4. Bucket List
5. Outdoor Adventure

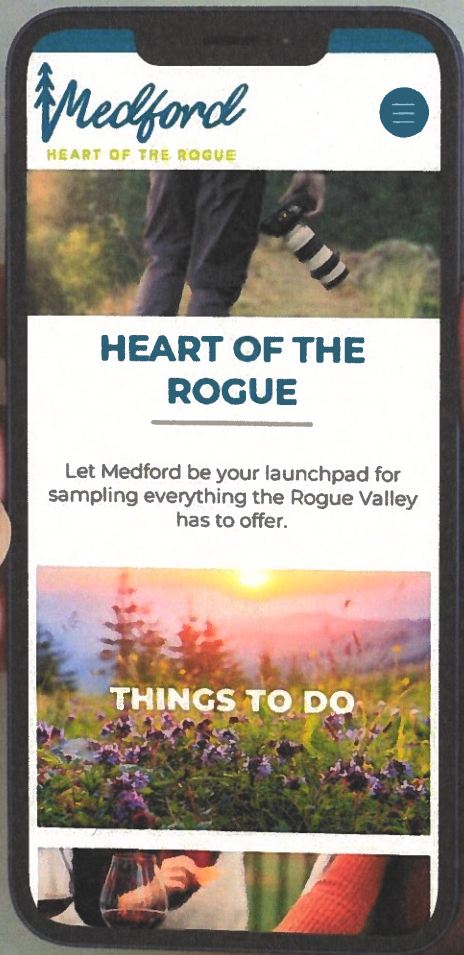
TOP 5 BLOGS VIEWED

MOST VIEWED PAGES

- 1.10 Facts You Didn't Know About Crater Lake
2. Waterfalls Within an Hour of Medford
3. Fun Fall Festivities
4. Beyond Crater Lake
5. Lavender Fields

SEM REPORT

JULY - DECEMBER 2021



SEM SPENDS

WHAT IS SEM?

SEARCH ENGINE MARKETING

Search engine marketing is a form of Internet marketing that involves the promotion of websites by increasing their visibility in search engine results pages primarily through paid advertising

CLICKS

56K

COST PER CLICK

\$0.39

IMPRESSIONS

7.7M

TOTAL SPEND

22.3K

TOP CONTENT

- CRATER LAKE
- OUTDOOR REC
- WINE COUNTRY



HEART OF THE ROGUE

SOCIAL REPORT

JULY - DECEMBER 2021



SOCIAL SPENDS

RESULTS

39K

COST PER ENG

\$0.30

IMPRESSIONS

2.1M

TOTAL SPEND

12K

11.6% INCREASE FOLLOWERS

2021: 27,611

2020: 24,740

76.6% INCREASE ENGAGEMENTS

2021: 114,444

2020: 64,774

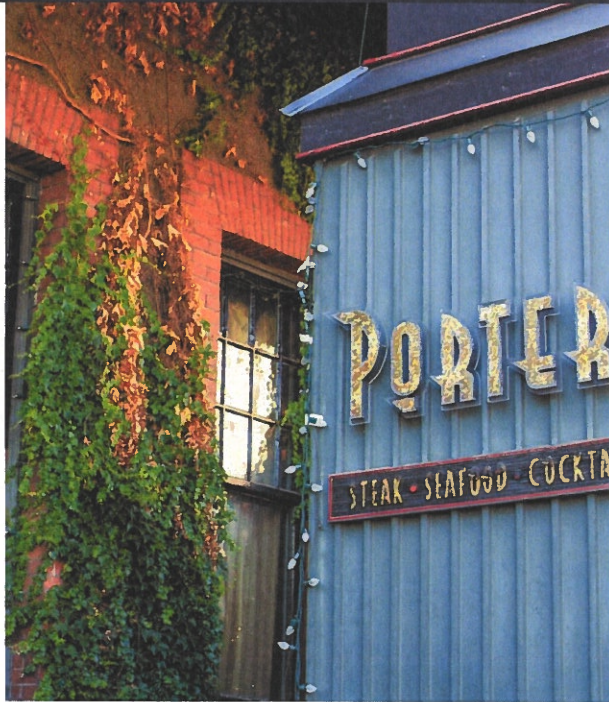
492.3% INCREASE CLICKS

2021: 34,314

2020: 5,794

LEADS CAMPAIGN

JULY - DECEMBER 2021



CAMPAIGN

RESULTS

3.6K

COST PER ENG

\$1.06

IMPRESSIONS

300K

TOTAL SPEND

3.9K

IMPACT REPORT

CAMPAIGN RUN NOV-DEC '21



**\$4,500
INJECTED
INTO LOCAL
BUSINESS**



**45
BUSINESSES
SUPPORTED +
PROMOTED**



**45 WINNERS
RECEIVED
\$100 GIFT
CARDS**



We couldn't be more appreciative of Travel Medford's ongoing support and promotion. Thank you!

JAIMIE GRIFFIN

Executive Director, Rogue Valley Growers & Crafters Market

OCT 2021 - DEC 2021

Q2 REPORT

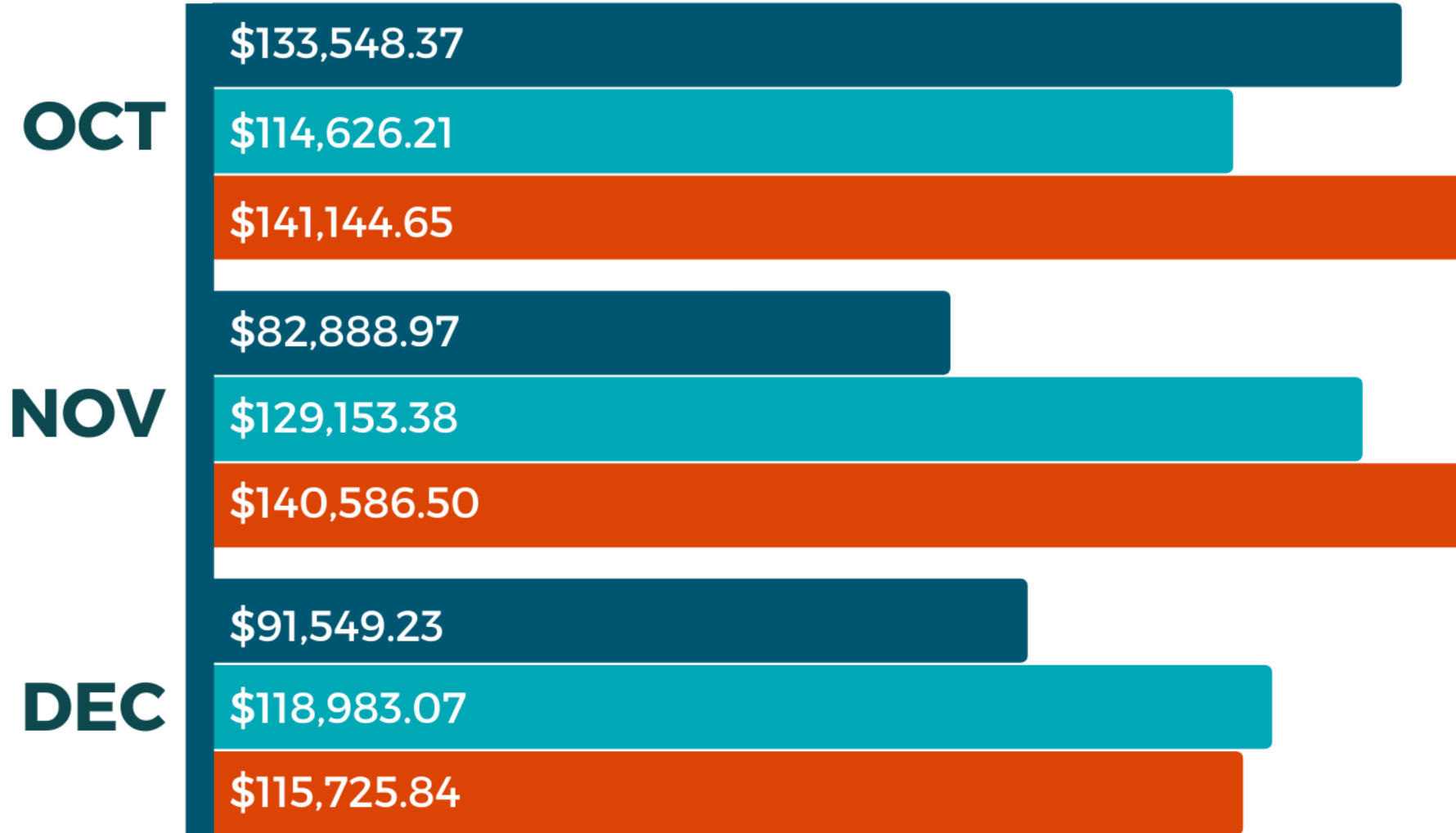
↑ TRAVEL

↑ Medford

TLT REVENUE



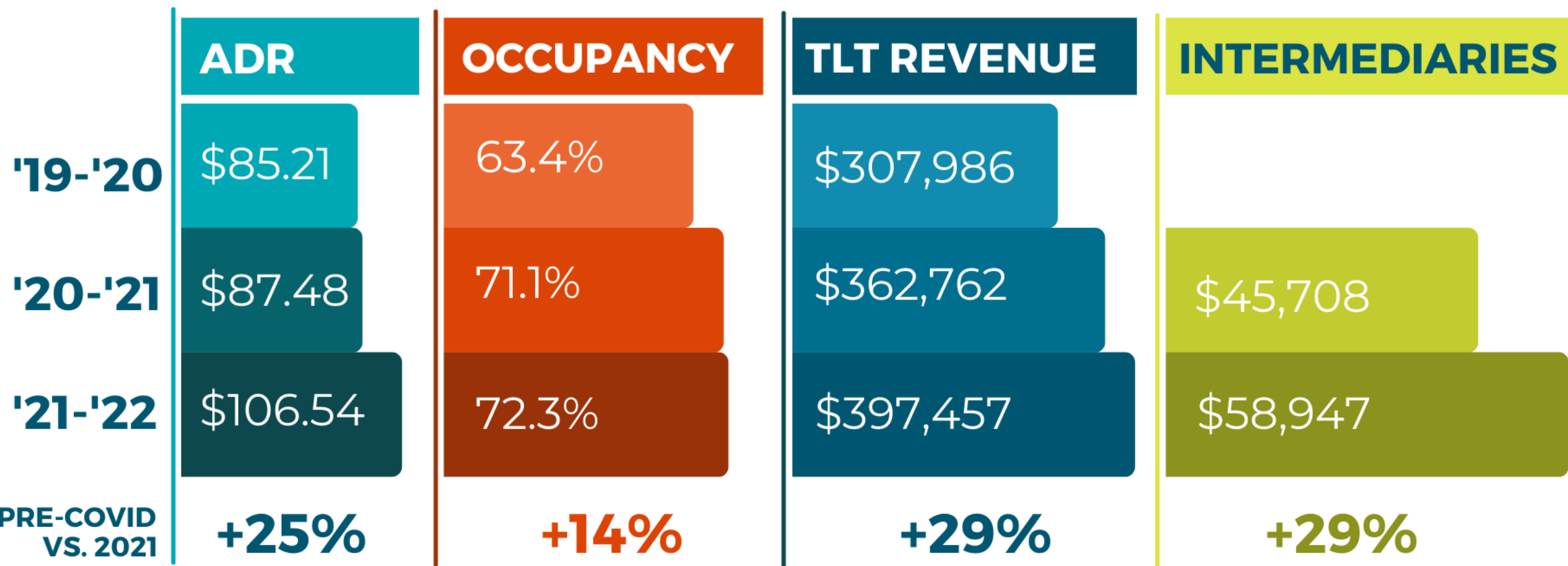
Q2 '21-'22



2019- 2020
2020- 2021
2021- 2022

TOURISM IMPACT

Q2 '21-'22



DIGITAL KPI'S

Q2 '21-'22

WEBSITE

USERS

+51%

2021: 41,505

2020: 27,363

2019: 23,455

PAGEVIEWS

+88%

2021: 165,995

2020: 88,316

2019: 87,316

SOCIAL MEDIA

ENGAGEMENT

+46%

2021: 45,764

2020: 19,543

2019: 19,824

IMPRESSIONS

+228%

2021: 2,264,294

2020: 627,612

2019: 738,854

CLICKS

+347%

2021: 13,580

2020: 3,046

2019: 2,241

'21-'22 STRATEGIC GOALS

PLANNING PROCESS

SWOT ANALYSIS

MEDFORD 2040
VISION TASK
FORCE GOALS

ONE-ON-ONE
STAKEHOLDER
MEETINGS

TOURISM
COUNCIL
STRATEGIC
PLANNING
SESSION

EXPAND SPORTS TOURISM



REINVENT VISITOR SERVICES



FUNDING OUTSIDE TLT



REGIONAL COLLABORATION



VENUE DEVELOPMENT



Q2 TOP HIGHLIGHTS

HOLIDAY GIVEAWAY



BAY AREA TRAVEL & ADVENTURE SHOW



PUBLIC RELATIONS

“Top Global Wine Destination”

- OUTDOORS NW MAGAZINE

SPORTS



THANK YOU

↑ TRAVEL

↑ Medford



\$1M Department of Administrative Services Contract

Agenda 70.2



MEDFORD
CITY MANAGER'S OFFICE

Funding Requirements

- Funds must be used to help support programs or services that address housing insecurity, lack of affordable housing or homelessness.
- Funds must be spent by June 30, 2023



Navigation Center Funding Status

State Funds	\$2,500,000
City ARPA	\$1,400,000
Total Revenue	\$3,900,000
Property	-\$1,914,350
S & B James Remodel	-\$2,161,164
Pre Remodel Costs	-\$25,500
Front Office	-\$150,000
Permit Costs	-\$100,000
Gap	-\$400,014



Gap

- Gap includes:
 - Permit/SDC costs
 - Commercial Kitchen

The commercial kitchen is the #1 request of the Navigation Center service provider.



Proposed Motions

- 1) I move to approve Ordinance number 2022-19 as presented.
- 2) I move to allocate up to \$500,000 of the funding approved in Ordinance number 2022-19 for the Navigation Center renovation and direct staff to bring back a recommendation on use of the remaining \$500,000.





THANKS

City of Medford | City Manager's Office
411 W. 8th Street, Medford, OR 97501

From: Robert Jr. Shand
Sent: Thursday, March 3, 2022 7:30 AM
To: Public Comments; Bill Meyer; news@rosebudmedia.com; Craig Smullin; Mayor and Council
Subject: \$670,000.00 to "study" how to keep Medford out of Hot Water with DEQ

<EXTERNAL EMAIL **Click Responsibly!>**

Public comments Re; Medford city council meeting 03/03/22 Council Bill 2022-18 Once again City Leadership is pennywise and pound foolish. The water treatment facility is dysfunctional , so rather than building appropriate infrastructure the public's monies will only be used to " quantify " what is already known. Isn't this in the scope of practice for a "Water Treatment Manager /professional who is learned and skilled as well as an expert in the field ? \$670,000.00 Could provide "Canopies" creating shade and 15-20 degrees for the Effluent Ponds at the water treatment facility. As Medford leadership is too cheap to build cooling towers. Oh Wait; Lets not forget about purchasing "Shade Credits" which was for a previous study to plant trees "on the river banks that does nothing to change the temperature of the effluent being discharged into the river. It's kinda crazy Medford leadership is willing to spend 75 Million dollars of the public's money to create two small pools for tourists to splash in. Bob Shand. Medford

From: Judy Farm <judyfarm@tribal.one>
Sent: Thursday, February 23, 2023 6:45 PM
To: FY22, BIA CoquilleCasinoEIS <CoquilleCasinoEIS@bia.gov>
Subject: [EXTERNAL] DEIS Comments, Coquille Tribe Medford Gaming Facility Project

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

Dear Mr. Tobiah Mogavero, Bureau of Indian Affairs,

Please include the attached letter as part of the DEIS comments related to the Coquille Tribe Medford Gaming Facility Project.



June 7, 2021

To the Coquille Tribal Council and Whom It May Concern:

After nearly a decade of active involvement in our community, the City of Medford acknowledges and applauds the efforts of the Coquille Indian Tribe and its business entities for their commitment to economic and community development in Medford.

As one of nine federally recognized tribes in the State of Oregon, the Coquille Tribe is uniquely situated to support the economic health of Medford and Jackson County. Many native people have called our region home over the centuries, but only the Coquille Tribe have a mandate, backed by federal law, to use every tool available to them, including placing land into trust, to achieve economic development in Medford.

Over this past decade we have witnessed the progress of the Coquille Tribe's economic development efforts as they patiently moved forward with what is now the \$22 million Cedars Development project in South Medford. The Tribe expects additional development of its properties over the next several years that will boost our city's travel and tourism economy and produce many local employment and career opportunities for our citizens.

Throughout this time the Coquille Tribe has expressed its commitment to a collaborative working relationship with the City of Medford. This relationship already has generated over \$500,000 in system development fees and permitting as well as a commitment by the Tribe to a 'fee for service' arrangement to replace any city revenue that would be lost if land is taken into trust by the federal government. It is rare for owners of tax-exempt property to make such an offer.

In addition to its commitment to the city, the Coquille Tribe also has expressed its long-term commitment to our community through the creation of a 'Potlatch Fund' dedicated to supporting community service organizations in Medford and throughout Jackson County. The fund already has supported organizations such as Access, Asante, SOU and the United Way of Jackson County. The Tribe also contributed to wildfire relief efforts and provided COVID-19 vaccines to area residents at a time when local availability of vaccines was limited.

The City of Medford appreciates the years of involvement and investment in our community by the Coquille Indian Tribe. We look forward to working as partners with the Coquille Tribe as they bring their economic vision to reality.

Sincerely,

Randy Sparacino, Mayor

Tim D'Alessandro, Council President

Supported by: Council Vice President Kevin Stine and Councilors Alex Poythress, Chad Miller, Clay Bearson, Eric Stark, Michael Zarosinski and Sarah Spansail

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

From: Royce Deardorff <roycedeardorff@aol.com>

Sent: Thursday, February 23, 2023 8:09 PM

To: FY22, BIA CoquilleCasinoEIS <CoquilleCasinoEIS@bia.gov>

Subject: [EXTERNAL] DEIS Comments, Coquille Tribe Medford Gaming Facility Project

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

As Coquille Tribe is trying to establish a casino outside of their Tribal Lands where they have no ancestral history of ever inhabiting the Medford area.

The Cowcreek Tribe has history in this area dating back way before the White Man came.

Cow Creek Tribe and other tribes in Oregon only operate one casino for one tribe.

As The Coquille Tribe owns a casino in Coos Bay which is in their tribal lands, therefore they should operate only on their own tribal land and not on other established tribal land.

As a tribal member of Cow Creek Tribe, I urge you to rule against Coquille's quest to establish facilities outside their tribal area.

Thank you for taking this matter under consideration.

Royce Deardorff

Sent from my iPad

From: Judy Farm <judyfarm@tribal.one>
Sent: Thursday, February 23, 2023 4:49 PM
To: FY22, BIA CoquilleCasinoEIS <CoquilleCasinoEIS@bia.gov>
Subject: [EXTERNAL] DEIS Comments, Coquille Tribe Medford Gaming Facility Project

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

Dear Mr. Tobiah Mogavero; Bureau of Indian Affairs,

Please accept the attached written DEIS Comments provided as testimony to the Coquille Tribe Medford Gaming Facility Project.

Kind regards,

Judy Farm

Paula Hart, Director
Office of Indian Gaming
Bureau of Indian Affairs
1849 C Street, N.W.
MS-3543-MIB
Washington, DC 20240

June 10, 2022

Director Hart,

Southern Oregon University greatly values our relationships with Oregon's nine federally recognized tribes. We seek to create partnerships that benefit the tribe, the community and our university community. The Coquille Indian Tribe is a strong partner of Southern Oregon University and supporter of our programs and we look forward to continued growth of our relationship.

The university is aware of the Coquille's application for a casino license in Medford, Oregon. While we do not take a position on this issue, we want to acknowledge and strongly affirm the sovereignty of tribal nations in Oregon as a whole. As such, Southern Oregon University fully supports these nations exercising their rights.

We hope this helps in your decision-making process on this issue.

Respectfully,

Rick



Richard J. Bailey, Jr., Ph.D.
President
Southern Oregon University



Confederated Tribes of Siletz Indians Tribal Council

P.O. Box 549

Siletz, Oregon 97380

(541) 444-8203 • 1-800-922-1399 ext. 1203 • FAX: (541) 444-8325

January 31, 2023

Bryan Newland, Esq.
Assistant Secretary – Indian Affairs
United States Department of the Interior
1849 C. Street, N.W.
Washington, D.C. 20240
bryan.newland@bia.gov

Paula Hart, Director
Bureau of Indian Affairs, Office of Indian Gaming
1849 C. Street, N.W.
MS-3657-MIB
Washington, D.C. 20240
paula.hart@bia.gov

Re: Support of the Confederated Tribes of Siletz Indians for Coquille Indian Tribe proposal for Off-Reservation Gaming Operation in Medford, Oregon

Dear Assistant Secretary Newland and OIG Director Hart:

My name is Delores Pigsley, Tribal Chairman of the Confederated Tribes of Siletz Indians (“Siletz Tribe”). It has always been the policy of the Siletz Tribe to support the economic development efforts of other federally-recognized Indian tribes that they can show they are entitled to. Today I am writing on behalf of the Siletz Tribe to support the Coquille Indian Tribe’s efforts to establish a Class II gaming operation in Medford, Oregon, on tribal land they are seeking to place into trust status for gaming purposes under the Indian Gaming Regulatory Act.

The Siletz Tribe has a strong legal and historical connection to the Medford area where the Coquille Tribe proposes to locate its Class II gaming operation. The geographic area where the Coquille Tribe proposes to locate its off-reservation gaming operation in Medford is within the lands ceded by the Siletz Tribe under three ratified treaties. The Siletz Tribe therefore has a critical interest in actions by other tribes that take place within the Siletz Tribe’s historical area, and where the Tribe has continuing and ongoing legal and political interests.

Like the Siletz Tribe, the Coquille Tribe shares a history of being terminated in the 1950s by Congress and restoration decades later. The Siletz Tribe and its constituent bands and tribes as well as the Coquille Tribe were terminated by the Western Oregon Indians Termination Act in 1954. This Congressional Act was a disaster for all the affected tribes and bands, scattering the tribes across western Oregon, disposing of all remaining tribal lands, and ending federal services and benefits provided to tribes and their members by virtue of their political status as federally-recognized Indian tribes. All terminated tribes struggled to maintain their governmental existence and continuing to provide services to tribal members while ceaselessly advocating to overturn termination. The Siletz Tribe was not restored by

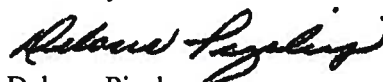
Congress until 1977, the second tribe in the country to achieve this status, while the Coquille Tribe was not restored until 1988. Termination had long-running devastating impacts on tribal cohesion and culture that the affected tribes are still struggling to overcome decades later. Large unmet tribal needs remain. Authorizing the Coquille Tribe to operate a Class II gaming facility in Medford, Oregon, will assist that tribe in overcoming and addressing long-standing discrimination and the continuing adverse effects of termination. Both Siletz and Coquille have much ground to make up from termination's impacts before they can reassume to the same sovereign status and funding enjoyed by other federally-recognized tribes that never had to go through termination.

The Siletz Tribe supports the Coquille Indian Tribe's proposal to operate a Class II gaming operation in Medford and putting land owned by the Tribe in Medford into trust for that purpose. The Siletz Tribe supports the Coquille Tribe's fee-to-trust application for gaming purposes, and also supports the Department's determination that the property in question will be eligible for gaming under the restored lands exception of Section 20 of the federal Indian Gaming Regulatory Act (IGRA). The Siletz Tribe understands that an internal Solicitor's Opinion has reached the opinion that the Coquille Tribe's Medford property would qualify for the Section 20 Restoration exception if the land goes into trust, and Siletz supports the conclusion of that opinion.

The Siletz Tribe offers no opinion or position on the Department's environmental review of the involved property. Siletz would note, however, in contrast to the position taken by some other Oregon Indian tribes, that there is no "one casino per tribe" policy in Oregon as either a formal state policy or as a restriction either under IGRA or under the Oregon Tribes' IGRA gaming compacts with the State. The recent Oregon Legislative Joint Commission on Gaming Policy reached this exact same conclusion in its Interim Final Report on gaming within Oregon. Most IGRA compacts in Oregon, including the Siletz Tribe's, specifically authorize the Tribe to negotiate for additional gaming opportunities a set period of time, which has long expired.

In conclusion, the Siletz Tribe supports the Coquille Tribe's proposal to establish a Class II gaming operation under IGRA in Medford, Oregon. Please let me know if you have any questions or require clarification or information.

Sincerely,



Delores Pigsley
Tribal Chairman

Cc: Siletz Tribal Council
Siletz Tribal Attorney
Brenda Meade, Coquille Chairman



Confederated Tribes of Warm Springs, Oregon
PO Box C
Warm Springs, OR 97761
Phone: 541-553-1161
Fax: 541-553-1924

January 16, 2023

Bryan Mercier
Northwest Regional Director
Bureau of Indian Affairs, Northwest Region
911 Northeast 11th Avenue
Portland, OR 97232-4169

Re: DEIS Comments, Coquille Indian Tribe Fee-To-Trust and Gaming Facility Project

Dear Mr. Mercier:

On behalf of the Warm Springs Tribal Council, I am writing to express our Tribe's support for the Coquille Tribe's pending application to take land into trust in Medford, Oregon, to develop a Class II gaming facility. As a Tribe that operates a Class II gaming facility (the Plateau Travel Plaza in Madras, Oregon) apart from our Class III casino (Indian Head Casino in Warm Springs, Oregon) our experience is that Class II gaming provides a productive economic development opportunity, especially since Class II gaming is subject only to Tribal and National Indian Gaming Commission regulation and is not subject to State of Oregon policy or regulation regarding Indian gaming. We furthermore understand that the project's location in Jackson County is consistent with the Coquille Restoration Act (P.L. 101-42) and federal Indian gaming law regarding the geographic scope of "restored lands" eligible to be taken into trust for gaming.

In summary, we support the Coquille Tribe's application because it is consistent with applicable federal law, will provide positive economic development opportunity and will further assist the Coquille Tribe efforts to achieve self-sufficiency. Accordingly, we urge you to approve the Coquille Tribe's pending application.

Thank you for your consideration of our views on this important matter.

Sincerely,

Jonathan W. Smith, Sr.
Chairman
for Confederated Tribes of the Warm Springs
Reservation of Oregon

cc: Chair Brenda Meade
Coquille Tribal Council



January 31, 2023

Bureau of Indian Affairs

RE: Coquille Indian Tribe
Public Hearing

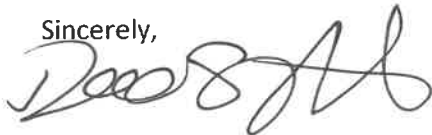
My name is David Wright, business owner and resident of Medford, Oregon for 23 years. I grew up in the Rogue Valley and have watched as our region has dealt with economic ups and downs over the years. I am familiar with the Coquille Indian Tribe from dealings with community non profits who have benefited from the Coquille's support. I also have seen them be a positive force within the Medford Jackson County Chamber of Commerce ever since they invested in Medford.

In my opinion, the Coquille's have had a positive impact on our region and continue to look to be an important part of our community. They have shown commitment through acquiring property along Highway 99 with a master plan to enhance the recreation and hospitality facilities in that area. This is a positive for that area, but our region as a whole. The Coquille's are committed to providing jobs and continuing to work toward more economic development here not only with the planned casino, but the golf course, bowling alley and the recently finished Compass Hotel.

It is no secret that with a casino comes controversy. However, this is not a new concept for areas and gaming businesses, if done right, can provide entertainment and economic benefits to the area without being a detriment. If others have been granted this right in our State and Country, it stands to reason to approve a gaming business to the Coquille's. At least we know they are in this for the long term and committed to our region.

If the Coquille Indian Tribe did not seem to have the commitment and plan to contribute positively to our region, I would not be in favor of this venture; however, they are and that is a good thing for our region.

Sincerely,

A handwritten signature in black ink, appearing to read 'David Wright', written in a cursive style.

David Wright

Medford, Oregon

Attention: Mr. Tobiah Mogavero, Bureau of Indian Affairs,

Jalla, Greetings:

I am writing this letter in support for the DEIS for the Coquille Tribe. My name is Bridgett Wheeler, and I am an enrolled member of the Coquille Indian Tribe. More importantly to this petition, I am a Coquille tribal member whose family lineage members reside primarily in the Medford area, and inhabited this area way before Medford was even named. Its funny to be writing a letter to the government to implore them to recognize the effects of disbursement and survival based on their governmental actions over a 100 years ago, an action of assimilation. This particular extension and existence of coquille membership to the Rogue River area is ultimately what determined, in the late 1980's, that Jackson County would be a part of our 5-county service area. Our rogue river area tribal population has since grown into a membership base of more than 20% of our tribal population.

My tribe's application and intention to provide economic growth and stabilization of our tribal government was never based on a claim to the ancestral homelands of this area. The tribe's application and intention is based on law; on our tribe's restoration act and the clearly defined congressional decision that allows us to expand economically into our service areas. I hope, more than anything, that the Department of Interior and the BIA will ensure their decision about this application stands on the pillars of ethics, the law, and the promise.

As I listened to testimony from those "for" and those "opposed" to this project, my heart has been pained and saddened. I'm saddened that so many tribes are once again pit against each other; I am saddened that we feel that we have to fight against one another to operate as sovereign nations; that we have to fight against each other to ensure the health of our elders, and the education of our children. We have to fight against each other to sustain our culture, our language, and to ensure a sustainable future for our children and grandchildren. Your agency is responsible for ensuring and supporting a future for ALL of the tribes, that we are all given the opportunity to claw our way out of atrocious states of mental health, addiction, and poverty. Your agency is identified to be our steward, our healing partner, and to no longer act and govern as the agency that was created by the war department.

I am currently the 2nd Vice Chair of the Oregon State Board of Education. An agency that is working harder than any state agency to remedy the detrimental and colonial impacts on education to native students. My platform as a native American board member is to use my voice to support pedagogy and curriculum that enhances and heals the native student experience every day in the schools! My job as a state board member is to also listen to the vital voices and pleas through our public comment process. And my job is to listen to public comments, but to make sure my choices, my decisions, and my vote, are to protect the rights of ALL students. To make decisions based off my understanding of the law, policy, and what is best for not just the successful, academic achievers, but for the kids that show up every day that struggle. For the kids that are cold, hungry, bullied, angry, lost, and feel too left out to engage in education when they are overwhelmed with so many other stressors.

That is my hope in this letter. That we all realize that public comment is important, and it is critical to any process. But ultimately your job is to ensure that everyone, strong or weak, loud or quiet, are represented in your decision. This isn't about money, and this isn't about reservations, and more importantly this isn't a competition. This is an opportunity that the United States government put into place to support ALL tribes to be successful, self-sustaining, and to heal from the atrocities incited

hundreds of years ago. But most importantly, please keep in mind, that if public comment were the largest determinant on whether us Indians could exist, then none of us would be here.

Thank you so much for the opportunity,

Bridgett L. Wheeler

Bridgett L. Wheeler, B.S. LA
Assistant Executive Director
Coquille Indian Tribe



110 East Main St. • PO Box 1360
Ashland OR 97520
(541) 482-3486
Fax: (541) 482-2350

From: Sandra Slattery
Ashland Chamber of Commerce
PO Box 1360
Ashland, OR 97520

Date: February 21, 2023

Bryan Newland, Esq.
Assistant Secretary – Indian Affairs
United States Department of the Interior
1849 C Street N.W.
Washington, D.C. 20240

Paula Hart, Director
Bureau of Indian Affairs, Office of Indian Gaming
1849 C. Street N.W.
MS-3657-MIB
Washington, DC. 20240

Dear Assistant Secretary Newland and OIG Director Hart:

I am writing this letter to you as the Executive Director of the Ashland Chamber of Commerce in support of economic development and business growth in our region. For ten years, the Coquille's have been working on the process of establishing a casino in Medford proving their dedication and commitment to the project and region.

Needed jobs would be created for the region and the Coquille have already shown investment in the community with supporting economic development and jobs. The build out of their campus of 2.4 acres would expand these efforts. Surveys of local residents conducted at the time the project was announced showed widespread support in Medford and throughout Jackson County for their facility.

Thank you for your consideration.

Sandra Slattery
Executive Director



HOUSE OF REPRESENTATIVES

February 21, 2023

Bryan Newland, Esq.
Assistant Secretary – Indian Affairs
United States Department of the Interior
1849 C Street N.W.
Washington, D.C. 20240

Paula Hart, Director
Bureau of Indian Affairs, Office of Indian Gaming
1849 C. Street N.W.
MS-3657-MIB
Washington, DC. 20240

On December 9, 2022 The Joint Committee on Gambling Regulations, which I was Co-Chair of, issued its report and provided a letter to the Speaker of the House and the President of the Senate summarizing our findings to date and recommendations for moving forward in the 2023 session. One of the key observations listed was:

“Although we may engage in significant discussions about tribal gaming and the process of siting new casinos is very political, the Oregon Legislature does not have authority to regulate Tribal Gaming. Further we could find no evidence that any “One Tribe, One Casino” policy by the Federal Government or State of Oregon has been formally adopted or exists in written form.”

I recognize that some Governor’s in the past have negotiated with tribes and signed compacts limiting tribes for some stated time to one Casino. However, that too has varied depending on the Governor, and was never approved by the Legislature or codified. As we stated, we found no evidence of a formally written or adopted policy regarding “One Tribe, One Casino.”

Let me know if you have any questions.

Thank you,

John Lively
State Representative HD 7-Springfield





United Way of Jackson County

February 22, 2023

Bryan Newland, Esq.
Assistant Secretary – Indian Affairs
United States Department of the Interior
1849 C Street N.W.
Washington, D.C. 20240

Paula Hart, Director
Bureau of Indian Affairs, Office of Indian Gaming
1849 C. Street N.W.
MS-3657-MIB
Washington, DC. 20240

Dear Assistant Secretary Newland and OIG Director Hart:

Thanks so much for the opportunity to write a letter of support for the Coquille Tribal project in Jackson County, Oregon. As the CEO/Executive Director of United Way of Jackson County, our support for the project is from an economic development standpoint because business prospering does improve social goals. The Coquille Tribe does already invest in human services in our community and has a proven track record of helping people in need. Their larger operation here would likely bring additional support to the nonprofit community as well as the real driver of jobs. They have proven their commitment to this project and to our community.

The Coquille's campus, of which the potential casino is an important piece, will bring millions of dollars in economic development to our community. The multiplier effect of these dollars will be felt in households, neighborhoods and our whole community through jobs, purchased services, supplies and more.

We are hopeful of your thoughtful approval of this project. Thank you for the kind consideration.

Regards,

A handwritten signature in black ink that reads "Dee Anne Everson". The signature is fluid and cursive.

Dee Anne Everson
CEO/Executive Director

January 31, 2023

Bureau of Indian Affairs

RE: Coquille Indian Tribe
Public Hearing

My name is David Wright, business owner and resident of Medford, Oregon for 23 years. I grew up in the Rogue Valley and have watched as our region has dealt with economic ups and downs over the years. I am familiar with the Coquille Indian Tribe from dealings with community non profits who have benefited from the Coquille's support. I also have seen them be a positive force within the Medford Jackson County Chamber of Commerce ever since they invested in Medford.

In my opinion, the Coquille's have had a positive impact on our region and continue to look to be an important part of our community. They have shown commitment through acquiring property along Highway 99 with a master plan to enhance the recreation and hospitality facilities in that area. This is a positive for that area, but our region as a whole. The Coquille's are committed to providing jobs and continuing to work toward more economic development here not only with the planned casino, but the golf course, bowling alley and the recently finished Compass Hotel.

It is no secret that with a casino comes controversy. However, this is not a new concept for areas and gaming businesses, if done right, can provide entertainment and economic benefits to the area without being a detriment. If others have been granted this right in our State and Country, it stands to reason to approve a gaming business to the Coquille's. At least we know they are in this for the long term and committed to our region.

If the Coquille Indian Tribe did not seem to have the commitment and plan to contribute positively to our region, I would not be in favor of this venture; however, they are and that is a good thing for our region.

Sincerely,

A handwritten signature in black ink, appearing to read 'David Wright', written in a cursive style.

David Wright

Medford, Oregon

Attention: Mr. Tobiah Mogavero, Bureau of Indian Affairs,

Jalla, Greetings:

I am writing this letter in support for the DEIS for the Coquille Tribe. My name is Bridgett Wheeler, and I am an enrolled member of the Coquille Indian Tribe. More importantly to this petition, I am a Coquille tribal member whose family lineage members reside primarily in the Medford area, and inhabited this area way before Medford was even named. Its funny to be writing a letter to the government to implore them to recognize the effects of disbursement and survival based on their governmental actions over a 100 years ago, an action of assimilation. This particular extension and existence of coquille membership to the Rogue River area is ultimately what determined, in the late 1980's, that Jackson County would be a part of our 5-county service area. Our rogue river area tribal population has since grown into a membership base of more than 20% of our tribal population.

My tribe's application and intention to provide economic growth and stabilization of our tribal government was never based on a claim to the ancestral homelands of this area. The tribe's application and intention is based on law; on our tribe's restoration act and the clearly defined congressional decision that allows us to expand economically into our service areas. I hope, more than anything, that the Department of Interior and the BIA will ensure their decision about this application stands on the pillars of ethics, the law, and the promise.

As I listened to testimony from those "for" and those "opposed" to this project, my heart has been pained and saddened. I'm saddened that so many tribes are once again pit against each other; I am saddened that we feel that we have to fight against one another to operate as sovereign nations; that we have to fight against each other to ensure the health of our elders, and the education of our children. We have to fight against each other to sustain our culture, our language, and to ensure a sustainable future for our children and grandchildren. Your agency is responsible for ensuring and supporting a future for ALL of the tribes, that we are all given the opportunity to claw our way out of atrocious states of mental health, addiction, and poverty. Your agency is identified to be our steward, our healing partner, and to no longer act and govern as the agency that was created by the war department.

I am currently the 2nd Vice Chair of the Oregon State Board of Education. An agency that is working harder than any state agency to remedy the detrimental and colonial impacts on education to native students. My platform as a native American board member is to use my voice to support pedagogy and curriculum that enhances and heals the native student experience every day in the schools! My job as a state board member is to also listen to the vital voices and pleas through our public comment process. And my job is to listen to public comments, but to make sure my choices, my decisions, and my vote, are to protect the rights of ALL students. To make decisions based off my understanding of the law, policy, and what is best for not just the successful, academic achievers, but for the kids that show up every day that struggle. For the kids that are cold, hungry, bullied, angry, lost, and feel too left out to engage in education when they are overwhelmed with so many other stressors.

That is my hope in this letter. That we all realize that public comment is important, and it is critical to any process. But ultimately your job is to ensure that everyone, strong or weak, loud or quiet, are represented in your decision. This isn't about money, and this isn't about reservations, and more importantly this isn't a competition. This is an opportunity that the United States government put into place to support ALL tribes to be successful, self-sustaining, and to heal from the atrocities incited

hundreds of years ago. But most importantly, please keep in mind, that if public comment were the largest determinant on whether us Indians could exist, then none of us would be here.

Thank you so much for the opportunity,

Bridgett L. Wheeler

Bridgett L. Wheeler, B.S. LA
Assistant Executive Director
Coquille Indian Tribe



110 East Main St. • PO Box 1360
 Ashland OR 97520
 (541) 482-3486
 Fax: (541) 482-2350

From: Sandra Slattery
 Ashland Chamber of Commerce
 PO Box 1360
 Ashland, OR 97520

Date: February 21, 2023

Bryan Newland, Esq.
 Assistant Secretary – Indian Affairs
 United States Department of the Interior
 1849 C Street N.W.
 Washington, D.C. 20240

Paula Hart, Director
 Bureau of Indian Affairs, Office of Indian Gaming
 1849 C. Street N.W.
 MS-3657-MIB
 Washington, DC. 20240

Dear Assistant Secretary Newland and OIG Director Hart:

I am writing this letter to you as the Executive Director of the Ashland Chamber of Commerce in support of economic development and business growth in our region. For ten years, the Coquille's have been working on the process of establishing a casino in Medford proving their dedication and commitment to the project and region.

Needed jobs would be created for the region and the Coquille have already shown investment in the community with supporting economic development and jobs. The build out of their campus of 2.4 acres would expand these efforts. Surveys of local residents conducted at the time the project was announced showed widespread support in Medford and throughout Jackson County for their facility.

Thank you for your consideration.

Sandra Slattery
 Executive Director

JOHN LIVELY
STATE REPRESENTATIVE
DISTRICT 7



HOUSE OF REPRESENTATIVES

February 21, 2023

Bryan Newland, Esq.
Assistant Secretary – Indian Affairs
United States Department of the Interior
1849 C Street N.W.
Washington, D.C. 20240

Paula Hart, Director
Bureau of Indian Affairs, Office of Indian Gaming
1849 C. Street N.W.
MS-3657-MIB
Washington, DC. 20240

On December 9, 2022 The Joint Committee on Gambling Regulations, which I was Co-Chair of, issued its report and provided a letter to the Speaker of the House and the President of the Senate summarizing our findings to date and recommendations for moving forward in the 2023 session. One of the key observations listed was:

“Although we may engage in significant discussions about tribal gaming and the process of siting new casinos is very political, the Oregon Legislature does not have authority to regulate Tribal Gaming. Further we could find no evidence that any “One Tribe, One Casino” policy by the Federal Government or State of Oregon has been formally adopted or exists in written form.”

176-1

I recognize that some Governor’s in the past have negotiated with tribes and signed compacts limiting tribes for some stated time to one Casino. However, that too has varied depending on the Governor, and was never approved by the Legislature or codified. As we stated, we found no evidence of a formally written or adopted policy regarding “One Tribe, One Casino.”

Let me know if you have any questions.

Thank you,

John Lively
State Representative HD 7-Springfield





United Way of Jackson County

February 22, 2023

Bryan Newland, Esq.
Assistant Secretary – Indian Affairs
United States Department of the Interior
1849 C Street N.W.
Washington, D.C. 20240

Paula Hart, Director
Bureau of Indian Affairs, Office of Indian Gaming
1849 C. Street N.W.
MS-3657-MIB
Washington, DC. 20240

Dear Assistant Secretary Newland and OIG Director Hart:

Thanks so much for the opportunity to write a letter of support for the Coquille Tribal project in Jackson County, Oregon. As the CEO/Executive Director of United Way of Jackson County, our support for the project is from an economic development standpoint because business prospering does improve social goals. The Coquille Tribe does already invest in human services in our community and has a proven track record of helping people in need. Their larger operation here would likely bring additional support to the nonprofit community as well as the real driver of jobs. They have proven their commitment to this project and to our community.

The Coquille's campus, of which the potential casino is an important piece, will bring millions of dollars in economic development to our community. The multiplier effect of these dollars will be felt in households, neighborhoods and our whole community through jobs, purchased services, supplies and more.

We are hopeful of your thoughtful approval of this project. Thank you for the kind consideration.

Regards,

Dee Anne Everson
CEO/Executive Director

VIRGLE J OSBORNE
STATE REPRESENTATIVE
DISTRICT 2
DOUGLAS COUNTY



OREGON STATE LEGISLATURE
900 Court Street NE
Salem, Oregon 97301

COMMITTEES
Member:
Business & Labor
Climate, Energy, and Environment
Economic Development & Small
Business

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FEB 16 2023

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

23ED-0020

January 31, 2023

Mr. Bryan Mercier
Northwest Regional Director
Bureau of Indian Affairs, Northwest Region
911 Northeast 11th Ave
Portland, Oregon 97232-4169

RE: Coquille Tribe Gaming Facility Project

Dear Director Mercier,

As a local resident and Oregon State Representative for House District 2 in Southern Oregon, I am writing to you today announcing my opposition to the project the Coquille Tribe is proposing in Medford.

Because of my position as duly elected representative, I would like to focus on the potential damages the proposed casino project could have on House District 2 and Douglas County.

Building a casino in Medford will result in a 25% loss in gaming revenue for the Cow Creek Tribe in my district. However, I would even venture to say the losses could be greater than 25% since many of the customers who currently travel to Canyonville from Medford will forgo the travel expense and stay locally.

The Cow Creek Tribe is the second largest employer in Douglas County and the loss of this revenue will negatively impact many jobs that pay living wages in our county. These jobs also provide critical benefits including health care, sick leave, and other benefits desperately needed in our economy.

Approximately 90% of the employees of the Seven Feathers Casino and Resort are non-tribal residents of Douglas County. Simply put, our county cannot afford this economic hit. The results would be devastating. These jobs contribute millions of dollars of state and local revenues to support local government services.

Office: 900 Court St NE H-375, Salem, OR 97301 – Phone: (503) 986-1402
Rep.VirgleOsborne@oregonlegislature.gov

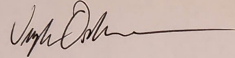
177-1

As a sovereign government, the revenues from Seven Feathers provide resources to support essential government functions and services for tribal members. This source of revenue relieves reliance on county services as well as state services and helps contribute to the partnership with Douglas County in health care, emergency services, and their police inter-governmental agreements.

According to a report by the Coquille, 25% cut in revenue would take more than 16 years to recover. This would be bad for Oregon tribes and will greatly harm the quality of life and economic development of the people in Douglas County.

Thank you for considering my letter and I implore you to reject this application to build the casino. This project would not be good for our state or county.

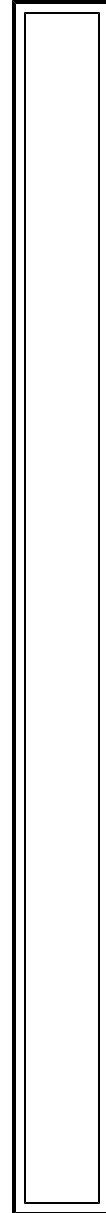
Thank you,



Virgle Osborne
State Representative
House District 2

Cc: Governor, Tina Kotek
Rep. Christine Goodwin

Office: 900 Court St NE H-375, Salem, OR 97301 – Phone: (503) 986-1402
Rep.VirgleOsborne@oregonlegislature.gov



From: Jessica Engelke <jengelke@northbendcity.org>
Sent: Thursday, February 23, 2023 6:04 AM
To: FY22, BIA CoquilleCasinoEIS <CoquilleCasinoEIS@bia.gov>
Subject: [EXTERNAL] Testimony

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

Dear Mr. Mogavero:

I am North Bend, Oregon, Mayor Jessica Engelke, and I have worked with the Coquille Indian Tribe for the five years that I have served as North Bend Mayor and City Councilor. As Mayor of North Bend, where the Tribe has their administrative offices, I work closely with the Tribe. I am honored to have the Coquille Tribe in North Bend. Thank you for allowing me to testify on behalf of the Coquille Indian Tribe in their efforts regarding their Medford casino project. My testimony is as follows:

1. As the Mayor of North Bend, Oregon, I have worked closely with the Coquille Tribe. Their efforts to improve tourism in North Bend and encourage visitors, not just to the Casino, but also to our entire community has improved the economic climate for all North Bend businesses. They have also worked to restore salmon runs, which are a critical part of our economy. The salmon runs are in need of critical intervention in order to return to their previous levels, and I appreciate the efforts of the Coquille Tribe to restore these important fisheries.
2. I have been serving on the Coquille Tribal Community Fund for several years, and I am impressed at both the spirit and the magnitude of their giving. The Coquille Tribe also gives generously to communities in their five county service area through their Coquille Tribal Community Fund. They focus on the neediest areas of our communities, including

hungry children and needy families. They have helped so many organizations that would not be able to do their work without the assistance of the Tribal Community Fund, and it has been a true joy to be part of their generosity.

I appreciate the Tribe's efforts to be a true community partner and improve the quality of life for all of our citizens, whether through jobs, improving salmon runs, or giving to organizations in need. I support the Coquille Tribe's economic development in Medford due to the positive environmental and socio-economic benefits the project will provide.

Sincerely,

Jessica Engelke

Jessica Engelke

Mayor, North Bend, Oregon

RECEIVED

MAR 1 2023

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

23RD-0025

Donna Ruffer
10 E. South Stage Road Spc.518
Medford, OR 97501

Bryan Mercier, Northwest Regional Director
Bureau of Indian Affairs, Northwest Region
911 Northeast 11th Avenue
Portland, Oregon 97232-4169

February 8, 2023

DEIS Comments
Coquille Indian Tribe Fee to Trust and Gaming Facility Project
RE: Casino Medford

Dear Sir:

I think it is imperative that all agencies should consider our youth first. There are several casinos already developed in the area. Advocation of gambling and gaming could be an endorsement of behavior that may not benefit the youth and the community. Instead creation of a downward spiral instead of uplifting a future for our youth.

Our youth does not have affordable recreational opportunities in Medford. The bowling alley and near-by roller rink, which has been abandoned, could be redeveloped. I propose that the agencies consider development of both properties into a dual venture. A venture producing income and education for the Coquille Tribe and the communities

School districts could contract to use both facilities for physical education programs as well as educational laboratories: for hands-on education in facility management and hospitality programs geared to provide work experience and accreditation for graduation.

I challenge the agencies to step away from the easy quick choice and concentrate on the benefits to our youth and community.

I thank you for the platform to comment.

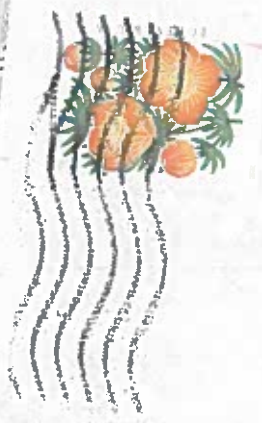
Sincerely,



Donna Ruffer
707-416-9820

 Donna Ruffer
10 E. South Stage Rd. Spc 518
Medford, OR 97501

MEDFORD OR 975
09 FEB 2003 PM 2 1



*Bryan Mercer Northwest Div.
Bureau of Indian Affairs
911 Northeast 11th St.
Portland, Or. 97232-4169*

*Re:
DEIS
Coquille Indian Tribe*

9723284128



MAR 1 2023

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

DEIS Comments

Coquille Indian Tribe Fee-to-Trust and Gaming Facility Project

From George Summers, PO Box 247, Prospect, OR 97536

Feb. 10, 2023

I am a Jackson County resident and a member of the Coquille Indian Tribe. I am writing because building a gaming facility in Medford is important for the future of Coquille Indian people living in our area, and it will be good for Jackson County.

I am 60 years old and disabled. I have tumors on my spine, and I have anxiety and panic attacks. I work part-time feeding chickens and rabbits for a farmer.

My tribe does a lot to help me. I get help with housing and health care, and the Elders Program brings frozen meals for me and my wife. I look forward to when I'm 62 and can qualify for the Elders Benefit of \$435 per month.

By law, our tribe doesn't have a blood quantum. So the tribe keeps growing, and it has to get new revenue to keep up with the cost of services. A gaming facility in Medford will help future generations receive the kind of services that I depend on.

A facility in Medford will also let the tribe have staff here to help us. They're even talking about opening a medical clinic here, like they did in Eugene. That would be a big benefit for tribal members and the rest of the community.

The gaming facility would be good for Medford, too. In Coos Bay, the tribe does a lot to give back to the community. They employ a lot of people, they buy from local vendors, and they have given \$8 million in charitable grants. Having them doing business in Medford would be good for jobs and the local economy. The gaming facility would also be a fun place for people to go, and it would bring in visitors.

Please approve the fee-to-trust proposal to let this project go forward.

Sincerely,

George Summers





MEDFORD OR 975

09 FEB 2023 PM 2 T

Bryan Mercier
Northwest Regional Director
Bureau of Indian Affairs
Northwest Region
911 NE 11th Ave.
Portland, OR 97232-4169

972324162



From: [Lotus Shay](#)
To: [FY22, BIA CoquilleCasinoEIS](#)
Subject: [EXTERNAL] Opening a casino in Medford
Date: Saturday, December 17, 2022 6:28:53 AM

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

1. What will allowing you to open a casino in Medford bring to the JACKSON COUNTY non-tribal community? People that don't gamble see gambling as a problem and those that do gamble face a potential addiction/worsening addiction stemming from all lottery but even more so from a new casino opening with lots of new machines.
2. Besides for bringing the tribe financial gain and besides for offering employment and just above minimum wage which is impossible to live off of in Jackson County- what will a casino do for those opposing/opposed to allowing this action?
3. Southern Oregon has a lot of lottery retailers already. What sets you apart from places like Purple Parrot, Lumpys, Flamingos, Lucky Lizzard, Abby's Pizza, Elmer's, and Shari's? What is the benefit of allowing your casino when there are already lottery machines present throughout Jackson county?
4. Canyonville has 7 Feathers which is only an hour away from Medford. Why does Medford need your casino when it's only an hour drive to the closest one?

ADVICE: Change the Coos County wording to Siletz. People in Jackson County that are not a recognized member of any Indian tribe will AUTOMATICALLY decline or be opposed to a new casino with Coos County attached to any and all proceedings because Coos County in general does not have much to do with Jackson county. People around Jackson county are selfish and want things that benefit them. When they hear an outside County wants to establish a casino down here they automatically become defensive. If you remove Coos County's sole participation and make it on behalf of ALL Siletz tribes you may find more people to be on board with your goals. Coos county implies that only the Coquille tribe wishes to open a casino. Siletz were directly here and you'll appeal to those with ties to current Siletz tribe members versus the very few here who are related to only Coquille tribe. Move away from "Coos county opening a casino" to "on behalf of all siletz tribe members".

Present a business plan to the public in Jackson County. Make your goals in line with benefitting Jackson county directly (indians and non-indians) and exchange Coos County/Coquille tribes involvement to Siletz tribe involvement.

Example way to appeal to more people:

A lot of people in the area struggle with housing. If you appeal to cleaning up the homeless situation you may find the key to getting the allowances or approvals you seek. Explain the \$

you'll bring in and offer a % of your profits to go directly to the homeless situation (get homeless into a home and off the streets which helps them and helps keep the county cleaner). If you wanted to go one step beyond offer a % to go towards paying off back rent for people so that more people are not becoming homeless. For instance: within 2 years of opening 5-10% of profits will be spent on a program for (ALL individuals not just tribal members) those wishing to no longer be homeless or wish to pay off back rent to remain in their home and avoid being homeless.

Tell Jackson county what you will do to benefit the average American with or without ties to a tribe. Then you'll be more acceptable to those who would otherwise prefer to be opposed.

From: [Angus Troxel](#)
To: [FY22, BIA CoquilleCasinoEIS](#)
Subject: [EXTERNAL] Medford casino
Date: Friday, December 16, 2022 4:31:12 AM

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Sent from my iPhone

It is not a good idea to put a casino in the Medford area we already have a horrible problem with transients and drug users and mentally unstable individuals along with being the highest addiction rate area in the south part of the state and prostitution along with sex trafficking

Please don't add gambling addiction to this already messed up area a casino will draw more criminals to this region and cause already high housing costs to increase even more

From: [ds2199606](#)
To: [FY22, BIA CoquilleCasinoEIS](#)
Subject: [EXTERNAL] DEIS Comments, Coquille Tribe Medford gaming Facility Project ;
Date: Thursday, December 15, 2022 6:21:55 PM

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

Please do not bring another gambling hall to Medford. We have enough crime in our counties . And this would just draw more crime and destroy families. There are plenty of these to go around to begin with. DEBBIE SCOTT 2802 ESTHER LANE G P .OR. 97527

Sent from my U.S.Cellular© Smartphone

From: bkingpainting
To: [FY22, BIA CoquilleCasinoEIS](#)
Subject: [EXTERNAL] new medford casino
Date: Friday, December 16, 2022 6:13:19 AM

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

I personally would love to see you come into this area! To far to drive to 7 feathers, with unsafe passes in Winter and more jobs here locally, it's a win win for Southern Oregon!!

Sent via the Samsung Galaxy S21 5G, an AT&T 5G smartphone

From: pepejfr77
To: [FY22, BIA CoquilleCasinoEIS](#)
Cc: pepejfr77@gmail.com
Subject: [EXTERNAL] Welcome to medford
Date: Friday, December 16, 2022 4:42:00 AM

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

Can't wait... I believe this area has grown and always be busy. Can't wait

Sent via the Samsung Galaxy S21 Ultra 5G, an AT&T 5G smartphone

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U.S DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS

PUBLIC MEETING
COQUILLE INDIAN TRIBE FEE-TO-TRUST
AND GAMING FACILITY PROJECT
DECEMBER 15, 2022

BALINDA DUNLAP, CSR 10710, RPR, CRR, RMR
488809



(310) 207-8000 Los Angeles	(415) 433-5777 San Francisco	(949) 955-0400 Irvine	(858) 455-5444 San Diego
(310) 207-8000 Century City	(408) 885-0550 San Jose	(760) 322-2240 Palm Springs	(800) 222-1231 Carlsbad
(916) 922-5777 Sacramento	(800) 222-1231 Martinez	(702) 366-0500 Las Vegas	(800) 222-1231 Monterey
(951) 686-0606 Riverside	(818) 702-0202 Woodland Hills	(702) 366-0500 Henderson	(516) 277-9494 Garden City
(212) 808-8500 New York City	(347) 821-4611 Brooklyn	(518) 490-1910 Albany	(914) 510-9110 White Plains
(312) 379-5566 Chicago	00+1+800 222 1231 Paris	00+1+800 222 1231 Dubai	001+1+800 222 1231 Hong Kong

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U.S DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS

PUBLIC MEETING
COQUILLE INDIAN TRIBE FEE-TO-TRUST
AND GAMING FACILITY PROJECT
DECEMBER 15, 2022

REPORTER: BALINDA DUNLAP, CSR 10710, RPR, CRR, RMR

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REMOTE VIA ZOOM, DECEMBER 15, 2022

---o0o---

MR. HAUG: Good evening. The Bureau of Indian Affairs welcomes you to this public hearing for the draft environmental impact statement, or DEIS, prepared for the Coquille Indian Tribe fee-to-trust and gaming facility project in the City of Medford, Oregon.

My name is Brian Haug. I am the regional scientist for the Northwest Regional Office of the Bureau of Indian Affairs, Division of Environmental & Cultural Resource Management, or DECRM, based in Portland, Oregon. The Bureau of Indian Affairs, or BIA for short, is the primary federal agency charged with carrying out the United States trust responsibility to American Indian and Alaska Native peoples and also maintaining the federal government-to-government relationship with federally-recognized tribes.

Other BIA participants present at this evening's hearing include DECRM's team of Tobiah Mogavero, National Environmental Policy Act, NEPA, coordinator; Alexander Sheroki, environmental protection specialist; Eirik Thorsgard, regional archaeologist; and the BIA EIS consultants, Acorn

1 Environmental.

2 Please note, this hearing is also being
3 presented with closed captioning for the
4 hearing-impaired. To activate this feature, please
5 click your mouse on the closed captioning icon at
6 the bottom of your screen.

7 The purpose of tonight's hearing is to
8 facilitate public review and comments on the draft
9 EIS for the proposed fee-to-trust acquisition of a
10 2.4-acre parcel in the City of Medford and the
11 subsequent proposed operation of a gaming facility
12 on the same parcel by the Coquille Indian Tribe.

13 If the BIA approves the fee-to-trust
14 acquisition, it will hold the property in trust for
15 the tribe, allowing for the development of a gaming
16 facility on the site.

17 As part of this acquisition, the National
18 Environmental Policy Act, also known as NEPA,
19 requires that the BIA conduct environmental
20 compliance review before deciding whether to accept
21 land into trust.

22 The DEIS has been prepared as an
23 immediate -- intermediate step in this
24 environmental review process. BIA published the
25 draft EIS on November 25th, 2022, along with a

1 notice of availability, NOA, then announced a
2 45-day public review period.

3 In response to several requests, the
4 comment period for the DEIS is being extended by
5 the BIA for an additional 45 days and will now
6 close on February 23rd, 2023.

7 The BIA will also hold a second public
8 hearing on January 31st, 2023. It should be noted
9 that the BIA will not be presenting any new or
10 updated information in the second hearing beyond
11 the topics covered in tonight's hearing, so there's
12 no need for individuals to attend both meetings.

13 Additional information regarding the
14 extended review period and second hearing can be
15 found on the project website, which is
16 www.coquille-eis.com.

17 The purpose of tonight's hearing is to
18 facilitate public review and comments on the draft
19 EIS. We will consider all comments received during
20 the public comment period; and then we will publish
21 a final EIS, FEIS, which will include responses to
22 all substantive comments.

23 If you'd like to provide a spoken comment
24 at the hearing tonight, please use the Zoom "Raise
25 Hand" function. To raise your hand, click the

1 "Raise Hand" symbol at the bottom of your screen
2 or, if you're joining by phone, enter star 9. This
3 will place you in line to speak.

4 We will take speakers in the order that
5 their hands are raised. When it is your turn to
6 speak, we'll call your name and unmute your
7 connection so you can give your comment. Everyone
8 will be given three minutes to make their remarks
9 to ensure everyone has the opportunity to speak.
10 Please remember to select star 9 again once you
11 have spoken, and this will lower your raised hand.

12 Please note, a public hearing is not the
13 best forum for lengthy comments due to the time
14 constraints. If you have a lengthy comment, we
15 encourage you to submit a written letter.

16 All comments will receive equal weight
17 whether they are spoken or written. We have a
18 stenographer here that will record your spoken
19 comments word for word so they can be considered
20 fully as comments on the official record.

21 Please understand that the purpose of
22 tonight's hearing is to not have -- is to not have
23 a question-and-answer session or a debate of any
24 kind. We will not respond to questions or engage
25 in debate. Instead, we are here to listen and to

1 document your comments.

2 Now we have asked our EIS consultants,
3 Acorn Environmental, to provide you with a brief
4 presentation on the proposed action, its purpose
5 and need and the alternatives analyzed in the EIS
6 and the EIS process.

7 MS. MINER: Thank you. And good evening.
8 As noted by Mr. Haug, we will be going over the
9 purpose of this public hearing and giving an
10 overview of the process under the National
11 Environmental Protection Act, commonly known as
12 NEPA; the proposed action and alternatives; the
13 environmental impacts identified in the draft EIS,
14 and the next steps in the NEPA process. Finally,
15 we will address how to make comments on the draft
16 EIS.

17 The purpose of the hearing tonight is to
18 obtain public comments and feedback on the draft
19 environmental impact statement, also known as a
20 draft EIS, prepared for the Coquille Indian Tribe
21 fee-to-trust and gaming facility project, which
22 will be referred to as the "proposed project"
23 during this presentation.

24 It should be noted that public feedback
25 and input is an integral part of the NEPA process,

1 which will be explained in later detail in the
2 presentation.

3 However, first some detail on the proposed
4 background and the proposed project.

5 NEPA requires federal agencies to take
6 into account the environmental impacts of federal
7 actions and resulting projects prior to their
8 implementation. Environmental impact statements,
9 which can be abbreviated to EIS, are required for
10 major federal actions that have a potential to
11 significantly impact the quality of the
12 environment.

13 In this case, the Coquille tribe has
14 submitted an application to the BIA requesting that
15 the Department of the Interior take approximately
16 2.4 acres located in the City of Medford into
17 federal trust for gaming purposes in accordance
18 with the Indian Gaming Regulatory Act. This is a
19 proposed action being considered by the BIA.

20 Once the property is in trust, the tribe
21 proposes to remodel the existing bowling alley on
22 the proposed trust property into a gaming facility.
23 The tribe will also develop parcels to the north
24 that they own in fee for surface parking.

25 The federal purpose and need for the

1 proposed action is to facilitate tribal
2 self-sufficiency, self-determination and economic
3 development to satisfy both the BIA's
4 land-acquisition policy and the principal goals of
5 the Indian Gaming Regulatory Act.

6 This slide illustrates the key parts in
7 the NEPA process. Scoping is the first step of the
8 process and is considered the information-gathering
9 stage. The scoping process is initiated with a
10 release of a notice of intent, or NOI. During the
11 scoping stage, input that is related to the
12 project, alternatives and environmental analysis is
13 obtained from the public and agencies.

14 After the scoping period ends, a draft EIS
15 is prepared based on the information obtained and
16 is then released for public review and comment.
17 Comments obtained during this review period are
18 considered and responded to in the final EIS. This
19 final EIS is released to the public during a 30-day
20 waiting period prior to the release and decision on
21 the project, which is summarized in a record of
22 decision, or a ROD. The ROD marks the end of the
23 NEPA process.

24 The NOI that began the scoping process was
25 published on January 15th, 2015. The scoping

1 period itself lasted from January 15th to March
2 19th, 2015. During that period, a scoping comment
3 public hearing was held on February 23rd, 2015.
4 Afterwards, a scoping report that summarized the
5 comments received during the scoping comment period
6 and the project alternatives was published in June
7 2015.

8 The draft EIS was released on November
9 25th, 2022, with the extended comment period for
10 this document closing on February 23rd, 2023. The
11 final EIS will be available for viewing during the
12 minimum waiting period of 30 days. Then, at least
13 30 days after publication of the final EIS, the BIA
14 will issue a record of decision.

15 Now, we will see an overview of the draft
16 EIS itself. As seen on this slide, the components
17 of the draft EIS are organized into eight chapters
18 with an additional section for the executive
19 summary, which is not shown on this slide. An
20 overview of the proposed project and the
21 alternatives to the proposed project will be shown
22 on the following slides.

23 This map shows the location of the
24 proposed project that is known as the Medford site,
25 which the site is located in the lower right-hand

1 corner of this map. The Medford site is located
2 within the incorporated boundaries of the City of
3 Medford, adjacent to the northeastern boundary of
4 Oregon State Highway 99, also known as South
5 Pacific Highway and South Riverside Avenue.

6 In addition, the map shows the locations
7 of the two other alternative sites: the
8 approximately 49.34-acre property known as the
9 Phoenix site that is in the same corner as the
10 Medford site, and the location of the existing Mill
11 Casino, which is located in the upper left-hand
12 corner.

13 The Phoenix site is located off North
14 Phoenix Road northeast of the City of Phoenix in
15 Jackson County; and the existing Mill Casino is
16 located at 3201 Tremont Street in the City of North
17 Bend, Coos County.

18 This figure is a zoomed-in map of the
19 Medford site and Phoenix site, which can be seen in
20 closer detail now.

21 The Medford site is currently developed
22 with a bowling alley and two parking lots; and
23 nearby development mainly consists of commercial,
24 with the exception of single-family homes located
25 to the north of the site. The Medford site is

1 zoned for regional and heavy commercial
2 development.

3 The Phoenix site, on the other hand, is
4 zoned for exclusive farm use under the Jackson
5 County comprehensive plan; and it is also within
6 the Phoenix-5 urban reserve area of the Greater
7 Bear Creek Valley RPS plan.

8 This slide shows the alternatives examined
9 in the draft EIS. There are four alternatives in
10 total, which will be described in sequential order
11 starting with Alternative A.

12 Alternative A, the proposed project,
13 includes the before-mentioned transfer of 2.4 acres
14 of land into trust. It also includes retrofitting
15 and remodeling the existing Roxy Ann Lanes bowling
16 alley into an approximately 30,300-square-foot
17 gaming facility, which is approximately 7,000
18 square feet larger than the existing bowling alley.
19 A bar/deli and support services would be included
20 in the gaming facility.

21 Potable water would continue to be
22 provided by the Medford Water Commission; and the
23 tribe would continue to pay water service fees,
24 including paying for upgrades if necessary.
25 Similarly, wastewater treatment and disposal would

1 be provided by the current wastewater-collection
2 system serving the Medford site, Rogue Valley Sewer
3 Services.

4 The City of Medford would continue to
5 provide law enforcement and fire-protection
6 services to the Medford site, with the tribe
7 intending to work with the City of Medford to enter
8 an agreement for the provision of these services
9 and appropriate compensation.

10 During construction, it is anticipated
11 that approximately 183 onetime employment
12 opportunities would be generated. And when the
13 project is operational, it is anticipated to
14 require 229 employees.

15 This figure shows the site plan for the
16 proposed project. The approximately 7-acre Medford
17 site is shown with a red border, and the 2.4-acre
18 portion of the Medford site that is proposed to be
19 taken into trust is shown with a yellow dashed
20 border. The existing bowling alley proposed to be
21 renovated into a gaming facility is located on the
22 2.4-acre proposed trust parcel.

23 Additionally, at least 520 surface parking
24 spaces would be established on the 2.4-acre trust
25 property with additional parking developed on the

1 remaining 4.8 acres of the Medford site that will
2 not be taken into federal trust.

3 This figure shows an architectural
4 rendering of the renovated bowling alley that will
5 be used for a gaming facility under the proposed
6 project.

7 Alternative B, the Phoenix site, is
8 similar to Alternative A, including the size of the
9 gaming facility. However, more land would be
10 transferred into trust, and the gaming facility
11 would be constructed as a new facility within an
12 approximately 7.8-acre area within the 49.34-acre
13 Phoenix site.

14 Potable water would be provided from the
15 City of Phoenix through an extension of the City's
16 facilities that would include a new booster pump.
17 Wastewater services would be provided by the same
18 provider as Alternative A, but it will require an
19 extension of a 12-inch sewer main north of Fern
20 Valley-Interstate 5 interchange along North Phoenix
21 Road. The City of Phoenix would provide law
22 enforcement and fire-protection services under
23 Alternative B.

24 Alternative B is projected to create a
25 total of 206 onetime construction-related jobs,

1 which is higher than Alternative A due to the
2 construction of a new facility. The new employment
3 opportunities during operation would be very
4 similar to Alternative A due to the facility being
5 the same size.

6 This figure shows the site plan for
7 Alternative B. As shown here, the gaming facility
8 and parking development would occur in the eastern
9 portion of the Phoenix site. The proposed
10 extensions to the existing water and wastewater
11 facilities are shown as dashed blue and purple
12 lines respectively.

13 The last alternative with development,
14 Alternative C, expansion of the Mill Casino,
15 consists of expanding the tribe's existing Mill
16 Casino by approximately 5,000 square feet on the
17 10.95-acre Mill Casino site. Unlike the other two
18 alternatives discussed, a fee-to-trust acquisition
19 would not be necessary for Alternative C because
20 the Mill Casino is on land that is already in
21 federal trust for the tribe and is authorized for
22 gaming under the Indian Gaming Regulatory Act as
23 restored lands.

24 Water and wastewater services would
25 continue to be provided by Coos Bay-North Bend

1 Water Board and City of North Bend respectively.
2 Law enforcement and fire-protection services would
3 continue to be provided by the City of North Bend.

4 New operational employment opportunities
5 would be approximately 84 in total, which is less
6 than the other alternatives.

7 This figure shows the site plan for
8 Alternative C. The shaded corner towards the
9 center to the right is where the proposed expansion
10 would occur.

11 With the last alternative, Alternative D,
12 no action/no development, no land will be taken
13 into trust for the benefit of the tribe and no
14 change in the current land use of the alternative
15 site locations would occur. Consequently, none of
16 the adverse or beneficial effects identified under
17 the other project alternatives would be anticipated
18 to occur.

19 With an overview of the project
20 alternatives done, we shall review the
21 environmental topics analyzed within the draft EIS
22 for each alternative. The draft EIS provides a
23 description of both the affected environment and
24 the environmental consequences associated with the
25 issue areas shown on the slide that may occur as a

1 result of the alternatives.

2 The draft EIS identifies a number of best
3 management practices and mitigation measures to
4 avoid or reduce the potential adverse environmental
5 effects resulting from the alternatives.

6 For the sake of brevity, this presentation
7 only summarizes mitigation measures identified for
8 Alternative A. For a full description of the
9 mitigation measures, please refer to Section 5 of
10 the draft EIS.

11 To prevent impacts associated with soil
12 erosion and water quality, the tribe would comply
13 with the National Pollutant Discharge Elimination
14 System General Construction Permit requirements.
15 This includes the preparation of a stormwater
16 pollution prevention plan, which would require that
17 best management practices are implemented during
18 construction, such as the use of hay wattles and
19 covering stockpiles, to prevent siltation and
20 contamination of runoff.

21 To further prevent potential effects to
22 water resources, the tribe will use low-impact
23 development measures for operational stormwater
24 conveyance, retention and treatment, including the
25 installation of either vegetated bioretention

1 swales or a distributed pervious strip system
2 throughout the site, and will minimize water usage.

3 Air-quality effects would be reduced
4 through the implementation of
5 fugitive-dust-prevention measures during
6 construction and other measures to reduce
7 air-pollutant and greenhouse-gas emissions, such as
8 limiting equipment and vehicle idling time,
9 encouraging employee and patron rideshare programs
10 and using energy-efficient lighting, air and
11 heating systems.

12 Biological-resource impacts would be
13 similarly reduced with the National Pollutant
14 Discharge Elimination System General Construction
15 Permit.

16 Additionally, while the project site is
17 heavily disturbed, ornamental trees and shrubs in
18 the area do provide suitable nesting sites for
19 migratory birds. Therefore, the draft EIS requires
20 that preconstruction surveys be conducted for
21 nesting migratory birds and, if found, avoided.

22 While there are no known cultural
23 resources within the project site, the draft EIS
24 recommends monitoring by a qualified archeologist
25 during earth-moving activities. In the event of an

1 inadvertent discovery, work would stop and the
2 appropriate agency and tribe would be notified.

3 Related to socioeconomic, while most
4 economic and fiscal impacts were determined to be
5 positive, the tribe will implement policies to help
6 problem gamblers in accordance with State compact
7 requirements.

8 Several traffic-mitigation measures are
9 proposed to reduce traffic-related impacts when the
10 project is operational and in the cumulative year
11 of 2042. As can be seen on the slide, the
12 improvements would primarily occur along Highway 99
13 and would include paying a fair-share contribution
14 for certain roadway segments, such as the segment
15 between South Pacific Highway and Garfield Street.

16 To prevent conflicts with surrounding land
17 uses, the proposed project will install light
18 fixtures so that they would not shed light off of
19 the Medford site and signage will be designed to be
20 compatible with the buildings.

21 In addition, the tribe will implement best
22 management practices and mitigation measures to
23 reduce noise and traffic impacts that may affect
24 surrounding land uses.

25 Measures to reduce potential impacts to

1 public services primarily consist of reducing
2 impacts to law enforcement and fire
3 protection-services. Mitigation measures include
4 installing sufficient lighting and making annual
5 payments to the City of Medford Police and Fire
6 Departments.

7 In addition, a mitigation measure would
8 ensure that waste generated from the proposed
9 project would be recycled to the extent feasible in
10 addition to utilizing environmentally-preferable
11 materials.

12 Noise generated during the construction
13 operation could disturb nearby sensitive receptors;
14 and, therefore, mitigation measures are proposed in
15 both phases of the proposed project.

16 Construction-noise-reduction measures include
17 limiting construction hours and enclosing all
18 diesel generator sites with enclosures.

19 Operational noise would be reduced through
20 shielding heating, ventilation and air-condition
21 systems and mounting them on roofs.

22 Measures to reduce the potential for
23 impacts associated with hazardous materials include
24 following best management practices for filling and
25 servicing construction equipment and vehicles,

1 using hazardous materials in accordance with
2 applicable regulatory agency protocols and
3 implementing a series of procedures if contaminated
4 soil is discovered.

5 These procedures include stopping work,
6 following U.S. EPA guidance on sampling and
7 remediation and construction personnel wearing
8 personal protective equipment and following proper
9 decontamination procedures.

10 Finally, best management practices to
11 address potential effects associated with
12 aesthetics and the introduction of additional
13 lighting include placement of lights on buildings
14 so as not to cast light or glare offsite; use of
15 shielding for all outdoor lighting so as to ensure
16 it is downcast; use of timers to limit lighting to
17 necessary times and insulation of nonreflective,
18 low-glare glass on all exterior glass.

19 A hard-copy version of the draft EIS can
20 be reviewed at the Medford branch library of
21 Jackson County Library Services, located at 205
22 South Central Avenue, Medford, Oregon 97501. A
23 digital copy can be reviewed and downloaded from
24 the project website at www.coquille-eis.com.

25 All comments on the draft EIS are due to

1 the BIA by February 23rd, 2023. After the public
2 review and comment period on the draft EIS is
3 closed, the BIA will prepare a final EIS that will
4 include responses to the comments received and
5 revisions to the draft EIS. The final EIS will be
6 made available to the public for review in a
7 similar manner as the draft EIS.

8 At least 30 days after publication of the
9 final EIS, the BIA will issue a ROD. This ROD will
10 both mark the end of the NEPA process and specify
11 the decision on whether or not to approve the
12 proposed action.

13 Written comments on the draft EIS can be
14 mailed or hand-delivered to the Bureau of Indian
15 Affairs Northwest Regional Office, whose address is
16 shown on this slide, or you can email comments to
17 coquillecasinoeis@bia.gov. When submitting written
18 comments, please include "DEIS Comments, Coquille
19 Tribe Medford Gaming Facility Project" in the email
20 subject line or at the top of a written comment
21 letter.

22 For further information on anything
23 mentioned in the presentation today and more, you
24 can contact Mr. Brian Haug with the BIA Northwest
25 Regional Office via phone or email.

1 This slide concludes the presentation.

2 MODERATOR: At this time, we invite
3 participants wishing to provide comment to raise
4 their hand by selecting the "Raise Hand" icon on
5 the lower right-hand of your screen if you are
6 joining by computer or by pressing star 9 if you
7 are joining by phone.

8 When it is your turn to speak, I will call
9 you by your screen name or the last four digits of
10 your phone number. At that time, please unmute
11 yourself by clicking the microphone icon at the
12 bottom of the screen or by pressing star 6 if you
13 are joining by phone.

14 Once you are unmuted, state your name for
15 the record and then state your comment or question
16 for up to three minutes.

17 When your time is finished, I will lower
18 your hand and mute you again.

19 If you have trouble with your audio or
20 microphone, please call (949) 861-5954 for
21 technical assistance.

22 Some reminders when making your comments:
23 Please speak as clearly as possible when making
24 your comment or question so that the stenographer
25 can record your comment as accurately as possible.

1 Summarize your main points and be as specific as
2 you can. If you are joining by phone and computer,
3 please mute your computer speakers to avoid audio
4 feedback.

5 The first speaker will be Chairman Brenda
6 Meade of the Coquille Indian Tribe, and then we
7 will call speakers in the order they raise their
8 hands.

9 MS. MEADE: Hello. Can you hear me okay?

10 MODERATOR: Yes.

11 MS. MEADE: Great. Thank you.

12 I just first want to say (speaking tribal
13 language) greetings, friends. My name is Brenda
14 Meade, and I am chairman of the Coquille Indian
15 Tribe. And I am pleased that we are finally here
16 tonight, reaching another milestone in the federal
17 process on a road that has taken over ten years for
18 our federal trustees to begin the process promised
19 under federal law and regulations for us to place a
20 mere 2.42 acres of land into trust here in our
21 community in Medford.

22 We are here tonight because the United
23 States Department of Interior is considering my
24 tribe's application to place 2.42 acres of land in
25 trust in Medford, Oregon for the Coquille Indian

1 Tribe.

2 Our goal has been to open a new venue
3 which will add to our exciting entertainment campus
4 in South Medford, creating jobs, entertainment
5 choices for our community and an investment that
6 will benefit all Jackson County residents.

7 A statute called the National
8 Environmental Policy Act, or NEPA, applies to most
9 federal agency decisions. NEPA is a procedural law
10 that directs federal agencies to assess the
11 environmental impacts of their decisions. In some
12 cases, the NEPA also directs agencies to analyze
13 alternatives to a proposed action.

14 For the Coquille Tribe's application, the
15 U.S. Department of Interior has complied with NEPA
16 by preparing a draft environmental impact study, or
17 DEIS. The DEIS includes several studies prepared
18 by specialists in a variety of subject-matter
19 fields. The DEIS also analyzes alternatives to the
20 proposed gaming facility and satisfies other NEPA
21 requirements.

22 Today's hearing is an opportunity to
23 provide input on the information included in the
24 DEIS, including its supporting studies. This is
25 not supposed to be a forum about opinions of

1 gaming, competition in the market or liking or not
2 liking the form of entertainment we are applying
3 for. The DEIS has a specific list of impacts that
4 will be evaluated as part of this process.

5 We hope to hear comments based on data,
6 research and accurate facts so that together we can
7 develop a project that benefits both the Medford
8 and Jackson County community and the Coquille
9 Tribe.

10 I know that Jackson County, Medford and
11 the Coquille people win by having the Coquille
12 Tribe invest in business growth here and keep the
13 dollars in our community in Medford. I firmly
14 believe that it is better to keep jobs and revenues
15 here locally rather than exporting them out to
16 other places. For Medford and the Coquille Tribe,
17 the path to prosperity lies within our own
18 community here.

19 The Coquille Tribe knows there are
20 opponents out there who are working to delay this
21 project and deny our community and the tribe our
22 rights under the law. They fear competition. They
23 fear losing power. These are not the cultural
24 value of our people. Our project and, as a result,
25 our community, has suffered delays, unanswered

1 questions and questionable political tactics from
2 the start.

3 We ask that the law be followed and the
4 NEPA process move forward without improper
5 influence.

6 Our opponents try to sound altruistic, but
7 keeping competition out of our community is never
8 beneficial for the consumer. This does not reflect
9 the values of the tribe or the Medford community.

10 We the Coquille, Medford and Jackson
11 County value each other; and we invest in each
12 other so that our families who live and work here
13 succeed together. We look forward to hearing from
14 each of you.

15 Again, thank you all for your time and
16 attention. (Speaking tribal language.)

17 MODERATOR: Thank you.

18 The next speaker is Terry Hansen. Please
19 unmute yourself.

20 MS. HANSEN: Hi. Can you hear me?

21 MODERATOR: Yes, I can. Please provide
22 your comments.

23 MS. HANSEN: Thank you so much for
24 allowing me to speak. My name is Terry Hansen, as
25 you said, and I am opposed to the Coquille's

1 building of a Medford casino. I am a resident of
2 Jackson County, Oregon. I was born here in a house
3 that my grandfather built, and so this area is very
4 near and dear to my heart. And I appreciate you
5 giving me the time to express my opinion.

6 One of the reasons I oppose this casino
7 being built is because the initial notice of intent
8 for this casino was published in 2015. The
9 Coquille Indian Tribe has made significant changes
10 to the project since then, and the scope of the
11 project has changed. The scope of the DEIS should
12 be changed to reflect the entire development that
13 they intend to build.

14 Another reason I oppose this casino being
15 built is because the State of Oregon has already
16 established a "one tribe, one casino" agreement
17 with the nine federally-recognized tribes in
18 Oregon.

19 I also oppose this casino being built
20 because I feel the information in the DEIS is
21 outdated. Many of the reports are from 2016, and
22 there has been very little done to update these
23 reports. All of the reports should be updated, as
24 there have been many changes in the world in the
25 last six years.

1 In closing, I ask that you reject this
2 proposal. Thank you.

3 MODERATOR: Thank you.

4 The next speaker is Michael Rondeau.
5 Please unmute yourself.

6 MR. RONDEAU: Thank you.

7 My name is Michael Rondeau. I am the CEO
8 for the Cow Creek Band of Umpqua Tribe of Indians.

9 And first of all, thank you for granting
10 the additional hearing in January and extending the
11 comment period.

12 I'd like to start out with, like so many
13 tribes, we struggle to meet our budgets. We don't
14 have a tax base; therefore, we rely on gaming
15 revenues to provide business, diversification and
16 essential services to our membership. The proposed
17 casino will cripple our ability to take care of our
18 own people, putting a burden on public services.

19 If approved and the doors open, this will
20 open the floodgates for additional casinos in the
21 state by this one tribe. The other tribes do not
22 enjoy that ability to open up second casinos.

23 The casino is 150 miles from their
24 reservation. The authors of the Coquille
25 Restoration Act, which they're using to justify

1 this, have produced a legislative history that
2 declare that this was never the intent when it was
3 passed.

4 I thank you for allowing me to provide
5 these comments. We'll be making additional, more
6 substantive comments written. Thank you.

7 MODERATOR: Thank you for your comment.

8 The next speaker is Carla Keene. Please
9 unmute yourself.

10 MS. KEENE: Hi. Can you hear me okay?

11 MODERATOR: Yes, I can.

12 MS. KEENE: Great. Thank you.

13 My name is Carla Keene, and I am the
14 chairman of the Tribe Board of Directors of the Cow
15 Creek Band of Umpqua Tribe of Indians.

16 In the interest of time and to ensure that
17 everyone has a chance to comment, I will keep my
18 comments brief. We will be submitting substantial
19 written comments in addition to the comments that
20 you will hear here -- that you will hear tonight.

21 For tonight, I want to emphasize the
22 profound impact Coquille's second casino would have
23 on my tribe and my people. The DEIS contains a
24 very conservative estimate of the potential
25 economic impact on our Seven Feathers. It

1 estimates revenue will decrease by 25 percent. It
2 also estimates it will take 16 years for revenue
3 levels to return to normal. We fear that potential
4 impact will be even greater than these estimates.

5 The DEIS dismisses this impact, stating
6 that increasing competition is not a significant
7 impact. However, Seven Feathers is our primary
8 source of governmental revenue. Decreasing the
9 revenue by 25 percent will result in impacts that
10 go beyond merely economic impacts. It will impact
11 essential governmental services that the tribe
12 provides. It will impact our education programs.
13 It will impact our ability to provide health care
14 and social services that many of our members rely
15 upon. It will impact our ability to provide
16 employment opportunities to our members.

17 We invest greatly in our surrounding
18 communities. The Umpqua Indian Foundation and the
19 tribe has given over \$30 million in grants in the
20 counties surrounding our tribe. We have devoted
21 significant funds towards the protection of the
22 environment and fisheries' work in order to protect
23 the wild fish runs.

24 All of these programs and efforts are at
25 risk with potential massive reductions in

1 governmental revenue. The survival of our people,
2 their health and welfare are at stake.

3 Accordingly, we respectfully request that
4 the BIA take these very real human and
5 environmental impacts into consideration when
6 analyzing the proposed action.

7 Thank you.

8 MODERATOR: Thank you.

9 The next speaker is Crystal Ansuers.
10 Please unmute yourself.

11 MS. ANSURES: Hi. Can you hear me?

12 MODERATOR: Yes, we can.

13 MS. ANSURES: My name is Crystal Ansuers.

14 I am opposed to the Coquille Indian Tribe's
15 building of a Medford casino. I am a resident of
16 Jackson County, Oregon. Thank you for giving me
17 the opportunity to express my opinion in this
18 matter.

19 The DEIS claims that the casino will not
20 result in unacceptable traffic operations and
21 states that no mitigation is necessary. I feel
22 that the DEIS is underestimating the impact that a
23 casino would have on the traffic in Medford, and I
24 think there will be significant impacts. The
25 traffic-impact analysis drafted in 2019 needs to be

1 updated beyond the two-page update that focuses
2 only on the hotel.

3 I also feel that the DEIS is
4 underestimating the impact that a casino will have
5 on crime. The Mill Casino generates the most
6 police calls for any one location in North Bend,
7 with an average of 640 calls annually. A casino in
8 Medford will significantly increase the rate of
9 crime.

10 The DEIS calls for payments to the Medford
11 Police Department to mitigate the increasing crime,
12 but that doesn't account for the impact on local
13 residents. I think the DEIS dismisses the impacts
14 to residents as less than significant.

15 Our area has been through a lot in the
16 last few years. For me, essentially it comes down
17 to "one tribe, one casino," which the State of
18 Oregon has agreed to, and the fact that the
19 Coquille Indian Tribe has no ancestral ties to this
20 area.

21 Finally, I urge you to closely evaluate
22 the concerns raised by the local community and
23 ultimately reject this proposal. Sincerely, thank
24 you, Crystal.

25 MODERATOR: Thank you for your comment.

1 The next speaker is Heather Vick. Please
2 unmute yourself.

3 MS. VICK: Hi. My name is Heather. I am
4 opposed to the Coquille Indian Tribe's building of
5 a Medford casino. I am a resident of Jackson
6 County, Oregon, and thank you for giving me the
7 opportunity to express my opinion in this matter.

8 In my opinion, the BIA should try to
9 encourage public participation. The timing of this
10 being published does not leave the average person
11 enough time to read the 2,000-page DEIS and prepare
12 comments for this meeting. In the future, when the
13 BIA sets the schedule for reviewing this project,
14 it should provide the public with more time.

15 The DEIS estimates that the Coquille
16 casino will decrease the governmental revenue of
17 the Cow Creek Tribe by 25 percent. This will
18 negatively impact the tribe and its people by
19 forcing the tribe to substantially decrease the
20 services it provides.

21 My tribe provides educational, health
22 care, social services, elder-care programs and
23 employment opportunities to its membership. All of
24 these programs are now at risk. The impact to the
25 tribe and its people cannot be understated.

1 The Cow Creek Umpqua Tribe is just one of
2 the many tribes that would be affected by the
3 building of this casino in Medford. The Coquille's
4 second casino has the potential to negatively
5 impact a huge population of tribal people.

6 The Coquille Tribe does not have any
7 ancestral ties to the Medford area. Allowing the
8 Coquille Tribe to build a casino 180 miles from its
9 reservation is an -- is -- in an area where it does
10 not have any ancestral ties unfairly benefits the
11 Coquille to the detriment of other tribes in the
12 area that do have ancestral ties.

13 Please take the local community and their
14 concerns seriously, as I am voicing -- as I am in
15 voicing my opinion and asking you to reject the
16 casino proposal. Thank you.

17 MODERATOR: Thank you for your comments.

18 The next speaker is Dan Courtney. Please
19 unmute yourself.

20 MR. COURTNEY: Can you hear me okay?

21 MODERATOR: Yes.

22 MR. COURTNEY: Okay.

23 My name is Dan Courtney. I serve on the
24 Tribal Board of Directors for the Cow Creek Band of
25 Umpqua Tribe of Indians.

1 The DEIS fails to consider the legality of
2 the Coquille's proposal. Coquille's second casino
3 should be subject to the two-part determination
4 process under IGRA. The two-part determination
5 process requires consultation with state and local
6 officials, including other nearby Indian tribes; a
7 determination that the gaming establishment will be
8 in the best interest of the surrounding community
9 and approval from the Governor.

10 Coquille seeks to avoid this process,
11 arguing that the restored lands exception applies
12 to their application. However, Coquille's
13 interpretation of IGRA is contrary to the purpose
14 of the restored lands exception. The restored
15 lands exception was not intended to advantage one
16 tribe to the detriment of other tribes. It was
17 intended to place tribes in an equal position to
18 other tribes.

19 If the proposed action goes forward, it
20 will mean that Coquille has the authority to take
21 lands into trust for gaming purposes within any of
22 the five counties in their service area, including
23 Coos, Curry, Douglas, Jackson and Lane Counties.

24 If Coquille is allowed to use the restored
25 lands exception, it would set a dangerous

1 precedent, allowing the tribes to establish gaming
2 establishments far away from lands where they share
3 any geographic or historical connection.

4 If Coquille wishes to complete the
5 proposed action, it should be required to pursue
6 the two-part determination. This is the process
7 that all other tribes must go through. Ensuring
8 that Coquille completes the two-part determination
9 process will put Coquille on par with all the other
10 tribes, which is what Congress intended.

11 Thank you.

12 MODERATOR: Thank you for your comments.

13 The next speaker is Travis Mackie. Please
14 unmute yourself.

15 MR. MACKIE: Hello. Can you hear me?

16 MODERATOR: Yes, we can.

17 MR. MACKIE: Hi. My name is Travis
18 Mackie. I'm the fisheries biologist for the Cow
19 Creek Band of Umpqua Tribe of Indians.

20 There are many technical issues with the
21 DEIS. Today I wanted to highlight three issues
22 that are of particular concern to tribal fisheries.

23 First, the DEIS lists the wrong
24 evolutionary significant unit for the Medford and
25 Phoenix sites. The DEIS lists the Oregon Coast

1 coho. However, the relevant ESU is actually the
2 Southern Oregon/Northern California Coast coho.

3 Second, the DEIS overlooks a critical
4 habitat. The DEIS states that the closest critical
5 habitat to Medford site is located 4.5 miles north.
6 However, this is simply not true. Bear Creek is
7 considered critical habitat for SONCC coho and is
8 adjacent to the Medford site.

9 Finally, the DEIS describes Bear Creek as
10 "A potential anadromous bearing stream." However,
11 this is incorrect. Bear Creek is a well-known
12 anadromous bearing stream. Fall Chinook, summer
13 and winter steelhead, cutthroat trout and SONCC
14 coho, a species listed under their -- the
15 Endangered Species Act, are all present in Bear
16 Creek. This stream also has an essential salmonid
17 habitat designation. Describing Bear Creek as "A
18 potential anadromous bearing stream" is an attempt
19 to downplay the impacts of the proposed action.

20 Overall, there are multiple oversights in
21 the DEIS. Before any -- the final EIS is
22 published, the environmental analysis should be
23 carefully looked at, as it appears to us that the
24 analysis was rushed and full of multiple errors.

25 Thank you.

1 MODERATOR: Thank you for your comments.
2 The next speaker is Lily Morgan. Please
3 unmute yourself.

4 MS. MORGAN: Good evening. My name is
5 Lily Morgan. I am a State Representative for House
6 District 3 in Oregon. I am here to ask for support
7 of Alternative A as an option that will bring
8 economic development to our area.

9 This site is a site that has served the
10 Rogue Valley for many years in a capacity for large
11 groups and gatherings. I have attended the Roxy
12 Ann bowling, and there's been gaming in these areas
13 in the past. The parking lots are large enough to
14 handle large groups.

15 But most importantly, this is an area that
16 was deeply impacted by the wildfires and the urban
17 fires in 2020. And it's an area that is in
18 substantial need of urban renewal.

19 This area of Jackson County has fallen
20 into disrepair, and the economic boost of not only
21 restoring the area to a higher economic impact
22 would also provide jobs that would be essential to
23 our community. Recently my community lost 250
24 jobs.

25 Not all tribes are the same. We have some

1 tribes in Oregon of the nine federally-recognized
2 that are larger than the others. But the Coquille
3 Tribe reaches out to the entire Southwest Oregon
4 area and supports many events in our area and many
5 of our communities that are disadvantaged and in
6 need of help.

7 This area is in the service area of
8 Southern Oregon University as well, and the
9 opportunity for the youth of the Coquille Tribe to
10 have a connection to the university and open up
11 doors for their future is a great need.

12 The increase of jobs, both short-term and
13 long-term, will have a huge economic impact. It
14 will change the lives for generations. And I ask
15 you to support Alternate A this evening.

16 Thank you.

17 MODERATOR: Thank you.

18 The next speaker is Heather Bartlette.
19 Please unmute yourself.

20 MS. BARTLETTE: Hello. I am Heather
21 Bartlette. I'm the environmental specialist for
22 the Cow Creek Band of Umpqua Tribe of Indians.

23 As we will discuss in detail in our
24 written comments, the DEIS relies on outdated
25 information. Most of the environmental analysis,

1 studies and reports that the DEIS relies upon were
2 performed in 2015, seven years ago.

3 I wanted to address one example where the
4 outdated analysis impacts the quality of the
5 environmental analysis in the DEIS. There is a
6 history of pesticide use in the area surrounding
7 the proposed action.

8 On a nearby property, less than 500 feet
9 away from the site of the proposed action, high
10 levels of arsenic and lead concentrations were
11 detected in composite samples. This may be because
12 there are hot spots of those compounds in the soil
13 that exceed ecological screening values. In
14 addition, DDE and DDT were detected at
15 concentrations exceeding the most stringent
16 ecological screening values.

17 The DEIS recognizes that the proposed
18 action has been expanded from 2.4 acres to 7.2
19 acres. However, the DEIS relies upon an
20 environmental site assessment performed in 2012
21 with a supplemental investigation performed in
22 2015. In 2015 soil samples were taken only from
23 the 2.4-acre site. It does not appear that any
24 additional soil samples were taken on the other 4.8
25 acres. This would be important, particularly where

1 there is exposed soil.

2 If you do have representative samples --
3 if you do not have representative samples of your
4 entire site, then it is irresponsible to assume
5 that contaminants are not over the threshold.
6 Highly contaminated runoff can be generated by past
7 land uses where pollutant concentrations exceed
8 those typically found in stormwater.

9 If this happens, a bioswale would be
10 rendered ineffective. The slope of the property is
11 directed towards Bear Creek, which was listed as
12 needing the development of an arsenic TMDL.

13 The potential oversight or the lack of
14 analysis or sampling of the additional acres of
15 development that are connected to the proposed
16 action could result in significant impacts to the
17 environment that will never be studied if they are
18 not studied now.

19 Lead arsenate is moderately toxic to birds
20 and aquatic invertebrate species. New research
21 shows that arsenic bioaccumulates in the liver and
22 kidney of fish. When lead arsenate is exposed to
23 air from a disturbance of soil, it is highly toxic
24 to humans if inhaled and is a known cancer-causing
25 contaminant.

1 At the best interests of worker safety,
2 environmental health and fish and wildlife health,
3 the BIA should complete additional sampling of the
4 parcels not included in the 2015 supplemental
5 investigation. These samples should include
6 composite samples to order to help identify hot
7 spots on the property.

8 This is just one example of where the
9 reliance on outdated documents has negatively
10 impacted the DEIS. The BIA should require all of
11 the underlying reports to be updated in order to
12 ensure that the full environmental impact of the
13 proposed action is analyzed.

14 Thank you.

15 MODERATOR: Thank you for your comments.

16 The next speaker is Neal. Please unmute
17 yourself and state your full name for the record.

18 MS. JONES: Hello. My name is Vera Jones.

19 UNIDENTIFIED SPEAKER: Can you hear her
20 okay?

21 MODERATOR: Yes, we can.

22 MS. JONES: Okay. I am opposed to the
23 Coquilles building a casino in Medford. I have
24 been a resident of Jackson County, Oregon for over
25 ten years. I am also a member of the Cow Creek

1 Band of the Umpqua Tribe of Indians.

2 If the Coquille want to build another
3 casino to make more money, then I feel the DEIS
4 should analyze a reasonable range of nongaming
5 alternatives for them.

6 Currently the DEIS focuses solely on
7 gaming, and there are other ways for the Coquilles
8 to achieve their purpose of economic development
9 without having a negative impact on the other
10 tribes.

11 The DEIS should also consider whether this
12 proposal for a casino should be subject to the
13 two-part determination process. This would allow
14 the BIA to consider whether the casino would be in
15 the best interest of the surrounding community.

16 The traffic in Medford is already
17 congested, and crime is a major problem. It is
18 possible that a casino would only add to these
19 problems.

20 I oppose this casino being built because
21 the State of Oregon has already established a "one
22 tribe, one casino" agreement with the recognized
23 tribes in Oregon. If the Coquilles are allowed to
24 disregard this agreement, that would open the door
25 for other Oregon tribes to do the same.

1 In the long run, this will be harmful to
2 all involved, including the Coquilles. As you
3 consider this decision, I urge you to closely
4 evaluate the concerns raised by the local
5 community.

6 Thank you very much.

7 MODERATOR: Thank you for your comments.

8 The next speaker is Anthony Broadman.

9 Please unmute yourself.

10 MR. BROADMAN: Good evening. I am Anthony
11 Broadman. I am general counsel for the Cow Creek
12 Band of Umpqua Tribe of Indians.

13 This proposed action would violate the
14 Indian Gaming Regulatory Act, and the failure of
15 the DEIS to consider that illegality of this
16 project means that the DEIS itself is irreparably
17 flawed.

18 As Interior is aware, for Coquille to be
19 able to take advantage of the restored lands
20 exception, Coquille's Restoration Act itself would
21 need to allow or authorize Interior to take land
22 into trust in Medford. But the Coquille
23 Restoration Act doesn't do that.

24 In the DEIS, Coquille and Interior itself
25 concede this point. In Section 1.2 you state, "the

1 acquisition of the 2.4-acre site in trust pursuant
2 to the Secretary's authority under the Indian
3 Reorganization Act..." If that is true, then every
4 tribe can use the IRA to meet the restored lands
5 exception.

6 Of course, that would be absurd and it
7 would be inconsistent with both the letter of IGRA
8 and the intent of the Coquille Restoration Act, as
9 pointed out by its authors, Senator Wyden and
10 Representative DeFazio, who have both stated
11 formally that "they did not intend the
12 establishment of a multicounty service area for the
13 Coquille Indian Tribe in the Coquille Restoration
14 Act to supersede the requirements of IGRA."

15 I would also note the irony of the BIA's
16 planned inadvertent discovery plan, as you noted at
17 the outset of tonight's comments. It would be to
18 notify a tribe who is not the proponent tribe in
19 this proposed action. That alone illustrates the
20 ill-advised approach of the federal government in
21 this overall ill-advised scheme to put a casino
22 where it doesn't belong under federal law.

23 Interior and Coquille both concede that
24 this single casino would harm all of Coquille's
25 sister tribes, some to the tune of 27 percent of

1 their governmental revenue, revenue used for tribal
2 member services like foster care, elder support,
3 education, housing, social services.

4 This process should be halted now. It's
5 bad for tribes. It's bad for Oregon. It violates
6 NEPA. It violates IGRA.

7 Thank you.

8 MODERATOR: Thank you for your comments.

9 The next speaker is Representative Wallen.
10 Please unmute yourself.

11 REPRESENTATIVE WALLEN: Good evening.
12 Thank you for this time. I am Representative Kim
13 Wallen. I represent the City of Medford in the
14 Oregon State Legislature, and I also sit on the
15 gaming committee that is an interim committee that
16 was put together by the speaker for -- it is a
17 joint committee, so that means Republicans and
18 Democrats from both chambers of the legislature.

19 We have been studying the issues about all
20 gambling and gaming in the state for a number of
21 months. All summer we met. And I do want to make
22 one point clear from those hearings.

23 We asked multiple times about the "one
24 tribe, one casino" policy, and it was made very
25 clear that that is merely an agreement or a

1 statement made by individual governors as they take
2 office, but that that's not written policy
3 anywhere. It's not statute. It is just the way
4 business has been done, but it's not a true formal
5 policy of the state. And I just want to clarify
6 that.

7 One of the other things that became clear
8 in those committee hearings was that every tribe is
9 very different, and there is not agreement among
10 the tribes about whether there should be one casino
11 or not.

12 Many tribes are preparing for the
13 eventuality that there would be an ability for each
14 tribe to have more than one casino. The Coquilles
15 are not the only tribe that are -- that is trying
16 for that.

17 And some tribes want every tribe to have
18 every opportunity to develop their economic base,
19 while other tribes are definitely not in favor of
20 additional growth by some of the smaller tribes.

21 So there's -- it is not a zero-sum game.
22 There -- it is not clear that additional casinos
23 are good or bad for other tribes. We just don't
24 have enough data on some of that.

25 When the Coquille first purchased the land

1 here in Jackson County, the City took a very
2 wait-and-see attitude about how this was going to
3 go, because we -- that was their nexus to Jackson
4 County, some members and then buying that land.

5 And honestly, they've been great partners.
6 The hotel they've built is beautiful. It's a great
7 addition to our community. The City Manager, the
8 City Council have become quite connected to the
9 Coquille. They are in favor of growth, the City
10 is. The City has done their engineering studies on
11 traffic and on their best guess, which is pretty
12 educated, on law enforcement needs.

13 And so I just want to say that the
14 Coquille have been a great partner with the City of
15 Medford and in Jackson County since they got here,
16 and I wanted to correct the "one tribe, one casino"
17 idea.

18 Thank you.

19 MODERATOR: Thank you for your comments.

20 The next speaker is Jeri Thompson. Please
21 unmute yourself.

22 MS. THOMPSON: (Speaking tribal language.)
23 Can you hear me?

24 MODERATOR: Yes.

25 MS. THOMPSON: Good evening. Thank you

1 for having this forum for us. My name is Jeri
2 Thompson. I am the chairperson of the -- excuse
3 me -- Tolowa Dee-ni' Nation.

4 Tolowa Dee-ni' Nation is a sovereign,
5 federally-recognized Indian tribe. Our reservation
6 lands and community are located approximately 110
7 miles from the site of the Coquille Tribe's
8 proposed gaming facility.

9 The adverse socioeconomic effects on the
10 Tolowa Dee-ni' Nation are grossly underestimated.
11 The nation depends on revenues from its Lucky 7
12 gaming facility to fund critical governmental and
13 social-welfare programs and services for our
14 citizens.

15 The nation has sought to diversify its
16 economy, but for the immediate future, we are
17 largely dependent on our gaming revenues to fund
18 our government. Any reduction in revenues from our
19 gaming facility will be felt across a wide range of
20 governmental services. The welfare of our nation's
21 citizens is at stake here.

22 In the face of these real-world impacts,
23 the draft EIS relies on an abstract model to assess
24 potential impacts to our economy and people. The
25 model does not account for human behavior and the

1 many variables that determine gaming revenues.

2 The draft is untethered from reality of
3 the impacts we will feel if a massive gaming
4 facility is opened about 100 miles away.

5 Illogically, the draft assesses the
6 impacts to the Yurok and the Karuk gaming
7 facilities as much greater than the impact to our
8 facility, even though our facility is closer to the
9 Coquille proposed gaming site.

10 Inexplicably, the draft does not reference
11 or analyze any demographic data for the community
12 that is the Tolowa Dee-ni' Nation. There is no
13 gaming market segment identified for the Tolowa
14 Dee-ni' Nation anywhere in the background or
15 analysis.

16 The conclusion that the effects on our
17 gaming revenues will be small is based on
18 speculation that those effects will diminish over
19 time because of population growth and expanding
20 economies at Tolowa. No factual support for this
21 speculation is offered, and there is none. In
22 addition, what little information included is more
23 than three years old. It is out of date.

24 As a result, it appears that the drafter
25 started with a preconceived result in mind that a

1 project should go forward and concocted an analysis
2 to support that outcome. The draft is biased in
3 favor of the Coquille gaming project.

4 Second, we are concerned that the
5 potential impacts to coho and Chinook salmon in
6 Bear Creek have not been adequately identified or
7 assessed. The Tolowa Dee-ni' Nation relies on
8 salmon for food for its citizens and for cultural
9 ceremonies. Our knowledge of the lifecycles of the
10 salmon binds our community and makes up our tribal
11 identity.

12 The draft EIS dismisses the potential
13 impacts to the salmon because Bear Creek is located
14 within the boundaries of the proposed gaming
15 facility.

16 Those impacts cannot be ignored simply
17 because the impacts fall outside that boundary.
18 NEPA requires an assessment of the impacts at the
19 proposed site and in the surrounding areas, which
20 was done for socioeconomic impacts. The draft does
21 not include salmon habitat in the modeled baseline
22 of environmental conditions, so of course an
23 assessment of impacts will be skewed in favor of no
24 impacts.

25 MODERATOR: Excuse me. Chairman, you have

1 exceeded the three minutes. Please conclude your
2 comments.

3 MS. THOMPSON: Okay. Thank you.
4 (Speaking tribal language) for listening. Thank
5 you very much.

6 MODERATOR: Thank you.

7 The next speaker is Joseph Clarizio.
8 Please unmute yourself.

9 MR. CLARIZIO: Can you hear me?

10 MODERATOR: Yes.

11 MR. CLARIZIO: Thank you for letting me
12 speak.

13 MODERATOR: Hi.

14 MR. CLARIZIO: My name is Joseph Clarizio.
15 I am the director of operations from Medford for
16 Tribal One, which is a business owned by the
17 Coquille Tribe. I oversee operations for the
18 tribe's properties here in Medford and particularly
19 at the Roxy Ann Lanes, the site for the proposed
20 gaming facility.

21 I have a bachelor of science in
22 landscape/turf management at Oregon State
23 University. My career consists of the following:
24 32 years of golf course operations, 20 years of
25 golf course/sports field consultant. I am also a

1 certified arborist and 13 years as restaurant owner
2 and operator.

3 I oversee the golf course operations at
4 Bear Creek Golf Course, which is next door to the
5 2.4 acres of the proposed gaming site. I am proud
6 to say that we exercise environmental best
7 management practices at Bear Creek Golf Course,
8 along with all the other properties.

9 I have actively participated in the
10 practices of the Audubon Cooperative Sanctuary
11 Program for over 25 years and are implementing
12 those practices in our properties here in Medford.
13 We partner with the practices of the Bear Creek
14 Restoration Initiative.

15 My wife and I reside in Medford, Oregon,
16 moved here four years ago from the Portland area.
17 I have been employed by Tribal One for one and a
18 half years, and I can emphatically say the
19 following about Tribal One: They have an
20 incredible leadership. They -- their leadership is
21 demonstrated by their devoted commitment to the
22 Medford community.

23 This is evidenced by their continued
24 investment in businesses such as seen in the new
25 Compass Hotel, which has brought more than 60 new

1 jobs to the area.

2 This excellence is also seen in the
3 reinvestment in the Roxy Ann bowling alley, which
4 is the site of the gaming center. This business
5 suffered the repercussions of loss in business due
6 to COVID. Tribal One is committed to
7 reestablishing and giving families and residents a
8 much-needed place for entertainment as we invest
9 into this property.

10 They are committed to kids, as they
11 partner with local kid programs and provide
12 opportunities for them to participate in bowling
13 and in golf. We see multiple groups participating
14 on a daily basis.

15 The development of this small gaming
16 facility would be another very positive investment
17 to the City of Medford that demonstrates Tribal
18 One's long-term commitment to this city.

19 Thank you for allowing me to speak.

20 MODERATOR: Thank you for your comments.

21 The next speaker is Sue Steward. Please
22 unmute yourself.

23 MS. STEWARD: Good evening. Can you hear
24 me?

25 MODERATOR: Yes.

1 MS. STEWARD: Thank you.

2 I am Kathleen Susan Steward. I am a Cow
3 Creek citizen member and tribal board member, and I
4 appreciate this opportunity to speak to you tonight
5 about the Coquille gaming project. I am opposed to
6 the Coquille Tribe's building of a Medford casino.

7 The tribe -- the Coquille Tribe does not
8 have ancestral ties to the Medford area. Medford
9 is 180 miles from the Coquille Tribe's ancestral
10 territory.

11 This project is designed to benefit only
12 the Coquille Tribe and not the people of Medford or
13 the surrounding area. This project unfairly
14 benefits the Coquille Tribe at the expense of the
15 other tribes in the area. It severely impacts --
16 it severely negatively impacts the other tribes.

17 The notice of intent was published in
18 2015. The Coquille Tribe has made significant
19 changes to the project since the notice of intent
20 was published. These changes include the scope of
21 work. The scope of the draft environmental impact
22 statement, the DEIS, needs to reflect the total 45
23 acres that the Coquille Indian Tribe anticipates
24 for this gaming facility project.

25 The draft EIS reflects outdated

1 information. Many of the cited reports are from
2 2016, and little effort has been made to correct
3 this oversight. The few report revisions on record
4 were made in 2019 and are reflected in one- to
5 two-page updates. All reports need to be brought
6 to current because there have been many changes to
7 the project since 2015.

8 The draft EIS should consider whether the
9 casino should be subject to the two-part
10 determination process. This would allow the BIA to
11 consider whether the casino would be in the best
12 interest of the surrounding community.

13 It certainly is not in the best interest
14 of the Cow Creek Band of Indian Tribe. The
15 outdated reports in the draft EIS estimate that if
16 the Coquille casino project gets approved, it will
17 create a decrease of 25 percent to Cow Creek
18 government revenue.

19 I think it is important to state that the
20 cost of living has skyrocketed since COVID-19 hit
21 in 2020, with a 14.6 percent increase over the past
22 two years. This is only one factor that leads me
23 to believe that the 25 percent decrease which was
24 estimated in the DEIS for our tribal revenue is
25 very low.

1 This decrease in tribal revenue would put
2 an unnecessary burden on the tribe and local
3 services to meet the needs of our Cow Creek
4 citizens.

5 And in closing, I would just like to say
6 that the Coquille Tribe already has a casino. I
7 think that that's been brought out many times
8 tonight. A second casino will disrupt that
9 delicate balance of gaming in the state of Oregon,
10 which is what that agreement with Oregon was about.
11 The construction of another casino will likely set
12 off a wave of gaming expansion across the state of
13 Oregon, which is not good for any of us.

14 So in closing, thank you for allowing me
15 this time to share the reasons why I oppose the
16 Coquille Tribe's intent to build a second casino in
17 Medford, which is 180 miles from their ancestral
18 area, which will negatively impact the economic
19 stability and sustainability of other nearby
20 tribes. This project should be declined.

21 Thank you.

22 MODERATOR: Thank you for your comments.

23 The next speaker is Edward Metcalf.

24 Please unmute yourself.

25 MR. METCALF: Hello. Can you hear me?

1 MODERATOR: Yes.

2 MR. METCALF: Hi. My name is Edward
3 Metcalf. I am a college-aged tribal member of the
4 Coquille Indian Tribe. Thanks to the tribe, I was
5 able to get scholarships that allowed me to pursue
6 a higher education at the Oregon Institute of
7 Technology, where at the end of this week I will
8 have finished acquiring a bachelor's degree in
9 mechanical engineering.

10 The tribe has also greatly helped me in
11 health care. I was born extremely premature and
12 most likely would have died if I did not receive
13 the quality of care that I was able to receive, in
14 large part thanks to the high-quality health care
15 that's offered by my tribe.

16 As a young person who is about to start
17 his life officially, one thing that I am concerned
18 about is for the future of my tribe. Will my
19 children and my grandchildren be able to experience
20 the same level of benefits that I was able to
21 receive? Will they be set up for life as well as I
22 have been set up for life?

23 And the simple fact is as the tribe's
24 population grows, the need for economic development
25 will grow as well.

1 I have worked at the tribal casino in the
2 past as a bellman, as someone working in
3 housekeeping and working in the restaurants of the
4 casino. And I can speak from personal experience
5 that the tribe offers generous health care packages
6 as well as great 401(k) programs. The best 401(k)
7 programs I ever received in my work history was
8 when I was working for the tribe.

9 So not only is this good for the tribe,
10 but it's good for the surrounding area as well for
11 all the jobs it will provide for the people in
12 Medford.

13 I've also heard a lot of people talk about
14 "one casino, one tribe"; but this is just simply
15 not the case in Oregon. The Coos Tribe, one of our
16 friends and neighbors in Coos Bay, they have two
17 casinos. And when they made their second casino, I
18 don't remember there being nearly as much
19 administrative challenge on their part to make two
20 casinos.

21 As all tribes in Oregon's population grow,
22 they must be allowed to economically grow as well
23 in order to support their constituents.

24 Thank you for letting me speak, and I'll
25 give up the rest of my time.

1 MODERATOR: Thank you for your comment.

2 The next speaker is Sue Kupillas. Please
3 unmute yourself.

4 MS. KUPILLAS: Hello. This is Sue
5 Kupillas, a former county commissioner in Jackson
6 County for 16 years.

7 When the first proposal for the Coquille
8 gaming facility came up, I met with the Coquille
9 Tribe a number of times to talk about what the
10 potential was and what the proposal was, but
11 concluded finally that I oppose putting another
12 casino -- putting a casino in Medford by the
13 Coquille Tribe.

14 And there are several reasons for this,
15 but -- I live in Jackson County, but I also live in
16 the City of Medford. And I think that the EIS
17 underestimates the potential of crime involved
18 around the casino. I think it underestimates the
19 traffic impacts and says that they will mitigate
20 all of those things.

21 But, you know, I -- having been in County
22 government, I know how promises are and what
23 happens really. So I think it's not a good impact.

24 I believe totally in the idea of one
25 casino per tribe. The Coquille Tribe already has a

1 casino, the Mill Creek -- the Mill Casino in Coos
2 Bay, and I think this opens the door for gaming
3 facilities all over the state of Oregon. I don't
4 think that's who we are.

5 So looking at the impact of the total
6 facility on the City of Medford, on Jackson County
7 and the idea that casinos will expand all over the
8 state of Oregon from other tribes, I think that's
9 not who we are and that's not who we want to be.

10 I think "one tribe, one casino" is really
11 a good policy for the state of Oregon. So I am
12 opposing the casino.

13 I have a number of other issues with it,
14 but because the BIA has given such a short time for
15 us to respond to this huge DEIS -- and quite
16 frankly, who has had time to read the whole thing,
17 right?

18 So I think they are stifling participation
19 in responding to this current DEIS, and I think
20 that they have not considered updating the DEIS
21 with the current plans from the Coquille Tribe. I
22 mean, the Coquille Tribe has changed plans
23 dramatically from when I met with them when I was a
24 County commissioner. So I think it all needs to be
25 updated.

1 I have been totally involved with federal
2 forest issues and all this kind of thing over the
3 years, and this is the most rushed hearing I have
4 ever seen. And I have not had a chance to read the
5 whole DEIS. So I object to that also. It's
6 stifling participation in this process.

7 Thank you.

8 MODERATOR: Thank you.

9 The next speaker is Michael Brady. Please
10 unmute yourself.

11 MR. BRADY: Can you hear me okay?

12 MODERATOR: Yes.

13 MR. BRADY: Hi. I am Mike Brady. I have
14 been a resident of Jackson County for the past
15 eight years, attended SOU and now operate my
16 marketing company here in the Rogue Valley.

17 Prior to moving back to Oregon, I was the
18 director of marketing for two different tribal
19 gaming authorities in California, both of which
20 were at the time working to expand their facilities
21 to better provide for their members, so this
22 process is somewhat familiar to me.

23 Looking at the draft EIS, the proposed
24 mitigation measures, the best management practices
25 and also looking at the potential alternatives, it

1 appears the Medford site is the one that is going
2 to achieve the intended purpose while still, you
3 know, maintaining the goal of having the least
4 amount of environmental impact.

5 Now -- and I have only been here for the
6 past eight years, but in that time the consistent
7 theme has been the Coquille Tribe making really
8 every effort to be great community partners for
9 those of us living here in Jackson County. And,
10 you know, deepening an already good relationship
11 makes sense.

12 And quite frankly, you know, the number of
13 career opportunities, both through construction and
14 staffing, would be fantastic for our community.
15 So, you know, I would ask that we consider this
16 proposal.

17 Thanks for giving me the opportunity to
18 contribute.

19 MODERATOR: Thank you.

20 The next speaker is Gary Miller. Please
21 unmute yourself. Gary?

22 MR. MILLER: Okay. Am I coming through?

23 MODERATOR: Yes, you are.

24 MR. MILLER: Oh, good. Okay.

25 I am opposed to this Coquille's building

1 of the Medford casino. I live in Medford and --
2 well over 30 years, and during that time I have
3 been involved with many community service
4 organizations, past and present. And the Cow Creek
5 Tribe takes -- does not take a seat to any
6 organization that I have worked with as far as
7 support of the community.

8 And I just wanted to share another
9 observation. For this project, I don't have a
10 sense of any groundswell of community support for
11 it. And it -- I don't know. It just keeps --
12 doesn't go away. You know, the -- Medford does not
13 support this casino. And I just wanted to add that
14 along with all the other comments that have been
15 made.

16 Thank you.

17 MODERATOR: Thank you for your comment.

18 The next speaker is Lorri Albertson, if
19 you can please unmute yourself.

20 MS. ALBERTSON: Can you hear me?

21 MODERATOR: Yes, I can.

22 MS. ALBERTSON: My name is Lorri
23 Albertson. I'm an employee of the Cow Creek Tribe,
24 and I have been employed by them for the last 25
25 years. I am opposed to the Coquille building a

1 casino in Medford.

2 The Cow Creek businesses provide jobs in a
3 region where finding good-paying jobs with good
4 benefits are becoming harder and harder to find. I
5 have been very lucky to have been supported by the
6 Cow Creek Tribe for the many years that I have
7 worked for them.

8 I also was a single mother when I started
9 at the casino, raising two tribal children; and
10 they have helped them both succeed in everything
11 they've wanted to do.

12 The BIA and the Coquille will kill jobs
13 where they are needed most.

14 That's all I have to say. Thank you for
15 your time.

16 MODERATOR: Thank you.

17 The next speaker is Jay Ellenberger.
18 Please unmute yourself.

19 MR. ELLENBERGER: Can you hear me okay?

20 MODERATOR: Yes.

21 MR. ELLENBERGER: Okay. Thank you for the
22 opportunity.

23 My name's Jay Ellenberger. I am an
24 employee of the Cow Creek Tribe.

25 I am opposed to the Coquille building a

1 casino in Medford due to the negative impacts to
2 the casino and the Cow Creek Tribe and the
3 economics that it supports. If this
4 off-reservation casino is allowed to proceed, the
5 loss in revenues, layoffs and loss of wages and
6 benefits won't just hurt the Cow Creek community,
7 but the entire economic economy of the Douglas and
8 Jackson County.

9 Cow Creek is among the largest employers
10 in our region. The Cow Creek Tribe supports the
11 tribe and nontribal families and neighbors with
12 jobs and social services along with grants.

13 The BIA should not be choosing an
14 off-reservation casino over the established
15 reservation sites that we have today.

16 Thank you for the opportunity.

17 MODERATOR: Thank you.

18 The next speaker is Greg Lemhouse. Please
19 unmute yourself.

20 MR. LEMHOUSE: Good evening, and thank you
21 for letting me testify tonight on this important
22 issue.

23 My name is Greg Lemhouse. I am a 27-year
24 resident of Jackson County, including spending ten
25 years on the Ashland City Council.

1 I have witnessed the Coquille Indian Tribe
2 invest in this community for the past decade and go
3 through this process, which has been incredibly
4 long and a long time coming. I enthusiastically
5 support their application for the casino.

6 I think it is important to recognize the
7 investments that the Coquille have made in this
8 community that go far beyond simply writing checks.
9 This is an investment in jobs, and it can be seen
10 in the area where the fires raged through here just
11 a few years ago. They have built a wonderful hotel
12 and have brought real jobs to this area.

13 I think it's also important for anybody
14 interested in the facts to go back and look at the
15 records. Look at the recent decision by the
16 interim gaming committee in the legislature which
17 spoke clearly that there is no "one tribe, one
18 casino" policy. The fact is there are several
19 tribes seeking additional casinos. The Coquille
20 are merely one of them.

21 And let's also keep in mind that this is
22 within the footprint of a current bowling alley.
23 This is not a large project. This will not
24 overwhelm the services of the City of Medford. The
25 City of Medford has an outstanding police

1 department, and I have no doubts they will be able
2 to respond accordingly to any incidents or issues
3 that video-gaming machines may have within the
4 current bowling alley footprint.

5 There are currently several areas in the
6 City of Medford where people can enjoy video gaming
7 and has not caused the problem that some may want
8 others to believe.

9 I think it's also really important to
10 understand that this is an issue that should lie on
11 the community members of Medford. If people are
12 afraid of competition, the best answer to that is
13 to compete, to provide a better product, a better
14 service than your competitors.

15 We know that our economic system here in
16 this country relies on that. And when companies
17 compete, when organizations compete, communities
18 are better off, just like the City of Medford will
19 be.

20 I also want to leave listeners with this
21 fact, that in 2022 the Jackson County-Medford
22 Chamber of Commerce recognized the Coquille Indian
23 Tribe as one of the outstanding employers of the
24 year. That comes from that type of investment in
25 our community.

1 And I believe that providing more jobs,
2 more opportunities in our community simply makes
3 our community a better place; and, therefore, I
4 enthusiastically support the application for the
5 Coquille Indian Tribe.

6 Thank you.

7 MODERATOR: Thank you for your comments.

8 The next speaker is Lorri Albertson.

9 Please unmute yourself.

10 MR. RAIDER: Can you hear me now?

11 MODERATOR: Yes.

12 MR. RAIDER: I'm sorry. I got the link
13 from somebody, from my friend.

14 My name is Richard Raider. I'm a resident
15 of Douglas County, Oregon, and I am opposed to the
16 proposal of having the casino put in Medford by the
17 Coquille Tribe.

18 The Coquille Tribe are 172 miles from
19 their tribal headquarters to where they want to put
20 a casino.

21 The Coquille Tribe has consistently shown
22 they do not respect local communities. As example,
23 in -- ten years ago the Coquille Tribe was sued by
24 the City of North Bend Police Department for
25 failure to pay their agreed-upon fees and charges.

1 Then the Coquille Tribe entered an
2 agreement with the City of North Bend to do
3 tax-revenue-sharing for a hotel. They then reneged
4 on that contract also. They use their tribal
5 sovereignty to get out of the agreed-upon contracts
6 and agreements.

7 This will hurt tribal and nontribal
8 communities in rural Oregon. The BIA should not be
9 choosing an off-reservation casino over several
10 other facilities in the region. They have a casino
11 they can expand in the Coos Bay area where their
12 tribal populations live, work and thrive.

13 Even estimates show that this additional
14 casino is going to just separate and move moneys
15 around while not bringing any real, lasting jobs.

16 Thank you.

17 MODERATOR: Thank you for your comments.

18 The next speaker is Ray Martin. Please
19 unmute yourself.

20 MR. MARTIN: Good evening. My name is Ray
21 Martin. I am a citizen of the Tolowa Dee-ni'
22 Nation, and I am opposed to the Coquille casino.

23 I believe the EIS is flawed. It doesn't
24 fully examine the impacts on my tribe.

25 My tribe struggles to provide basic

1 services to its tribal members. Our tribe only has
2 one very small casino that has less than 350
3 machines, while the Coquille Tribe operates a huge
4 casino in North Bend, Oregon that has a much larger
5 footprint, much more revenue.

6 I believe that this is an effort by
7 Coquille to skirt IGRA and not follow the two-part
8 determination process, which they should have to
9 follow.

10 Their doing this harms the community of
11 Medford; it harms the state of Oregon; and it harms
12 the other tribes, like Tolowa, Yurok, Elk Valley
13 Rancheria, Karuk and Klamath.

14 Thank you.

15 MODERATOR: Thank you.

16 The next speaker is Allen Purdy. Please
17 unmute yourself.

18 MR. PURDY: Thank you.

19 My name's Allen Purdy. I live in Jackson
20 County. I have lived here for 28 years, and I
21 support Alternate A and the economic development
22 this project will bring to our region.

23 The location of the proposed gaming
24 facility in Medford is in a blighted strip of a
25 busy artery in our community that has been

1 neglected for many, many years and is in desperate
2 need of redevelopment.

3 The Coquilles recently completed a
4 beautiful new hotel in the immediate area, so they
5 are already committed to changing our community for
6 the better. They have many -- they have other
7 plans that will nicely complement our very busy
8 baseball fields that are located nearby as well.

9 The proposed site is not large enough to
10 support an enormous facility, only one that is just
11 big enough to be a big benefit to our local
12 neighborhood, our economy with construction jobs,
13 service and support jobs and consistent employment
14 for years to come.

15 Again, this project will spruce up yet
16 another lot that has been in need of attention for
17 many years, and the construction revenue of --
18 estimated in the \$25-plus-million range will end up
19 being here for a very long time.

20 There were some comments about lead,
21 arsenic contamination. That is all over the entire
22 valley due to its use as a fertilizer years -- for
23 decades in the pear orchards that covered the
24 valley. This -- the DEQ approves the removal and
25 relocation to an approved dump site here in the

1 valley, and it's just common practice.

2 Please add my name to the all-in list in
3 support of the project and the Coquille Tribe all
4 the way around.

5 Thank you.

6 MODERATOR: Thank you.

7 The next speaker is Rachel Tobias. Please
8 unmute yourself.

9 MS. TOBIAS: Thank you.

10 My name is Rachel Tobias. I am an
11 attorney for the Cow Creek Tribe.

12 I must respectfully disagree with
13 Representative Wallen's and others' comments about
14 the long-standing and well-established "one tribe,
15 one casino" policy that does, in fact, exist in
16 Oregon. The CTCLUSI's land was pre-IGRA, and the
17 second casino they have is on reservation land and
18 does not fall under this policy that we're
19 discussing.

20 The "one casino, one tribe" policy appears
21 in several compacts between the State and the
22 tribes. While these compacts reference Class III
23 gaming, our written comments will detail that the
24 distinction between Class II and Class III gaming
25 are becoming obsolete.

1 The Coquille's own original compact
2 explicitly stated that they could set up only a
3 temporary casino while they built the Mill Creek
4 [verbatim] Casino and, I quote, "at no time will
5 more than one gaming facility be open to the
6 general public under this compact."

7 In fact, every single Class III compact
8 between the State of Oregon and the tribes
9 explicitly limits them to one facility through its
10 "gaming at another location or facility" clause.
11 Those clauses all state, "The tribe hereby waives
12 any right it may have under IGRA to negotiate a
13 compact for Class III gaming at any other location
14 or facility," and that -- the waiver of that right
15 lasts for varying amounts of time.

16 Some compacts call the limitation out
17 explicitly, such as the Warm Springs 2010 compact,
18 which states at Section 5C, "in accordance with
19 State policy to authorize only one casino per
20 tribe, the nine Class III gaming compacts in the
21 State of Oregon each authorize only one Class III
22 casino per tribe." Several other compacts also
23 explicitly call out the one-casino-per-tribe
24 policy.

25 It also appears in Governor Kitzhaber's

1 stated policy and in his 2013 white paper, "Gaming
2 in Oregon: A Position Paper." It appears in a
3 2013 letter from Senators Wyden and Merkley. It
4 appears in a letter from Governor Roberts of 2016.
5 It's reflected in Governor-elect Kotek's statements
6 this year to the Grand Ronde Tribes' newspaper
7 supporting the "one casino per tribe on reservation
8 land" policy.

9 Governor Brown alluded to the policy in a
10 letter in 2016, stating, "I believe that the State
11 should as a matter of policy resist the building of
12 additional casinos, because State support for even
13 a single modest additional casino is likely to lead
14 to significant efforts to expand gaming across
15 Oregon to the detriment of the public welfare."

16 This statement was expressly relied upon
17 by the Department of the Interior in 2020, when you
18 initially rejected the Coquille's off-reservation
19 casino.

20 Clearly this policy exists in written form
21 and has been the adopted policy of governors year
22 over year since gaming -- tribal gaming began.
23 Nobody contends that it has been adopted by the
24 legislature in statute. It is clearly the policy
25 of the State, the executive branch. Statements to

1 the contrary are misleading and false.

2 Thank you.

3 MODERATOR: Thank you.

4 The next speaker is Jacob Ansuers. Please
5 unmute yourself.

6 MR. ANSURES: Hello. My name is Jacob
7 Ansuers. I am opposed to the Coquille building of
8 the Medford casino. I am a resident of Jackson
9 County. I have been a resident for 47 years, my
10 entire life. I am also a Cow Creek tribal member.
11 I appreciate you giving this opportunity to express
12 my opinion in this matter.

13 One of the reasons why I disagree with
14 this is because it's -- somebody had mentioned it's
15 being built next to the fields that children play
16 on, you know, and casinos to me are not something
17 that children should be looking forward to going to
18 when they're older.

19 Also, I would like to say that, you know,
20 nobody's talking about all of the little
21 mom-and-pop -- little gambling places which will
22 lose money.

23 And another reason I oppose this casino
24 being built is because the initial notice of intent
25 for the casino was published in 2015. The Coquille

1 Indian Tribe has made significant changes to the
2 project since then, and the scope of the project
3 has changed. The scope of the DEIS should be
4 changed to reflect the entire development that they
5 intend to build.

6 Another reason I oppose this casino being
7 built is because the State of Oregon has already
8 established a "one casino, one tribe" agreement.

9 I also oppose the casino being built
10 because I feel the information in the DEIS is
11 outdated. Many of the reports are from 2016, and
12 there has been very little done to update the --
13 these reports. All of the reports should be
14 updated, as there have been many changes in the
15 world in the last six years.

16 I appreciate your guys's opportunity to
17 speak and let you know my feelings on this. Thank
18 you.

19 MODERATOR: Thank you.

20 The next speaker is Melissa Cribbins.
21 Please unmute yourself.

22 MS. CRIBBINS: Good evening. My name is
23 Melissa Cribbins, and I have been a Coos County
24 Commissioner for the last ten years.

25 I am testifying tonight to express my

1 support for Alternative A of the draft EIS for the
2 Coquille Tribe's proposed casino in Medford.

3 They say that past behavior is the best
4 predictor of future behavior; and as a Coos County
5 Commissioner, I have worked with the Coquille Tribe
6 to promote economic development and job creation in
7 our area. They have been excellent community
8 partners and have invested countless millions of
9 dollars in our region. They have demonstrated
10 their concern and their interest in economic
11 development in our area as well as for the economic
12 welfare of our citizens.

13 The casino also serves as a gathering
14 point and as an emergency evacuation facility,
15 which is, of course, not required but is a huge
16 benefit to the community.

17 I have no doubt at all that the Coquille
18 Tribe will also be excellent community partners for
19 the Jackson County area.

20 Mark Twain once said that the truth --
21 sorry -- that a lie can get halfway around the
22 world before the truth can even get its pants on.
23 The statement about "one tribe, one casino" is that
24 sort of statement.

25 Thank you for your time.

1 MODERATOR: Thank you.

2 The next speaker is Tabbitha Mataya.

3 Please unmute yourself.

4 MS. MATAYA: Can you hear me?

5 MODERATOR: Yes.

6 MS. MATAYA: Good.

7 So my name is Tabbitha Mataya. I have
8 worked for the Cow Creek Tribe for a collective of
9 28 years. I started with them when I was 16 years
10 old.

11 I have -- in the midst of my career have
12 been able to develop myself professionally as well
13 as socially. The tribe has provided many different
14 programs for us.

15 The Cow Creek Tribe has provided a lot of
16 support in the community. In 1997, when we were
17 established as a gaming facility, as stated, we
18 have given over \$30 million to our community, and
19 this is strictly on casino revenues. And these
20 casino revenues make our CASA, housing, our
21 homeless people, many of the services that we
22 provide through the Douglas County possible.

23 With the Medford casino being established,
24 it would take a lot of this financial revenue away
25 from our community that helps develop our community

1 as a whole. I am very much so opposed as to all of
2 this because we're hurting -- you would hurt -- the
3 BIA and the Coquille Tribe would hurt our charities
4 and our social services that we provide throughout
5 our entire community.

6 And I need to let it be known that the Cow
7 Creek Tribe has been very successful in our own
8 ancestral territory. We developed our casino in
9 our seven counties.

10 And let that be known that, yes, it may be
11 an argument, that one casino, one tribe, but it
12 makes sense. The State of Oregon is a very small
13 state, and if we were to allow all tribes, the nine
14 tribes, to develop more than one casino, we would
15 be hurting a lot of revenues for all tribes
16 collectively, not just ourselves.

17 I am very much so opposed to this.

18 Thank you so much for your time.

19 MODERATOR: Thank you for your comment.

20 The next speaker is Ron Doan. Please
21 unmute yourself.

22 MR. DOAN: This is Ron Doan. Can you hear
23 me okay?

24 MODERATOR: Yes.

25 MR. DOAN: Okay. Good.

1 Well, first of all, good evening. And
2 thank you so much for allowing this opportunity.
3 We very much appreciate it.

4 I am a community advocate for all of
5 Southern Oregon. I am very much opposed and
6 encourage your rejection of this casino project
7 proposal for the Coquille Tribe.

8 I'm not sure why we are considering this
9 DEIS again, since the prior administration,
10 Department of Interior already has opposed the
11 Coquille Tribe building a casino in Medford. The
12 State of Oregon, City of Medford, Jackson County
13 have all gone on record in opposition to this
14 Coquille casino in Southern Oregon, specifically in
15 Medford.

16 The Coquille Tribe does not have ancestral
17 ties, no history with the Medford community and
18 Jackson County. They are now and have always been
19 a coastal community with no historical ties to
20 Jackson County.

21 I'm also very much aware of the
22 involvement and support from the Cow Creek Tribe
23 and its Cow Creek Foundation helping hospitals,
24 schools, children's services, elder care, colleges,
25 universities -- many, many nonprofits of all sizes.

1 And Cow Creeks have been helping them to build a
2 stronger economy and a stronger community.

3 So at this time I ask for you to reject
4 this project once and for all.

5 Thank you so much for your time.

6 MODERATOR: Thank you.

7 If there is anybody else who would like to
8 speak, please raise your hand or by pressing star 9
9 if you are joining by phone.

10 The next speaker is Gail Hatcher. Please
11 unmute yourself.

12 MS. HATCHER: Can you hear me?

13 MODERATOR: Yes.

14 MS. HATCHER: Thank you.

15 My name is Gail Hatcher; and I am vice
16 chair for the Klamath Tribes, which is made up of
17 three distinct tribes: the Klamath, the Modoc, and
18 the Yahooskin. And I would like to say that the
19 Klamath Tribes are opposed to a casino in Medford
20 by the Coquille Tribe.

21 A casino in Medford would be devastating
22 to our tribe here in Klamath County. That casino
23 would cause a loss of employment, not only to
24 tribal members, but to nontribal as well. The
25 Kla-Mo-Ya casino employs a number of people, and

1 should we have a competing casino just on the other
2 side of the mountain, it would be devastating.

3 Klamath County has a very high poverty
4 level, and employment is very difficult to come by
5 within our area. This would impact our programs
6 that the tribe currently offers to its tribal
7 members. The Klamath Tribes also have experienced
8 devastating fires as well.

9 I hate for us to compare area to area, but
10 these are the things that are going to be impacted
11 should this casino be built over in Medford. It's
12 not fair to pit tribe against tribe, especially
13 when some tribes are in a very rural area. Casinos
14 can benefit communities, but we don't want to, in a
15 sense, tear each other down just trying to help our
16 own communities.

17 We need to stay in our own area. The
18 Klamath Tribes is less than 100 miles from the
19 proposed area, and I think Coquille would do best
20 to stay within their own tribal areas and do what
21 they can do on the coast.

22 I too would like to request that we have
23 more time to look at this and prepare our
24 statements.

25 And just to say again, Klamath Tribes

1 opposes this casino.

2 Thank you.

3 MODERATOR: Thank you.

4 The next speaker is Katrina Potter.

5 Please unmute yourself.

6 MS. POTTER: Yes, hi. My name is Katrina
7 Potter. I am an employee of the Cow Creek Tribe.

8 I am opposed to the Coquille Tribe
9 building a casino in Medford. Cow Creek businesses
10 provide both jobs and significant support to my
11 community. If this off-reservation casino is
12 allowed to proceed, the layoffs and loss of wages
13 and benefits won't just hurt Cow Creek, but it can
14 hurt the entire economy of Douglas and Jackson
15 Counties. Cow Creek and its businesses are among
16 the largest employers in our region.

17 This won't just harm Cow Creek. It will
18 hurt the charities and social service providers who
19 rely on Cow Creek for support.

20 I am opposed to this.

21 Thank you.

22 MODERATOR: Thank you.

23 If there is anybody else who would like to
24 speak, please select the "Raise Hand."

25 The next speaker is Mia Murphy.

1 MS. MURPHY: Hello. My name is Mia
2 Murphy, and I am an employee of the Cow Creek
3 Tribe.

4 I oppose the build of the Coquille casino
5 for a few reasons.

6 You know, I just think that building a
7 casino -- giving them the, you know, permission to
8 build a casino 150 miles away from their -- where
9 their reservation is located just opens up a lot of
10 issues for how and where casinos will be built
11 going forward in the State of Oregon.

12 And I think the Coquille Tribe has the
13 ability to explore other economic development
14 opportunities, just like every other tribe. And I
15 just don't think this is the direction that the
16 State of Oregon wants to go in by starting this --
17 setting this precedent.

18 And so I do oppose this, and thank you for
19 your time.

20 MODERATOR: Thank you.

21 Again, if there's anybody who would like
22 to speak, please raise your hand.

23 MR. HAUG: Good evening, everyone. This
24 is Brian Haug, BIA regional scientist. This
25 concludes the public portion of our meeting.

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Remember that written comments on the draft EIS are due on February 23rd, 2023, and we'll be holding a second hearing on January 31st, 2023, at 5:30 p.m. Pacific.

Thanks again for your participation in the NEPA public process, and have a nice evening.

(Whereupon the proceedings were concluded at 7:52 p.m.)

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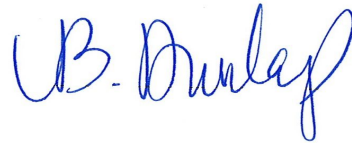
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I am the reporter that stenographically recorded the testimony in the foregoing proceeding and the foregoing transcript is a true record of the testimony given.

Dated: January 12, 2023



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PUBLIC MEETING
COQUILLE INDIAN TRIBE FEE-TO-TRUST AND GAMING
FACILITY PROJECT
JANUARY 31, 2023

BALINDA DUNLAP, CSR 10710, RPR, CRR, RMR
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REMOTE VIA ZOOM, JANUARY 31, 2023

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MR. MOGAVERO: Good evening. The Bureau of Indian Affairs welcomes you to the second public hearing for the draft environmental impact statement, also known as a DEIS, prepared for the Coquille Indian Tribe fee-to-trust and Class II gaming facility project located in the City of Medford, Oregon.

My name is Tobiah Mogavero; and I am the Northwest Regional NEPA coordinator for the Environmental and Cultural Resource Management Department of the Bureau of Indian Affairs, also known as DECRM, based out of Portland, Oregon.

The Bureau of Indian Affairs, or BIA for short, is the primary federal agency charged with carrying out the United States trust responsibility to American Indian and Alaskan Native peoples and also maintaining the federal government-to-government relationship with federally-recognized tribes.

Other participants at this evening's hearing include DECRM's environmental protection specialist Alexander Sheroki and the regional archeologist Eirik Thorsgard, as well as BIA's EIS

1 consultants, Acorn Environmental.

2 Please note that this hearing will also be
3 presented with closed-captioning for the
4 hearing-impaired. To activate this feature, please
5 click your mouse on the closed-captioning icon at
6 the bottom of your screen.

7 The purpose of tonight's hearing is to
8 facilitate public review and comments on the draft
9 EIS for the proposed fee-to-trust acquisition of a
10 2.4-acre parcel in the City of Medford and the
11 subsequent proposed operation of a Class II gaming
12 facility on the same parcel by the Coquille Indian
13 Tribe.

14 If the BIA approves the fee-to-trust
15 acquisition, it will hold the property in trust for
16 the tribe, allowing for the development of a gaming
17 facility on the site.

18 As part of this acquisition, the National
19 Environmental Policy Act, also known as NEPA,
20 requires that the BIA conduct an environmental
21 compliance review before deciding whether to accept
22 the land into trust.

23 The DEIS has been prepared as an
24 intermediate step in this environmental review
25 process. The BIA published the initial notice of

1 availability of the EIS on November 25th, 2022,
2 along with and announcing a 45-day public comment
3 period. The initial public hearing was held on
4 December 15th, 2022. This is the second and final
5 public hearing.

6 In response to several requests, the
7 comment period for the draft EIS was extended by an
8 additional 45 days and will close on February 23rd,
9 2023. Additional information regarding the
10 extended review period can be found on the project
11 website at www.coquille-eis.com.

12 The purpose of tonight's hearing is to
13 facilitate public review and comments for the draft
14 EIS. We will consider all comments received during
15 the public comment period and then will publish a
16 final EIS, also known as a FEIS, which will include
17 responses to substantive comments.

18 If you would like to provide spoken
19 comment at the hearing tonight, please use the Zoom
20 "Raise Hand" feature. To raise your hand, click
21 the "Raise Hand" symbol, which is located at the
22 bottom of your screen. If you are trying to join
23 by phone, press star 9. This will place you in a
24 line to speak, and we will respond to questions in
25 the order that your hands were raised.

1 When it is your turn to speak, we will
2 call your name. We will unmute your microphone so
3 that you can give your public comment. Everyone
4 will be given three minutes to make their remarks
5 to ensure that everyone has the opportunity to
6 speak. Please remember to select star 9 again once
7 you have spoken to lower your raised hand.

8 Please note, a public hearing is not the
9 best forum for lengthy comments due to the time
10 constraints. If you have a lengthy comment, we
11 encourage you to submit a written letter.

12 All comments will receive equal weight
13 whether they are spoken or written. This evening
14 we have a stenographer here that will record your
15 spoken comments word for word so that they can be
16 considered fully as part of our administrative
17 record.

18 Please understand that the purpose of
19 tonight's hearing is not to have a
20 question-and-answer session or a debate of any
21 kind. We will not respond to questions or engage
22 in debate. Instead, we are here to listen to and
23 document your comments.

24 We have asked our EIS consultants, Acorn
25 Environmental, to provide you with a brief

1 presentation on the proposed action, its purpose
2 and need, and the alternative they analyzed in the
3 EIS and the EIS process.

4 Thank you. Have a good evening.

5 THE MODERATOR: Thank you and good
6 evening.

7 As noted, we will be going over the
8 purpose for this public hearing and giving an
9 overview of the process under the National
10 Environmental Policy Act, commonly known as NEPA;
11 the proposed action and alternatives; the
12 environmental impacts identified in the draft EIS;
13 and the next steps in the NEPA process. Finally,
14 we will discuss how to make public comments on the
15 draft EIS.

16 The purpose of the hearing tonight is to
17 obtain public comments and feedback on the draft
18 environmental impact statement, also known as a
19 draft EIS, prepared for the Coquille Indian Tribe
20 fee-to-trust and gaming facility project, which
21 will be referred to as the "proposed project"
22 during this presentation.

23 It should be noted that public feedback
24 and input is an integral part of the NEPA process,
25 which will be explained in later detail in the

1 presentation.

2 However, first some background on the
3 proposed action and the proposed project.

4 NEPA requires federal agencies to take
5 into account the environmental impacts of federal
6 actions and resulting projects prior to their
7 implementation. Environmental impact statements,
8 which can be abbreviated to EIS, are required for
9 major federal actions that have a potential to
10 significantly impact the quality of the
11 environment.

12 In this case, the Coquille Tribe has
13 submitted an application to the BIA requesting that
14 the Department of the Interior take approximately
15 2.4 acres located in the City of Medford into
16 federal trust for gaming purposes in accordance
17 with the Indian Gaming Regulatory Act. This is the
18 proposed action being considered by the BIA.

19 Once the property is in trust, the tribe
20 proposes to remodel the existing bowling alley on
21 the proposed trust property into a gaming facility.
22 The tribe will also develop parcels to the north
23 that they own in fee for surface parking.

24 The federal purpose and need for the
25 proposed action is to facilitate tribal

1 self-sufficiency, self-determination and economic
2 development to satisfy both the BIA's land
3 acquisition policy and the principal goals of the
4 Indian Gaming Regulatory Act.

5 This slide illustrates the key parts in
6 the NEPA process. Scoping is the first step in the
7 process and is considered the information-gathering
8 stage. The scoping process is initiated with the
9 release of a notice of intent, or NOI. During the
10 scoping stage, input that is related to the
11 project, alternatives and environmental analysis is
12 obtained from the public and agencies.

13 After the scoping period ends, a draft EIS
14 is prepared based on the information obtained and
15 is then released for public review and comment.
16 Comments obtained during this review period are
17 considered and responded to in the final EIS. This
18 final EIS is released to the public during a 30-day
19 waiting period prior to the release and decision on
20 the project, which is summarized in a record of
21 decision, or a ROD. The ROD marks the end of the
22 NEPA process.

23 The NOI that began the scoping process was
24 published on January 15th, 2015. The scoping
25 period itself lasted from January 15th to March

1 19th, 2015. During that period, a scoping comment
2 public hearing was held on February 23rd, 2015.
3 Afterwards, a scoping report that summarized the
4 comments received during the scoping comment period
5 and the project alternatives was published in June
6 2015.

7 The draft EIS was released on November
8 25th, 2022, with the extended comment period for
9 this document closing on February 23rd, 2023. The
10 final EIS will be available for viewing during the
11 minimum waiting period of 30 days. Then, at least
12 30 days after publication of the final EIS, the BIA
13 may issue a record of decision.

14 Now we will see an overview of the draft
15 EIS itself. As seen on this slide, the components
16 of the draft EIS are organized into eight chapters
17 with an additional section for the executive
18 summary, which is not shown on this slide. An
19 overview of the proposed project and the
20 alternatives to the proposed project will be shown
21 on the following slides.

22 This map shows the location of the
23 proposed project that is known as the Medford site,
24 which the site is located in the lower right-hand
25 corner of this map. The Medford site is located

1 within the incorporated boundaries of the City of
2 Medford, adjacent to the northeastern boundary of
3 Oregon State Highway 99, also known as South
4 Pacific Highway and South Riverside Avenue.

5 In addition, the map shows the locations
6 of the two other alternative sites: the
7 approximately 49.34-acre property known as the
8 Phoenix site that is in the same corner as the
9 Medford site; and the location of the existing Mill
10 Casino, which is located in the upper left-hand
11 corner.

12 The Phoenix site is located off North
13 Phoenix Road northeast of the City of Phoenix in
14 Jackson County; and the existing Mill Casino is
15 located at 3201 Tremont Street in the City of North
16 Bend, Coos County.

17 This figure is a zoomed-in map of the
18 Medford site and Phoenix site, which can be seen in
19 closer detail now.

20 The Medford site is currently developed
21 with a bowling alley and two parking lots; and
22 nearby development mainly consists of commercial,
23 with the exception of single-family homes located
24 to the north of the site. The Medford site is
25 zoned for regional and heavy commercial

1 development.

2 The Phoenix site, on the other hand, is
3 zoned for exclusive farm use under the Jackson
4 County comprehensive plan; and it is also within
5 the Phoenix-5 urban reserve area of the Greater
6 Bear Creek Valley RPS plan.

7 This slide shows the alternatives examined
8 in the draft EIS. There are four alternatives in
9 total, which will be described in sequential order
10 starting with Alternative A.

11 Alternative A, the proposed project,
12 includes the before-mentioned transfer of 2.4 acres
13 of land into trust. It also includes retrofitting
14 and remodeling the existing Roxy Ann Lanes bowling
15 alley into an approximately 30,300-square-foot
16 gaming facility, which is approximately 7,000
17 square feet larger than the existing bowling alley.
18 A bar/deli and support services would be included
19 in the gaming facility.

20 Potable water would continue to be
21 provided by the Medford Water Commission; and the
22 tribe would continue to pay water service fees,
23 including paying for upgrades if necessary.

24 Similarly, wastewater treatment and
25 disposal would be provided by the current

1 wastewater collection system serving the Medford
2 site, Rogue Valley Sewer Services.

3 The City of Medford would continue to
4 provide law enforcement and fire protection
5 services to the Medford site, with the tribe
6 intending to work with the City of Medford to enter
7 an agreement for the provision of these services
8 and appropriate compensation.

9 During construction, it is anticipated
10 that approximately 183 onetime employment
11 opportunities would be generated. And when the
12 project is operational, it is anticipated to
13 require 229 employees.

14 This figure shows the site plan for the
15 proposed project. The approximately 7-acre Medford
16 site is shown with a red border, and the 2.4-acre
17 portion of the Medford site that is proposed to be
18 taken into trust is shown with a yellow dashed
19 border. The existing bowling alley proposed to be
20 renovated into a gaming facility is located on the
21 2.4-acre proposed trust parcel.

22 Additionally, at least 520 surface parking
23 spaces would be established on the 2.4-acre trust
24 property with additional parking utilized on the
25 remaining 4.8 acres of the Medford site that will

1 not be taken into federal trust.

2 This figure shows an architectural
3 rendering of the renovated bowling alley that will
4 be used for a gaming facility under the proposed
5 project.

6 Alternative B, the Phoenix site, is
7 similar to Alternative A, including the size of the
8 gaming facility. However, more land would be
9 transferred into trust, and the gaming facility
10 would be constructed as a new facility within an
11 approximately 7.8-acre area within the 49.34-acre
12 Phoenix site.

13 Potable water would be provided from the
14 City of Phoenix through an extension of the City's
15 facilities that would include a new booster pump.
16 Wastewater services would be provided by the same
17 provider as Alternative A, but it will require an
18 extension of a 12-inch sewer main north of Fern
19 Valley-Interstate 5 interchange along North Phoenix
20 Road. The City of Phoenix would provide law
21 enforcement and fire protection services under
22 Alternative B.

23 Alternative B is projected to create a
24 total of 206 onetime construction-related jobs,
25 which is higher than Alternative A due to the

1 construction of a new facility. The new employment
2 opportunities during operation would be very
3 similar to Alternative A due to the facility being
4 the same size.

5 This figure shows a site plan for
6 Alternative B. As shown here, the gaming facility
7 and parking development would occur in the eastern
8 portion of the Phoenix site. The proposed
9 extensions to the existing water and wastewater
10 facilities are shown as dashed blue and purple
11 lines respectively.

12 The last alternative with development,
13 Alternative C, expansion of the Mill Casino,
14 consists of expanding the tribe's existing Mill
15 Casino by approximately 5,000 square feet on the
16 10.95-acre Mill Casino site. Unlike the other two
17 alternatives discussed, a fee-to-trust acquisition
18 would not be necessary for Alternative C because
19 the Mill Casino is on land that is already in
20 federal trust for the tribe and is authorized for
21 gaming under the Indian Gaming Regulatory Act as
22 restored lands.

23 Water and wastewater services would
24 continue to be provided by Coos Bay-North Bend
25 Water Board and City of North Bend respectively.

1 Law enforcement and fire protection services would
2 continue to be provided by the City of North Bend.

3 New operational employment opportunities
4 would be approximately 84 in total, which is less
5 than the other alternatives.

6 This figure shows the site plan for
7 Alternative C. The shaded corner towards the
8 center to the right is where the proposed expansion
9 would occur.

10 With the last alternative, Alternative D,
11 no action/no development, no land will be taken
12 into trust for the benefit of the tribe and no
13 change in the current land use of the alternative
14 site locations would occur. Consequently, none of
15 the adverse or beneficial effects identified under
16 the other project alternatives would be anticipated
17 to occur.

18 With an overview of the project
19 alternatives done, we shall review the
20 environmental topics analyzed within the draft EIS
21 for each alternative. The draft EIS provides a
22 description of both the affected environment and
23 the environmental consequences associated with the
24 issue areas shown on the slide that may occur as a
25 result of the alternatives.

1 The draft EIS identifies a number of best
2 management practices and mitigation measures to
3 avoid or reduce the potential adverse environmental
4 effects resulting from the alternatives.

5 For the sake of brevity, this presentation
6 only summarizes mitigation measures identified for
7 Alternative A. For a full description of the
8 mitigation measures, please refer to Section 5 of
9 the draft EIS.

10 To prevent impacts associated with soil
11 erosion and water quality, the tribe would comply
12 with the National Pollutant Discharge Elimination
13 System General Construction Permit requirements.
14 This includes the preparation of a stormwater
15 pollution prevention plan, which would require that
16 best management practices are implemented during
17 construction, such as the use of hay wattles and
18 covering stockpiles, to prevent siltation and
19 contamination of runoff.

20 To further prevent potential effects to
21 water resources, the tribe will use low-impact
22 development measures for operational stormwater
23 conveyance, detention and treatment, including the
24 installation of either vegetated bioretention
25 swales or a distributed pervious strip system

1 throughout the site, and will minimize water usage.

2 Air quality effects would be reduced
3 through the implementation of
4 fugitive-dust-prevention measures during
5 construction and other measures to reduce air
6 pollutant and greenhouse gas emissions, such as
7 limiting equipment and vehicle idling time,
8 encouraging employee and patron rideshare programs
9 and using energy-efficient lighting, air and
10 heating systems.

11 Biological resource impacts would be
12 similarly reduced with the National Pollutant
13 Discharge Elimination System General Construction
14 Permit.

15 Additionally, while the project site is
16 heavily disturbed, ornamental trees and shrubs in
17 the area do provide suitable nesting sites for
18 migratory birds. Therefore, the draft EIS requires
19 that preconstruction surveys be conducted for
20 nesting migratory birds and, if found, avoided.

21 While there are no known cultural
22 resources within the project site, the draft EIS
23 recommends monitoring by a qualified archeologist
24 during earth-moving activities. In the event of an
25 inadvertent discovery, work would stop and the

1 appropriate agency and tribe would be notified.

2 Related to socioeconomic, while most
3 economic and fiscal impacts were determined to be
4 positive, the tribe will implement policies to help
5 problem gamblers in accordance with State compact
6 requirements.

7 Several traffic mitigation measures are
8 proposed to reduce traffic-related impacts when the
9 project is operational and in the cumulative year
10 of 2042. As can be seen on the slide, the
11 improvements would primarily occur along Highway 99
12 and would include paying a fair-share contribution
13 for certain roadway segments, such as the segment
14 between South Pacific Highway and Garfield Street.

15 To prevent conflicts with surrounding land
16 uses, the proposed project will install light
17 fixtures so that they would not shed light off of
18 the Medford site and signage will be designed to be
19 compatible with the buildings.

20 In addition, the tribe will implement best
21 management practices and mitigation measures to
22 reduce noise and traffic impacts that may affect
23 surrounding land uses.

24 Measures to reduce potential impacts to
25 public services primarily consist of reducing

1 impacts to law enforcement and fire protection
2 services. Mitigation measures include installing
3 sufficient lighting and making annual payments to
4 the City of Medford Police and Fire Departments.

5 In addition, a mitigation measure would
6 ensure that waste generated from the proposed
7 project would be recycled to the extent feasible in
8 addition to utilizing environmentally-preferable
9 materials.

10 Noise generated during construction and
11 operation could disturb nearby sensitive receptors;
12 and, therefore, mitigation measures are proposed in
13 both phases of the proposed project.

14 Construction-noise-reduction measures include
15 limiting construction hours and enclosing all
16 diesel generator sites with enclosures.

17 Operational noise would be reduced through
18 shielding heating, ventilation and air-condition
19 systems and mounting them on roofs.

20 Measures to reduce the potential for
21 impacts associated with hazardous materials
22 including following best management practices for
23 filling and servicing construction equipment and
24 vehicles, using hazardous materials in accordance
25 with applicable regulatory agency protocols and

1 implementing a series of procedures if contaminated
2 soil is discovered.

3 These procedures include stopping work,
4 following U.S. EPA guidance on sampling and
5 remediation and construction personnel wearing
6 personal protective equipment and following proper
7 decontamination procedures.

8 Finally, best management practices to
9 address potential effects associated with
10 aesthetics and the introduction of additional
11 lighting include placement of lights on buildings
12 so as not to cast light or glare offsite; use of
13 shielding for all outdoor lighting so as to ensure
14 it is downcast; use of timers to limit lighting to
15 necessary times and installation of nonreflective,
16 low-glare glass on all exterior glass.

17 A hardcopy version of the draft EIS can be
18 reviewed at the Medford branch library of Jackson
19 County Library Services, located at 205 South
20 Central Avenue, Medford, Oregon 97501. A digital
21 copy can be reviewed and downloaded from the
22 project website at www.coquille-eis.com.

23 All comments on the draft EIS are due to
24 the BIA by February 23rd, 2023. After the public
25 review and comment period on the draft EIS is

1 closed, the BIA will prepare a final EIS that will
2 include responses to the comments received and
3 revisions to the draft EIS. The final EIS will be
4 made available to the public for review in a
5 similar manner as the draft EIS.

6 At least 30 days after publication of the
7 final EIS, the BIA may issue a ROD. This ROD will
8 both mark the end of the NEPA process and specify
9 the decision on whether or not to approve the
10 proposed action.

11 Written comments on the draft EIS can be
12 mailed or hand-delivered to the Bureau of Indian
13 Affairs Northwest Regional Office, whose address is
14 shown on this slide, or you can email comments to
15 coquillecasinoeis@bia.gov. When submitting written
16 comments, please include "DEIS Comments, Coquille
17 Tribe Medford Gaming Facility Project" in the email
18 subject line or at the top of a written comment
19 letter.

20 For further information on anything
21 mentioned in the presentation today and more, you
22 can contact Mr. Tobiah Mogavero with the BIA
23 Northwest Regional Office via phone or email.

24 This slide concludes the presentation.

25 At this time, we invite participants

1 wishing to provide comment to raise their hand by
2 selecting the "Raise Hand" icon on the lower
3 right-hand of your screen if you are joining by
4 computer, or by pressing star 9 if you're joining
5 by phone.

6 When it is your turn to speak, I will call
7 on you by your screen name or the last four digits
8 of your phone number. At that time, please unmute
9 yourself by clicking the microphone icon at the
10 bottom of the screen or by pressing star 6 if you
11 are joining by phone.

12 Once you are unmuted, state your name for
13 the record and then state your comment or question
14 for up to three minutes.

15 When your time is finished, I will lower
16 your hand and mute you again.

17 If you have trouble with your audio or
18 microphone, please call (949) 861-5954 for
19 technical assistance.

20 Some reminders when making your comments:
21 Please speak as clearly as possible when making
22 your comment or question so the stenographer can
23 record your comment as accurately as possible.
24 Summarize your main points and be as specific as
25 you can. And if joining by phone and computer,

1 please mute your computer speakers to avoid audio
2 feedback.

3 The first speaker will be Chairman Brenda
4 Meade of the Coquille Indian Tribe, and then we
5 will call speakers in the order they raise their
6 hands.

7 Chairman Meade, please provide your
8 comments.

9 MS. MEADE: Thank you and (speaking tribal
10 language). Greetings again, my friends. Thank you
11 for attending this second hearing for our
12 application to take 2.42 acres of land into trust.

13 I count on our trustees at the U.S.
14 Department of Interior to provide us with a fair
15 and unbiased process to receive comment on the
16 draft environmental impact statement that has taken
17 so much time and effort to prepare. This has been
18 a journey of over ten years, especially for a
19 project of this scope and size, converting an
20 existing building with gaming already offered as
21 part of its amenities.

22 During this time, we have maintained our
23 commitment to openness and transparency. We said
24 we would invest in our Medford community, and we
25 have done just that.

1 Our land-into-trust application must be
2 granted for three simple and straightforward
3 reasons.

4 One, this project will benefit not only
5 the tribe, but also the Medford economy, bringing
6 much-needed jobs and economic opportunity to this
7 region.

8 Two, placing this land into trust is one
9 step closer to righting the historic wrongs of the
10 past. Congress in our restoration act blessed the
11 designation of land for Coquille in this region as
12 a way to mitigate the disastrous impacts of
13 Congress's terrible decision to terminate my tribe.
14 That caused more Coquille people to locate here.

15 And three, despite the numerous
16 falsehoods, outright lies and dedicated efforts by
17 our opponents to exert undue political influence
18 over this process, the record before the Department
19 of Interior stands on its own. It meets all the
20 legal requirements for putting land into trust.

21 I have enjoyed watching the growing local
22 excitement for this project despite the efforts by
23 a few well-funded and self-interested opponents to
24 keep economic development out of our community.
25 Every day more people see through the noise and

1 misinformation.

2 I want to thank both the Medford City
3 Council members for supporting the tribe's
4 investment in economic development and our
5 continued efforts to bring more opportunity to the
6 Rogue Valley and to the Medford community for
7 welcoming our partnership.

8 If you are learning about this project for
9 the first time, be prepared to sift through what
10 you hear from what is true and what is untrue.
11 Think critically about phrases like "this will
12 devastate us," and consider if that has ever
13 happened in other competitive environments. Demand
14 evidence to support those claims.

15 I would like to correct the record for
16 several misstatements that have continued to
17 circulate about our project.

18 First, our opponents said the Coquille
19 Tribe was ineligible to have land placed into
20 trust, even though our restoration act and our
21 track record clearly says otherwise.

22 Then they said two acres are ineligible
23 for gaming under the Indian Gaming Regulatory Act.
24 But the federal government's own seasoned attorneys
25 charged with regularly making such determinations

1 concluded that we are eligible. They are eligible.

2 Then they said that there is a one-casino
3 rule in Oregon, despite the fact that two of our
4 sister tribes in Oregon already operate a second
5 gaming facility. And notably, the Oregon Joint
6 Committee on Gambling Regulations just confirmed
7 that no such rule ever existed. Sadly, some of our
8 State and federal representatives will continue to
9 carry this message despite the confirmation from
10 that Joint Committee.

11 Then we became our opponents' scapegoat
12 when in 2015 they laid off nearly a hundred people
13 during a recession and blamed it on the possibility
14 that this facility might someday eventually be
15 developed.

16 Then they engaged in revisionist history
17 tactics, publishing a new map on their ancestral
18 territory to now include Medford, when previous
19 maps on their web page described a starkly smaller
20 aboriginal area.

21 Our opponents also do not shy away from
22 distorting the facts. They produced a
23 comically-discredited study that our 2.4-acre
24 gaming center would cost the State lottery over \$22
25 million annually and cost the Cow Creek, located 75

1 miles away, 50 percent of their revenue, both of
2 which are proven to be untrue in the federal
3 government's draft EIS.

4 Then they said that our fee-to-trust
5 application was not filed under the authority of
6 our restoration act, which is clearly another false
7 attempt to create confusion and delay.

8 Then they inaccurately claimed that we
9 were requesting the Margaritaville Compass Hotel to
10 be part of our fee-to-trust application. Let me be
11 clear. It is not part of our application, and we
12 have not requested this property to go into trust.
13 Just like them, we have the right to develop
14 properties the tribe owns in fee simple status and
15 go through the municipal and other agency
16 permitting process. And we were proud to work with
17 the City of Medford to get that done.

18 This is only a sampling of the
19 misinformation that has been distributed in the
20 last ten years. Sadly, it is a fear of competition
21 that is driving our opponent to try and grab wealth
22 and jobs from Jackson County.

23 I take exception to the unsustained --
24 unsubstantiated claims that this small 2.4-acre
25 project will devastate any business anywhere. It

1 will, in fact, enhance the local economy, provide
2 more government revenue and jobs, enable more
3 philanthropy, and yes, it will benefit my tribal
4 members. You should know that at Coquille we use
5 our revenues to provide services, like health care,
6 education and elder care, to help our tribal
7 members become self-sufficient and competitive.

8 Competition is good. When a competitor
9 tribe developed a second gaming facility a mere
10 three miles away in Coos Bay, we welcomed them with
11 open arms.

12 In contrast, our opponents have fought
13 economic development not only in Medford, but in
14 Grants Pass and even 162 miles away in Salem.
15 That's more than twice as far away as our 2.42-acre
16 property. It's easy to draw your own conclusion.

17 We are not scared of the competition. We
18 do not think it will devastate anyone. Competition
19 provides far more and better options for customers,
20 better wages and benefits and opportunities for
21 employees and more contracting opportunities for
22 local businesses. We have personally seen time and
23 again that competition grows the market so that all
24 parties benefit.

25 It is also important that if our opponent

1 wishes to challenge the economic benefits of our
2 project, they should also share with the Department
3 of Interior their own economic data. The Bureau of
4 Indian Affairs has indicated that it would welcome
5 that data, but it appears that our opponent has not
6 provided it.

7 I strongly suspect that our opponent is
8 much, much better off than most Oregon tribes as
9 well as tribes in Northern California.

10 Let's let the facts speak for themselves.
11 They have enough revenue to make direct cash
12 payments to all of their tribal members, both from
13 gaming and non-gaming revenue. They can purchase
14 businesses like Klamath Basin Equipment, a going
15 concern that sells agricultural equipment to
16 farmers along the Klamath River and beyond.

17 They own businesses and properties well
18 outside their claimed ancestral territory in places
19 like Klamath Falls, Sisters, Coburg, Redmond,
20 Lakeview, Christmas Valley. The federal government
21 recently gave them over 17,000 forested acres.
22 Public record indicates that their collective
23 properties in Oregon have a market value of roughly
24 \$200 million. And they have been able to pay their
25 D.C. lobbyists over 5.5 million since this project

1 started.

2 By their own words, their casino is one of
3 the highest-rated casinos in the country. They say
4 that they own the largest bronze cast eagle statue
5 in the entire world. And in recent, pre-COVID
6 years, they reported a 20 percent increase in
7 visitor numbers to their casino as they aim to
8 become the number-one tourist attraction in the
9 entire state.

10 Let me be clear. Good for them. I
11 applaud them for doing what they think is right for
12 their members, but it should not come at a cost to
13 Medford, to Jackson County or to other tribes or
14 businesses simply trying to provide for their
15 people.

16 Why an economically-prosperous tribe would
17 be so threatened by us to generate a huge
18 opposition campaign of fear tactics and
19 misinformation is simply baffling.

20 The time has come to stop the madness. We
21 have waited over a decade to put this land into
22 trust under our restoration act to fulfill the
23 vision of Congress to restore and rebuild our tribe
24 after the devastating impacts of termination.

25 Like I said when I started my opening

1 comments, there are only three things at issue in
2 our application: economic opportunity, justice and
3 fairness. I ask that our project be evaluated on
4 the facts and law in regard to this application.

5 Thank you for your time.

6 THE MODERATOR: Thank you.

7 The next speaker is Kevin Stine. Please
8 unmute yourself.

9 MR. STINE: Good evening. Thank you for
10 allowing the ability for me to provide testimony.

11 My name is Kevin Stine. I'm the
12 longest-serving member of the Medford City Council,
13 but I speak only for myself. For many years the
14 City of Medford has taken a neutral position on
15 this land being put into trust. I believe that is
16 appropriate for the City to do. I am personally
17 taking a positive position on this land being put
18 into trust.

19 A small backstory about myself is that I
20 spent my junior high and high school years in
21 Southeastern Oklahoma. It being Oklahoma, there
22 are many tribes across the state; but the area that
23 I lived in, the Choctaw and Cherokee tribes were
24 the most prevalent. I saw the great work they did
25 not just for their tribal members, but for the

1 community as a whole. They provide economic
2 opportunity for the region, and I have had and
3 still have many friends that work in the Choctaw
4 and Cherokee businesses. The criticism of tribal
5 gaming facilities does not match my experience.

6 When it comes to Medford, what I'm seeing
7 the Coquille Tribe do is provide that economic
8 opportunity here in Medford. The area that the
9 Coquille Tribe is developing has long been a
10 blighted area of Medford. That area is getting
11 better, and the main reason for that is because the
12 Coquille Tribe is willing to put investments into
13 it. People are excited about the recently-built
14 Margaritaville hotel and future plans for
15 entertainment in the area.

16 Importantly for the City of Medford, the
17 tribe is willing to enter a fee-for-services
18 agreement with the City. This is important not
19 only for us, but to the Coquille Tribe. We should
20 be and will be working together through this
21 process.

22 As stated previously, these words are my
23 own, but I am personally happy for the benefits
24 that the Coquille Tribe has done for our community
25 now and in the future.

1 Thank you.

2 THE MODERATOR: Thank you.

3 The next speaker is JD Clarizio.

4 MR. CLARIZIO: Thank you for allowing me
5 to speak. My name is JD Clarizio. I am a resident
6 of Medford, Oregon; and I am in complete favor of
7 the new gaming facility located at Roxy Ann Lanes.

8 The arguments that are being put forth
9 against the proposed gaming facility are absolute
10 nonsense. The Cow Creek Tribe are presenting smoke
11 screens that are being repeatedly stated over and
12 over by their own employees of Seven Feathers.

13 One argument the Cow Creek Tribe state is
14 that this project will be disturbing the soil that
15 might have arsenic in it at this proposed property.

16 Then let's consider this: Within a
17 quarter mile of this site in the past ten years
18 there have been four hotels constructed and a
19 500-unit apartment complex called Charles Point
20 right behind the facility along with numerous other
21 businesses. And more recently, there has been two
22 gas stations built with stores, a Five Guys
23 restaurant, KFC, Cracker Barrel and a large complex
24 of the Rogue Valley Credit Union.

25 On the other side of the Highway 99 is a

1 new Panera Bread going in. A Jamba Juice and a
2 strip mall are being constructed next to Harry &
3 David, along with newly-constructed condominiums
4 next to Stewart Meadows, all within one-quarter
5 mile of this site.

6 And if you drive up and down the Highway
7 99, there is massive construction up -- for up to
8 over five miles, down to the City of Talent, with
9 new homes, modular homes, businesses, even a new
10 Harley-Davidson store, all in the same orchard soil
11 they claim is arsenic infested; and yet all of
12 these businesses and homesites are being built,
13 permitted, by each of these cities. All these
14 projects are disturbing the soil and being
15 permitted by these cities, but they are doing it
16 safely accordingly.

17 And yet the Coquille Tribe project is a
18 remodel job on an existing site, making very little
19 disturbance to the soil at all. So enough of this
20 smoke-screen argument. Let's look at the facts and
21 the construction that's actually going on up and
22 down this highway.

23 The Cow Creek Tribe also has stated
24 there'd be runoff from this site into Bear Creek,
25 which is absolutely absurd. There is no drainage

1 ditches flowing from the proposed site. If any
2 water ever tried to reach Bear Creek, it would have
3 to cross over 12 acres of grass to even reach the
4 creek.

5 I have a degree in turfgrass and landscape
6 management from Oregon State; and I can
7 emphatically say that the little bit of parking lot
8 runoff from this site would never make it more than
9 50 feet past the property, yet alone across 12
10 acres. It's just another smoke-screen argument
11 they are proposing to confuse people and make them
12 fearful of the project.

13 Isn't it a little bit interesting and a
14 bit obvious these manufactured arguments are all
15 coming from one specific business over 70 miles
16 away and not from the local community of Medford?

17 THE MODERATOR: Mr. Clarizio, can you
18 please conclude --

19 MR. CLARIZIO: They make it sound like
20 there is a lot of negative impact to the Seven
21 Feathers business that is over an hour away from
22 Medford, claiming that the Coquille Tribe is
23 intruding upon their economic welfare, so they
24 create these ridiculous arguments. However --

25 THE MODERATOR: Mr. Clarizio, can you

1 please conclude your comments? Your three minutes
2 are up.

3 MR. CLARIZIO: Okay.

4 However, they are allowed to put
5 billboards for over 300 miles up and down I-5
6 advertising all about their business. Their basic
7 interest is maintaining a monopolized dominance
8 over their business up and down I-5 at the -- by
9 obstructing the project that they are trying to
10 produce here in Medford for the Coquille Tribe that
11 would benefit the economic development in the
12 Medford area.

13 Thank you.

14 THE MODERATOR: Thank you.

15 The next commenter is Judy Farm. Please
16 unmute yourself.

17 MS. FARM: Thank you.

18 My name is Judy Farm, and I am the CEO of
19 the Coquille Tribe's Economic Development
20 Corporation. I have worked in Jackson County for
21 the tribe in various positions over the last 25
22 years.

23 My testimony tonight addresses concerns
24 about the impacts of our proposed 2.4-acre Class II
25 gaming center on other Class III casino resorts

1 that are located miles away.

2 The Coquille Tribe is uniquely positioned
3 to be able to provide real-time data on the impact
4 of a Class II gaming facility. In 2015 the Coos
5 Confederated Tribes opened a Class II facility in
6 Coos Bay that is comparable to what we have
7 proposed for Medford. The Coos Class II facility
8 is located a mere four miles away from the Mill
9 Casino Hotel & RV Park.

10 We embraced the competition and committed
11 to increasing our customer experience and raising
12 the bar. We even took out a full-page ad in the
13 local newspaper to welcome them in the new business
14 venture.

15 This Class II facility located in our
16 shallow, rural market made a small impact to our
17 revenues; but we, in fact, recovered from this
18 impact within a short period of time. Today both
19 tribes and the community benefit from the
20 competition and the additional jobs and community
21 investment that it brings.

22 These benefits of tribal gaming
23 competition mirror what we have seen elsewhere in
24 the state. Take, for instance, the addition of the
25 Cowlitz's Class III casino and resort, the ilani

1 Casino, which opened in 2017.

2 The Confederated Tribes of Grand Ronde
3 opposed that project. At the time, Grand Ronde's
4 lobbyist Justin Martin stated in Willamette Week,
5 "This will be a big financial hit to the tribe..."
6 The Grand Ronde Tribe forecasted that Cowlitz
7 casino would cause a loss of just over \$100 million
8 by using a market projection based on distance from
9 market and estimated drive time.

10 Similarly, the Oregon Lottery raised
11 concerns and had dire forecasts claiming that the
12 Cowlitz project would cut State lottery revenues by
13 40 percent.

14 However, a year after the Cowlitz casino
15 opened, the Oregon State Office of Economic
16 Analysis in a report to the Oregon Lottery board
17 stated, "Video lottery sales in zip codes along the
18 Oregon-Washington border in the Portland region
19 have fallen about 15 percent instead of the 40
20 percent expected." They further went on to say
21 that "Our office was not alone in overestimating
22 the initial impact of the new casino. The
23 Confederated Tribes of the Grand Ronde, owners of
24 Spirit Mountain Casino, which previously were the
25 closest casino to the Portland metro region,

1 announced back in the fall that sales had fallen
2 about 17 percent, relative to the previous year,
3 whereas the forecasted sales would fall by 40
4 percent."

5 Moreover, later in 2018 the Oregon Lottery
6 reported that projected losses due to the ilani
7 Casino did not materialize. Instead, the State
8 retroactively characterized its projected Lottery
9 losses as "rather aggressive," and added that the
10 ilani development resulted only in an impact of 1
11 to 1.3 percent of annual video Lottery revenue.

12 We know that --

13 THE MODERATOR: Ms. Farm, please conclude
14 your comments.

15 MS. FARM: Sure.

16 Customers seeking a fun and local gaming
17 experience would not be exposed to the hazards of
18 traveling over mountain passes during inclement
19 weather on one of the most dangerous interstate
20 stretches in rural Oregon.

21 Jackson County residents will reduce
22 automobile carbon emissions when they choose a
23 local gaming experience.

24 In closing, we have not been allowed this
25 regulatory process for over ten years due to

1 another business deploying barrier-to-entry
2 tactics.

3 The impacts of this project to the Jackson
4 County community in terms of investment, jobs and
5 community partnership greatly outweigh any small
6 but recoverable economic impact to regional
7 competition. I request that these overwhelmingly
8 positive impacts be considered in the NEPA
9 evaluation as evaluation of this project moves
10 forward.

11 Thank you.

12 THE MODERATOR: Thank you.

13 A reminder to speakers that are waiting
14 and raise their hands: We have a three-minute time
15 limit for providing comments in order to allow
16 everyone to provide -- or have the opportunity to
17 speak.

18 The next commenter is Joe Benetti.

19 Please unmute yourself.

20 MR. BENETTI: All right.

21 Good evening. I am Joe Benetti, the mayor
22 of Coos Bay. The City of Coos Bay is adjacent to
23 North Bend, where the Mill Casino Hotel & RV Park
24 is located.

25 THE REPORTER: Mr. Benetti, this is the

1 court reporter.

2 MR. BENETTI: Yes.

3 THE REPORTER: If you would mind slowing
4 down, I would very much appreciate it.

5 MR. BENETTI: Pardon?

6 THE REPORTER: I said, "Mr. Benetti, this
7 is the court reporter. If you would mind slowing
8 down, I would very much appreciate it."

9 MR. BENETTI: Absolutely. Do you want me
10 to start over?

11 THE REPORTER: Thank you. Thank you. I
12 would appreciate that.

13 MR. BENETTI: Okay.

14 Good evening. I am Joe Benetti, the mayor
15 of Coos Bay. The City of Coos Bay is adjacent to
16 North Bend, where the Mill Casino Hotel & RV Park
17 is located.

18 A casino in Medford would have a positive
19 impact on the Medford and Jackson County area in
20 many ways.

21 The EIS shows that the creation of jobs
22 during construction would be 78 jobs and an
23 additional 229 direct jobs, which will lead to an
24 additional 131 jobs, for a total of 360 jobs
25 start -- to start with, which will increase and

1 help boost the labor market in Medford and Jackson
2 County. The Coquille Indian Tribe in the Coos
3 Bay-North Bend area employs over 800 today.

4 There are two tribally-owned casinos in
5 the Coos Bay-North Bend area. Besides the Mill
6 Casino owned by the Coquille Indian Tribe located
7 in North Bend, there is the Three Rivers Casino
8 which is situated in Coos Bay, owned by the
9 Confederated Tribes of Coos, Lower Umpqua and
10 Siuslaw Indian Tribes. Both casinos are
11 significant economic benefit to our community.

12 A casino owned by the Coquille Indian
13 Tribe in Medford will also help boost tourism. As
14 we have seen in our community, the Mill Casino
15 drives thousands of visitors to our area. In
16 addition to their own marketing efforts, they
17 voluntarily contribute transient-lodging tax
18 revenues to our local destination market
19 organization, helping promote the entire region.

20 The Coquille Tribal Community Fund was
21 established to share the proceeds of the Mill
22 Casino Hotel with organizations that will benefit
23 residents of Southwestern Oregon, which includes
24 the Medford-Jackson County area. Creating the
25 Medford casino would increase the fund proceeds

1 distributed to Southwestern Oregon residents. This
2 year the Coquille Tribal Community Fund shared
3 \$800,000.

4 The EIS for the Medford project projects
5 \$18.6 million in direct economic impact and an
6 additional \$16.4 million in indirect and induced
7 economic impact, totalling more than \$34 million.

8 What the EIS doesn't show is what a
9 positive influence a Coquille tribally-owned casino
10 would have on Medford-Jackson County.

11 The Coquille Tribe has played a
12 significant role in the growth of Coos County, and
13 we are grateful for their partnership and
14 contributions to our region.

15 I appreciate the opportunity to testify
16 before you this evening about the benefits of the
17 Coquille tribally-owned casino in Medford.

18 Thank you.

19 THE MODERATOR: Thank you.

20 The next speaker is Boomer Wright.

21 MR. WRIGHT: Well, good evening, members
22 of the Bureau of Indian Affairs. I am State
23 Representative Boomer Wright, and I represent
24 coastal District 9. I am honored to have the
25 Coquille Tribe in my district. Thank you for

1 allowing me to testify on behalf of the tribe and
2 their efforts regarding their Medford casino
3 project. My testimony is as follows:

4 The tribe has demonstrated continual
5 history of caring for people in the communities.
6 For many years through the expansion of health care
7 opportunities, the tribe has created access to care
8 for thousands of Native Americans and for
9 Oregonians in Southwestern Oregon. The primary
10 care clinics in Coos Bay and Eugene create no-cost
11 care, positively impacting the socioeconomic status
12 of many of the neediest families.

13 Being the State Representative for
14 District 9, I have observed that community is a way
15 of life for the Coquille Tribe.

16 Most recently, the tribe has led the
17 development of comanagement agreements with the
18 Oregon Department of Fish & Wildlife with a
19 philosophy of no waste and commitment to serving
20 the fall Chinook salmon in the Coquille River. The
21 tribe has given their time and resources, leading
22 to immediate improvements in salmon returns.

23 The tribe has also coordinated access to
24 funding resources that are moving a long-overdue
25 estuary rehabilitation project forward, directly

1 improving and positively impacting the environment.

2 As a member of the Oregon Legislature's
3 Joint Committee on Gambling, we determined that
4 there is no rule in Oregon that limits the number
5 of casinos that a tribe can operate. Mark Twain
6 once famously said, "A lie can get halfway around
7 the world before the truth can even get its pants
8 on." It seems to me that that's what's happened
9 here. I was glad to see the Joint Legislative
10 Committee clear up that nonsense.

11 Finally, the Coquille Indian Tribe's
12 positive environmental and socioeconomic impacts
13 are significant, and I am excited about the future
14 opportunities that exist in Medford as we continue
15 to develop our partnership with the Coquille Indian
16 Tribe.

17 Therefore, I am expressing my support for
18 the Coquille Tribe's economic development in
19 Medford due to the positive environmental and
20 socioeconomic benefits the project will provide.

21 Thank you.

22 THE MODERATOR: Thank you.

23 The next speaker is Marcus Holcumb.

24 Marcus, it appears that we're having an
25 issue with your Zoom. If you could please call the

1 help line on the screen, they'll be able to assist
2 you. And we will give you -- be given a chance to
3 speak.

4 The next speaker is Brian Cassidy.

5 MR. CASSIDY: Hello. My name is Brian
6 Cassidy. I am in favor for the EIS application
7 approval. I'm just a citizen, but I'm a worker.

8 And there's a lot of jobs that need to be
9 created in this area. There's very little work to
10 provide for your family. I have done all sorts of
11 jobs, hard-labor jobs.

12 The cannabis industry promised to bring in
13 really good jobs. And to be honest, they're not
14 very good. They don't take taxes out. There's no
15 health care. There's no access to health care.
16 There's no paid time off. There's no sick time.
17 The tribe offers all of these things as well as a
18 good wage. It's going to create a lot of jobs.

19 And with that, the people will have money
20 to spend. And the more money they can spend, the
21 more that they are going to buy, which just -- it's
22 a -- it just trickles down to all the other
23 businesses in the area. And it's a win for
24 everybody.

25 And the only thing I can say about there

1 being increased traffic, I'm not really concerned
2 about the traffic. What I'm concerned about is the
3 amount of drunk drivers that are possibly driving
4 home from Seven Feathers down to here every night.
5 There's cab fares. There's Ubers. There's
6 friends. There's all sorts of ways in the City of
7 Medford to get home if you can't drive. But if
8 you're at Seven Feathers, it really concerns me how
9 many people are on the road that should not be.

10 So I am in favor for that, and I thank you
11 for your time.

12 THE MODERATOR: Thank you.

13 The next speaker is Renie. Please
14 unmute --

15 MS. DOSHIER: Yes.

16 I would like to register as being in
17 approval for this project. I lived in Southern
18 Oregon for a long time; and the jobs I have had,
19 people would say, "Gee, you could do that job
20 somewhere else, in California, and make more
21 money." And I think this is a good project that
22 will bring good-paying jobs and a lot of good
23 business vendors to help out with the economy in
24 the Southern Oregon area.

25 That end of town is just now starting to

1 come into its own. It's been in a blight for
2 years. And it would be great to see more
3 businesses built there, and this is a good start.

4 And I really am in support of all Native
5 Americans getting the chance to help themselves
6 with these projects. And I hope everything goes
7 well.

8 I thank you.

9 THE MODERATOR: Thank you.

10 The next speaker is Mark Johnston. Please
11 unmute yourself.

12 MR. JOHNSTON: Can you hear me now?

13 THE MODERATOR: Yes.

14 MR. JOHNSTON: Great. Thank you.

15 Good evening. My name is Mark Johnston;
16 and I live in Coos County, Oregon. I am the
17 executive director for the Coquille Indian tribal
18 government. I appreciate the opportunity to speak
19 and share my thoughts this evening.

20 Tonight I focus my comments on potential
21 environmental impacts, specifically socioeconomic
22 impacts that I have experienced over my 28 years
23 working in Indian country and multiple tribal
24 government settings in the Northwest.

25 I have witnessed and seen positive impacts

1 of family-wage jobs created by tribal entities.
2 Research tells us that low wages hurt families and
3 perpetuate poverty. Tribes have shown their
4 positive impact on communities by providing
5 family-wage jobs with excellent benefits, in many
6 cases becoming the largest employers in their
7 communities.

8 Additionally, across Indian country you
9 will see tribal health care facilities that provide
10 essential medical, dental, pharmacy and behavioral
11 health care. This care is provided at no
12 out-of-pocket cost for American Indians and Alaska
13 Natives. This culturally-appropriate care is
14 currently not available in Jackson County.

15 Having worked for the Coquille Tribe for a
16 combined 15 years, I expect that the tribe will
17 enhance health care opportunities in Jackson County
18 to support American Indians and Alaska Natives and
19 their economic-venture employees through direct
20 care and other self-funded insurance plans --
21 excuse me -- and are a self-funded insurance plan.

22 Oregon Health Plan data shows that
23 approximately 3,000 American Indian Alaska Natives
24 are currently enrolled on the plan and living in
25 Jackson County. The Oregon Health Plan, or

1 Medicaid, is for the lowest-income residents in our
2 communities. They traditionally struggle with
3 accessing primary health care. The potential
4 addition of a tribal health care facility in
5 Medford will improve access to care and ultimately
6 improve health outcomes.

7 It is a two-way street. Socioeconomic
8 status is a major determinant of health, with
9 people of lower socioeconomic status being at
10 increased risk of premature mortality, development
11 of serious conditions such as coronary heart
12 disease, diabetes, depression and other health
13 outcomes at older ages, including disability and
14 dementia. Ultimately, data and examples across the
15 Northwest show that access to
16 culturally-appropriate, no-out-of-pocket health
17 care will improve the socioeconomic status of
18 thousands of the most needy American Indian Alaska
19 Natives in Southwestern Oregon.

20 Thank you for allowing me to share my
21 real-life experience of the expansion of tribal
22 economic enterprises and its very visible impact on
23 socioeconomic status. I support the Coquille's
24 economic development in Medford due to the positive
25 socioeconomic benefits the project will provide.

1 Thank you.

2 THE MODERATOR: Thank you.

3 The next speaker is Barbara Duey. Please
4 unmute yourself. Barbara Duey, if you could please
5 unmute yourself.

6 Okay. Moving on to the next speaker,
7 Laurabeth Barton.

8 MS. BARTON: Good evening. My name is
9 Laurabeth Barton, and I'm a Coquille tribal elder
10 and a tribal council member. Throughout my career,
11 I've been a small-business owner. I have worked in
12 the Governor's office for the State of Alaska, and
13 I served for over 15 years as vice-chair of the
14 Coquille Indian Gaming Commission, which provides
15 regulatory oversight to the Mill Casino.

16 In 1954 Congress terminated my tribe,
17 declaring that we did not matter to them as Indian
18 people indigenous to Southern Oregon. Throughout
19 later decades, our tribal members and elders fought
20 to restore our tribe. And in 1989 our efforts
21 resulted in Congress passing the Coquille
22 Restoration Act.

23 But much damage had already been done as a
24 result of the federal government's disastrous and
25 abusive policies.

1 Many of our tribal members joined family
2 in the Medford area to seek a better chance at
3 subsistence. We suffered greatly through disease,
4 starvation and displacement; but we have survived;
5 and we will not go away.

6 Every congressional restoration act is
7 unique. In our tribe's act, Congress very clearly
8 emphasized a need for Coquille economic
9 self-sufficiency and self-determination.

10 Our tribal constitution prohibits us from
11 distributing money to our tribal members through
12 per-capita payments. Instead, our elders and the
13 federal government felt the best way to assist our
14 members was by creating the conditions for our
15 people to become self-sufficient. We do this by
16 providing health care for our tribal families,
17 education for our youth, care of our elders and
18 providing jobs and opportunities for our people and
19 community.

20 Our tribe is growing, and the cost of
21 providing these services is growing as well. Our
22 ability to expand these services and the capital
23 improvements that we need are constrained by our
24 current resources.

25 Our efforts in Medford are an example of

1 doing exactly what Congress intended when they
2 restored our tribe. We are providing for our
3 people and enhancing the communities where we do
4 business. We are not developing a mega-casino
5 resort on scores of acres. This is a 2.4-acre
6 Class II gaming facility that will assist in
7 supporting our tribe's current and future
8 generations.

9 I am in favor of this project; and in
10 terms of the NEPA impacts, I am providing testimony
11 to the positive economic impacts to both Medford
12 and the Coquille Tribe.

13 Thank you.

14 THE MODERATOR: Thank you.

15 The next speaker is Arnie Roblan.

16 MR. ROBLAN: Hi. Can you hear me?

17 THE MODERATOR: Yes.

18 MR. ROBLAN: This is Arnie Roblan. I am
19 the retired principal at Marshfield High School in
20 Coos Bay and a retired 16-year House of
21 Representatives and Senator from the State of
22 Oregon who has represented this area most of my
23 adult life in one way or another, and the Coquille
24 Tribe has been a part of that the entire time.

25 I have three impacts that I want to talk

1 about in a positive way.

2 The first is impacts on the job market.
3 And I have -- we have already heard, but it's clear
4 that the EIS demonstrates that there are 78
5 construction jobs that will be short-term, along
6 with 229 direct jobs and an additional 131 jobs in
7 an area where the local residents are seeking
8 opportunities to work. And we have heard some of
9 that today already. These are new jobs that will
10 help boost the value of labor throughout the city
11 and county. Most of these jobs will be eligible
12 for benefits that will improve access to health
13 care for the families of workers.

14 Number two, impacts on the local economy.
15 This project will add to the local economy, first,
16 by creating the spending power of up to 200 new
17 jobs in the community; and a second, by opening
18 vendor opportunities for local businesses to
19 provide goods and services for the new gaming
20 facility. The draft EIS projects the project will
21 produce 18.6 million in direct economic impacts and
22 an additional 16.4 million in indirect and induced
23 economic impact.

24 And finally, impacts on the quality of
25 life. Let's face it. Another entertainment option

1 in Medford is a plus for the life of this
2 community. Folks who enjoy gambling entertainment
3 can do so in a safe, clean environment with
4 top-rate security and plenty of amenities without
5 having to drive long distances on busy highways.

6 As the high school principal in Coos Bay
7 at Marshfield, I came to really appreciate all of
8 the other services that the Coquille Tribe offers.
9 In particular, their community fund, which began in
10 2001, has given away -- given to local community
11 efforts over \$7 million. It is imperative that the
12 opportunities that have been given to us in Coos
13 Bay can be extended to the people of Medford.

14 I encourage you to support this new
15 investment in the area.

16 Thank you.

17 THE MODERATOR: Thank you.

18 A reminder to attendees: This webinar is
19 set to listen only. If you raised your hand to
20 speak, I will give you the opportunity to unmute
21 yourself once your name is called.

22 The next speaker is Laurabeth Barton. Are
23 you unable to unmute yourself?

24 MS. BARTON: Yes, I'm here. I have
25 already spoken.

1 THE MODERATOR: Oh, so apologies.

2 THE REPORTER: And to the moderator, that
3 was the court reporter who actually took herself
4 off of mute because the last handful of people have
5 been very quickly speaking to get in within their
6 three minutes, but I would appreciate that they
7 remember that I am still taking this down verbatim.

8 THE MODERATOR: The next speaker is Lily
9 Morgan.

10 MS. MORGAN: Okay. Now can you hear me?

11 THE MODERATOR: Yes.

12 MS. MORGAN: Thank you.

13 Good evening. My name is Lily Morgan. I
14 am a Representative in the Oregon Legislature
15 representing House District 3, which is located in
16 Southern Oregon and includes the City of Grants
17 Pass. I am speaking in support of the Coquille
18 Indian Tribe and their application for a Class II
19 casino license in Medford.

20 I have had the opportunity to work with
21 the Coquille and have been impressed by their
22 commitment to the community and their overall
23 ethics. They have consistently invested in the
24 local communities that they serve and have proven
25 to be a strong partner, interested in the

1 betterment of the communities they serve.

2 The proposed project will mean additional
3 jobs and millions in additional income for
4 residents of Medford and Jackson County.

5 Additionally, the revenue from the proposed casino
6 will result in an increase in charitable giving by
7 the Coquille for the local community. They have
8 been a strong supporter of our local hospital.

9 In short, this project will have a major
10 impact on the economic development for this
11 community. Many in my area work in Jackson County,
12 and 233 additional jobs will help the poorest
13 districts in the state.

14 Unfortunately, in my district, I have
15 witnessed a community miss out on the creation of
16 hundreds of jobs and millions of dollars added to
17 our local economy when opposition stopped an
18 entertainment center-racino from moving forward.
19 It is my hope that this community does not endure
20 the same outcome.

21 Alternative A represents an area
22 previously designated by Congress to make the
23 Coquille Tribe whole. As a local official, I urge
24 you to approve the Coquille application Alternative
25 A and help support economic development for our

1 local communities.

2 Thank you.

3 THE MODERATOR: Thank you.

4 The next speaker is Sam Smith.

5 MS. SMITH: Hi. My name is Sam Smith, and
6 I have lived in Medford for the last 13 years. I
7 wanted to speak today to voice my strong support of
8 this project.

9 I currently work at the Compass by
10 Margaritaville hotel that's built next to Roxy Ann
11 Lanes. I'm working for and with the best people I
12 have in my career, who are really dedicated to
13 their employees. I have never worked for a company
14 that cares so much and is so dedicated to the
15 continued growth and training of all of their
16 employees. They encourage both personal and skill
17 development and offer continuous opportunities for
18 growth that you -- so that you never stop learning
19 and continuously challenge yourself.

20 Seeing the potential for this company to
21 grow to offer 229 more direct jobs to people in our
22 valley and our community is incredibly exciting.

23 I know that having this pushed through
24 would have a large and positive economic impact in
25 the valley, generating 373 indirect jobs on top of

1 all the direct ones and pouring an estimated \$6.1
2 million into our local economy for services and
3 products within a year.

4 Honestly, it's insane to me that this
5 project has been in progress for a decade and
6 hasn't yet been green-lit when it will do so much
7 good for the people of Medford and for the Coquille
8 Tribe.

9 A big part of my excitement for this
10 project is the entertainment option being added in
11 Medford. Starting out here at the hotel and
12 working at the front desk, we've had so many people
13 come in, especially from the Rogue Valley Manor, a
14 senior community, talking about the potential of
15 getting a casino and how much they would love to
16 have an option nearby that they could visit when
17 they no longer drive.

18 There are tons of people who live on the
19 other side of town as well, in North Medford, that
20 rarely visit South Medford because they don't have
21 any reason to. Everything they need is right
22 there. Giving them that incentive to drive the 10
23 or 15 minutes down the road will expose them to all
24 the other businesses in the area as well and drive
25 foot traffic to those businesses.

1 I truly believe that this project would
2 add so much value to our local community, economy,
3 friends, family and the Coquille Tribe.

4 Thank you.

5 THE MODERATOR: Thank you.

6 The next speaker is Kendra Doshier.

7 MS. DOSHIER: Thank you so much for your
8 time.

9 I wanted to say that I was for and
10 positively for Position A. I've been in this area
11 roughly 30 years, and I have seen that specific
12 area where that bowling alley has gotten a bit
13 destitute. And I'd really like to see it rebuilt,
14 especially into something that we don't have here:
15 adult entertainment that incorporates, you know, a
16 lot more than just going to a bar and seeing the
17 regular dance floor.

18 Having that revenue for the tribe is going
19 to be amazing for the future generations ahead
20 along with the economy now.

21 So that's my statement. Thank you for
22 your time.

23 THE MODERATOR: Thank you.

24 The next speaker is Armand Crispen.

25 Armand, please unmute yourself. Armand, if you are

1 having difficulties -- oh. Armand, please state
2 your comments.

3 I'm sorry, Armand. We are unable to hear
4 you. If you are having difficulties, please call
5 (949) 861-5954 for technical assistance.

6 The next speaker is Jamie Painter.

7 MS. PAINTER: Hi. Good evening. My name
8 is Jamie Painter, and I'm a field representative
9 for Congressman Earl Blumenauer, who represents the
10 Third District of Oregon.

11 On behalf of the Congressman, I'd like to
12 thank the agency for scheduling a second hearing.
13 As you know, this decision will impact the entire
14 region, beyond the Medford area, so we appreciate
15 having this opportunity to weigh in directly.

16 I'd like to be clear that Congressman
17 Blumenauer continues to believe that the "one
18 casino per tribe" is the best approach. The
19 Congressman is concerned that this decision will
20 lead to a proliferation of casinos across the
21 state, the impacts of which will be felt all the
22 way to Washington and California.

23 But beyond that, it's important to
24 acknowledge that our four tribes have opposed --
25 that four tribes have opposed this proposal because

1 of the effect it will have on the current balance
2 of gaming within the state and across the region.

3 Moreover, the Congressman has been made
4 aware of certain remaining concerns that the draft
5 environmental impact statement does not consider
6 the full scope of impacts from the proposed
7 project, including the Coquille's use of the
8 restored lands exception for this application. The
9 restored lands exception was not established by
10 Congress with the intent of benefiting one tribal
11 government over others. Congressman Blumenauer
12 urges the agency to ensure that any use of this
13 rule will not create any unfair imbalances in
14 tribal gaming.

15 In terms of the project, the original
16 notice of intent was published in 2015. Our office
17 understands that the Coquille have made changes to
18 the project since then and that the scope of the
19 project as analyzed in the draft statement may not
20 be updated to reflect those changes. The
21 Congressman urges the agency to ensure that the
22 scope of this statement reflects the most
23 up-to-date proposal.

24 In terms of the materials, the Congressman
25 urges the agency to ensure that all materials and

1 reports under consideration should reflect the most
2 up-to-date proposal, including any changes to the
3 project or context since 2015.

4 The Congressman is also concerned about
5 traffic. Specifically, our office understands that
6 the draft statement states that the proposed
7 project will not result in "unacceptable traffic
8 operations" and will not require mitigation.

9 However, we have heard concerns that this
10 may be based on analysis from 2019. The
11 Congressman urges the agency to ensure that this
12 analysis is fully up to date.

13 Our office has also heard certain
14 questions about the impacts of the proposal on Bear
15 Creek and the local species currently listed for
16 protection under the Endangered Species Act. The
17 Congressman urges the agency to ensure that they
18 are fully considering any impact to habitat and
19 endangered species in the area.

20 Finally, the Congressman encourages the
21 agency to consider any reasonable non-gaming
22 alternatives through which the Coquille may achieve
23 their stated purpose of economic development.

24 Once again, on behalf of Congressman
25 Blumenauer, I deeply appreciate the opportunity to

1 participate in this hearing. Overall, the
2 Congressman supports a robust public input process
3 and full consideration of that input with respect
4 to next steps. Thank you very much.

5 THE MODERATOR: Thank you.

6 The next speaker is Marcus Holcumb, last
7 digits 3826. Please unmute yourself by pressing
8 star 6.

9 MR. HOLCUMB: Hi. Thank you.

10 Can you hear me?

11 THE MODERATOR: Yes.

12 MR. HOLCUMB: Yes. Thank you very much.

13 I am testifying here to show support for
14 this project and the importance of the job creation
15 that this can help with in the Southern Oregon
16 area.

17 We all know there has been a real
18 challenge to have higher-paying jobs that are
19 consistent, and this type of employment is going to
20 last. It's the type of employment that you're not
21 going to have to worry about the company going out
22 of business in a healthy, developing area of
23 Medford as well.

24 This project is a critical part for the
25 expansion of good jobs and retirement plans and

1 health care for a lot of people that are looking
2 for those things in Southern Oregon, and I just
3 wanted to share that.

4 THE MODERATOR: Thank you.

5 The next speaker is Kelly Coates. Please
6 unmute yourself.

7 MS. COATES: Hello. Can you hear me?

8 THE MODERATOR: Yes.

9 MS. COATES: My name is Kelly Coates. I
10 am a member of the Cow Creek Band of Umpqua Tribe
11 of Indians. I also serve as the director of
12 natural resources for the tribe.

13 As a citizen who lives in Talent, Oregon,
14 I am extremely concerned with the impact of the
15 proposed action on my tribe and my local community.

16 The DEIS underestimates the impact on the
17 local community and fails to adequately analyze the
18 socioeconomic impacts on my tribe. The DEIS admits
19 that the proposed action will have a substantial
20 economic impact on my tribe. It states that the
21 proposed action will decrease the projected gaming
22 revenue of my tribe by 25 percent and that it will
23 take over 16 years for my tribe to recover.

24 However, we believe that the actual impact
25 of the proposed action will be much greater. The

1 economic analysis is based on an impact study done
2 in 2019, over three years ago. The world has
3 changed greatly. This is an impact study that was
4 done pre-COVID. It doesn't anticipate the
5 potential upcoming recession. It doesn't include
6 the cost of inflation. The impact study needs to
7 be updated.

8 Regardless, decreasing the potential
9 revenue of my tribe by at least 25 percent will
10 massively impact operations. With such a huge
11 decrease in revenue, my tribe will be unable to
12 support a large portion of its existing
13 governmental operations, programs and services.
14 This means less money to care for our members and
15 the local community, less funding for health
16 services, educational programs and programs that
17 take care of our elders. Accordingly, the quality
18 of life of our tribal members, which is already
19 below the quality of life enjoyed by most other
20 people in Oregon, would be significantly harmed.

21 The DEIS fails to recognize this, merely
22 concluding only that the revenue is enough for
23 tribal governments "to provide services to their
24 respective memberships." The DEIS needs to be
25 updated to recognize the substantial impact the

1 proposed action will have on the ability of local
2 tribes to provide essential governmental services
3 to its members.

4 Further, these substantial costs are being
5 borne by the local community to benefit a tribe
6 that has no meaningful connection to Medford. The
7 Medford site is 168 miles from the Coquille's
8 offices in its casino in North Bend, Oregon. The
9 distance is a three-hour drive over the Coast Range
10 mountains, the Grave Creek Hills and then across
11 the Rogue Valley.

12 The Coquille Indian Tribe has no
13 aboriginal or historical connections to Medford.
14 The Cow Creek Umpqua Tribe has ancestral ties to
15 the area and shares the Takelma language of the
16 Native Americans of the Rogue River Valley.

17 If the Coquille Tribe wants to expand
18 gaming and in turn support their membership, why
19 not seriously consider the North Bend alternative
20 in the DEIS, which is clearly within their
21 aboriginal territory? This alternative will not
22 impact my tribe or our ability to provide services
23 for our members.

24 The DEIS should consider the impact to the
25 local community. A substantial cost will be paid

1 for this proposed action. Local tribes will
2 suffer, and all to benefit a tribe that has no
3 meaningful ancestral connection to the area.

4 That concludes my comments. But I also
5 have Armand Crispen here, who is ready to give his
6 comments.

7 THE REPORTER: Once again, this is the
8 stenographer. And I do understand that everyone is
9 very emotional about this issue. But if you could
10 please slow down so I am accurately recording
11 everything that you are saying, I would very much
12 appreciate it.

13 THE MODERATOR: Armand Crispen.

14 MR. CRISPEN: Yes. Thank you very much.

15 My name is Armand Crispen. I am a member
16 of the Cow Creek Band of Umpqua Tribe of Indians.
17 I live in Medford, Oregon. As a local resident, I
18 am very concerned with the impact of the proposed
19 action on my local community.

20 First, the impact to traffic. We live in
21 an area -- my family routinely drives Highway 99
22 between Medford and Talent. I'm extremely
23 concerned with the traffic issues that will result
24 along Highway 99 as a result of this project. The
25 DEIS severely underestimates the impact that a

1 casino would have on the traffic in Medford. The
2 DEIS claims that the casino will not result in
3 "unacceptable traffic operations..." This -- and
4 states that, "No mitigation is necessary."
5 However, I believe there will be significant
6 impacts. The traffic impact analysis drafted in
7 2019 needs to be updated beyond the two-page update
8 that only discussed the hotel.

9 Second, this area already suffers from
10 issues with the transient homeless population along
11 Bear Creek. A casino will exacerbate the problem.
12 This problem isn't examined in the DEIS. The BIA
13 should ensure that the proposed action will not add
14 to this problem.

15 Third, the DEIS underestimates the impact
16 that a casino will have on crime. The Mill Casino
17 generates the most police calls for any one
18 location in North Bend, 640 calls annually. A
19 casino in Medford will significantly increase the
20 rate of crime. The DEIS calls for payments to the
21 Medford Police Department to mitigate the increase
22 in crime, but that does not account for the impact
23 on local residents. The DEIS dismisses the impacts
24 to residents as "less than significant."

25 As a local resident, an increase in crime

1 in this area resulting in the police being called
2 twice a night is significant; and the DEIS should
3 be modified to take into account not only the
4 additional police costs, but the impact to local
5 residents.

6 Finally, I think that many of the issues
7 with the DEIS stem from the fact that it is based
8 on outdated materials. The project has changed
9 significantly since the DEIS was first initiated in
10 2015. It now includes a hotel, pool, bar and
11 grill. Many of the reports that the DEIS relies on
12 are from 2015-2016. The few updates that have been
13 made were made in 2019, four years ago. The DEIS
14 and the underlying studies need to be updated in
15 order to take into consideration the full impact of
16 the project.

17 Thank you.

18 THE MODERATOR: Thank you.

19 The next speaker is Virgle Osborne.

20 MR. OSBORNE: Hello. Hopefully you can
21 hear me. Good evening.

22 THE MODERATOR: Yes, we can.

23 MR. OSBORNE: So I wanted to touch base
24 tonight on my opposition to this. As a local
25 resident of the district and an Oregon State

1 Representative for House District 2 in Southern
2 Oregon, I am coming you -- to you tonight
3 announcing my opposition to the project the
4 Coquille Tribe is proposing in Medford.

5 Because of my position as a duly-elected
6 Representative, I would like to focus on the
7 potential damages the proposed casino could have on
8 House District 2 and Douglas County.

9 Building a casino in Medford will result
10 in a 25 percent loss in gaming revenue from Cow
11 Creek Tribe in my district. However, I would even
12 venture to say the losses could be much greater
13 than 25 percent, since many of the customers who
14 currently travel to Canyonville from Medford will
15 forego the travel expense and stay locally.

16 The Cow Creek Tribe is the second-largest
17 employer in Douglas County, and a loss of this
18 revenue will negatively impact many jobs that pay
19 living wages in our county. These jobs also
20 provide critical benefits, including health care,
21 sick leave and other benefits desperately needed in
22 our economy.

23 Approximately 90 percent of the employees
24 of Seven Feathers Casino and Resort are nontribal
25 residents of Douglas County.

1 Simply put, our county cannot afford this
2 economic hit. The results would be devastating.
3 These jobs contribute millions of dollars to our
4 state and local revenue to support local government
5 services.

6 As a sovereign government, the revenues
7 from Seven Feathers provide resources to support
8 essential government functions and services for
9 tribal members. This source of revenue relieves
10 reliance on County services as well as State
11 services and helps contribute to the partnership
12 with Douglas County in health care, emergency
13 services and their police intergovernmental
14 agreements.

15 According to a report from the Coquille
16 Tribe, 25 percent cut in revenue would take more
17 than 16 years to recover. This would be bad for
18 Oregon tribes and will greatly harm the quality of
19 life and economic development for the people of
20 Douglas County.

21 Thank you for considering my letter, and I
22 implore you to reject this application to build the
23 casino. This project would not be good for our
24 state or county. Thank you.

25 THE MODERATOR: Thank you.

1 The next speaker is Kelly Huddleston.

2 MS. HUDDLESTON: Good evening. Can you
3 hear me?

4 THE MODERATOR: Yes.

5 MS. HUDDLESTON: My name is Kelly
6 Huddleston, and I serve as the business counsel for
7 the Umpqua Indian Development Corporation. That's
8 the economic development arm of the Cow Creek Band
9 of Umpqua.

10 I have divided my comments into three
11 parts: the personal, the professional and the
12 legal.

13 I am a member of the Cow Creek Band of
14 Umpqua Tribe and the very first tribal member to
15 obtain a law degree. I was only able to complete
16 my education because of the financial support of
17 the tribe, which then and now is supplied by gaming
18 revenues that are directed toward education and
19 other social service programs. This support has
20 not only positively impacted my life, but hundreds
21 of other tribal and community members in ways that
22 my mother and grandmother could only dream of.

23 Professionally, as the tribe's business
24 attorney, I can testify to the enormous challenges
25 of creating long-term economic stability for a

1 tribal government. Without a tax base or other
2 forms of stable funding, tribes compete in a risky
3 and often ruthless business environment to keep
4 their cultures alive and their people whole.
5 Sadly, sometimes the system pits tribes against one
6 another, and they find themselves competing to
7 sustain their economic health.

8 The proposed gaming facility we are
9 commenting on today creates exactly that type of
10 situation. The Cow Creek Band of Umpqua has and is
11 continually testing and trying out alternative
12 stable, long-term sources of revenue through its
13 businesses. However, the truth is that the Seven
14 Feathers Casino Resort is the tribe's primary
15 source of revenue. Any significant drop in that
16 revenue will damage the tribe, its people and the
17 municipalities that have come to rely on the cash
18 infusion that our casino brings in.

19 This brings me to our -- to my third
20 point: the law. The Secretary has wide latitude
21 and discretion on whether to allow this project to
22 go forward.

23 Please consider, Coquille Tribe already
24 has a successful casino on the coast. It wants to
25 place another in a service area over 150 miles away

1 from its reservation, which also happens to be a
2 service area of my tribe. Its operation of a
3 casino in Medford would pose an imminent and
4 quantifiable financial threat to the Cow Creek Band
5 of Umpqua Tribe.

6 Due to these facts, the Secretary should
7 analyze this request under the two-part
8 determination of IGRA. Otherwise, the Secretary
9 could allow Alternative 3, which is expansion of
10 the Mill site, as the least harmful, least adverse
11 action to all parties concerned.

12 Thank you for listening to my comments.

13 THE MODERATOR: Thank you.

14 The next person to speak is Kevin Clark.
15 Kevin, please unmute yourself.

16 MR. CLARK: Hello. My name is Kevin
17 Clark, and I am a citizen.

18 And I am just voting in favor for it just
19 due to the socioeconomic impact that it's going to
20 have in Medford, Oregon, and the surrounding area.
21 There's not a lot of high-paying jobs there. And
22 this is going to bring a lot of good
23 worker-position jobs that are going to pay very
24 well, which is much needed to the local economy.

25 That's all I have, and I appreciate you

1 listening to me.

2 THE MODERATOR: Thank you.

3 The next speaker is Tiffany Maple.

4 MS. MAPLE: Hi there. Can you hear me?

5 THE MODERATOR: Yes.

6 MS. MAPLE: Hi. I just wanted to say that
7 I am for the casino and Site A. I like the aspect
8 of the jobs that it would bring and the fact that
9 we wouldn't have to drive, you know, an hour and a
10 half to do any social events. I think that is a
11 big factor into my lifestyle.

12 That's really all I got. So thank you.

13 THE MODERATOR: Thank you.

14 The next speaker is Mark Mattecheck.

15 MR. MATTECHECK: Thank you.

16 My name is Mark Mattecheck. I am the
17 owner of North Bend Lanes in North Bend, Oregon. I
18 am also the president of the Bowling Proprietors
19 Association for the state of Oregon.

20 I would like to talk -- comment about
21 being next to a casino and competing against them.
22 The tribe, when they moved here with their casino,
23 we were concerned about our operation. We are a
24 very large video poker retailer. And what we found
25 was the opposite of what we thought.

1 They did so many positive things in the
2 community that our revenue, instead of going down,
3 has increased every year since they've been here.
4 Our restaurant, which is only half a mile away, has
5 doubled in size. They have been a wonderful
6 partner to work with. They give us business and
7 refer us to groups that come into the town, and
8 they have changed our town into a really positive
9 place. They've been an economic driver.

10 As regards to the police service, the
11 tribe purchases police services from the City of
12 North Bend and helps fund officers that help the
13 whole city and actually reducing crime in our city,
14 not increasing it, just the opposite of what has
15 been commented.

16 The other thing that they have done in
17 this project is, as the president of the Bowling
18 Proprietors Association, they have saved a bowling
19 center that was going to go out of business. That
20 was a very busy bowling center there with lots of
21 traffic, and the association didn't want to lose
22 it. They took it over. They kept all the
23 employees. They gave them raises and benefits and
24 have breathed new life into a bowling center that
25 the community desperately needs.

1 With that, we have already assigned two
2 major tournaments to go to that bowling center and
3 visit the city. Those are in upwards of 200 or 300
4 people, based on our projections of those
5 tournaments.

6 Nothing that they've done in our town has
7 been negative as far as traffic flow or any of
8 those things as far as the tribe is considered.

9 So in parting, my last words, that they're
10 a good community event. They will help the City of
11 Medford. They will raise all the things in that
12 area with the events that they have, with the
13 combination of the golf, bowling and the motel.
14 It's a nice combination, and people will come
15 there. I think they'll lift all the other people
16 in that area to help out from an economic basis.

17 Thank you. That was -- that's all the
18 comments I have.

19 THE MODERATOR: Thank you.

20 The next speaker is Joseph Giovannetti.

21 DR. GIOVANNETTI: Hello. Can you hear me?

22 THE MODERATOR: Yes.

23 DR. GIOVANNETTI: (Speaking tribal
24 language.) Hello. I am Dr. Joseph Giovannetti.
25 For the record, my last -- my surname is spelled

1 G-i-o-v as in "Victor," a-n-n-e-t-t-i.

2 I'm Tolowa. I am a descendant of Tolowa
3 Hereditary Headman Joseph Hostler. I am a
4 professor emeritus at Cal Poly Humboldt, where I
5 was chair of the Native American Studies program.
6 I am also a member of and councilman for the Tolowa
7 Dee-ni' Nation, located in Smith River, California.
8 In my field I am a recognized ethnohistorian and
9 published mythologist who has taught Native
10 American studies for many years.

11 I am speaking tonight to say unequivocally
12 that the Coquille Tribe has no ancestral claim to
13 the Rogue Valley. Coquille's claim is founded upon
14 two things: a service area created for them by the
15 federal government in the 1980s and their own greed
16 and desire to colonize the gaming market of other
17 tribes in order to stuff their own pockets.

18 There is nothing in history or law other
19 than the colonization of indigenous America by
20 Europeans that is similar to what Coquille is
21 attempting today. Their legal foundation for the
22 proposed action by the Department of the Interior
23 sits on the same racist underpinnings that the
24 doctrine of discovery does to justify the stealing
25 of North America: This is what we say the law is.

1 We need these resources. Give them these
2 resources. Give them to us because we say it's
3 right, and we are better than you.

4 The Department of the Interior needs to
5 consider the impacts that taking this Medford land
6 into trust will have on my tribe and others. For
7 tribes like Tolowa, Karuk, or Karuk, and Elk
8 Valley, it means a loss of services for our members
9 and loss of jobs in areas that cannot afford to
10 lose jobs.

11 Please stop Coquille's colonization
12 attempt.

13 Thank you.

14 THE MODERATOR: The next speaker is Kyle
15 ViksneHill.

16 MR. VIKSNEHILL: Thank you for the
17 opportunity to speak in support of approving the
18 tribe's proposed project.

19 My name is Kyle ViksneHill, and I am a
20 member of the Coquille Indian Tribe. I am also the
21 chief financial officer of the Coquille tribal
22 government. I consider myself to be very fortunate
23 to have benefited from the education and employment
24 programs and services that the tribe has built
25 since we were restored in 1989 and to be able to

1 help my tribe continue the work of building and
2 sustaining those same programs for future
3 generations.

4 As the chief financial officer of the
5 tribal government, I have no involvement in the
6 tribe's economic development activities.

7 Unlike other tribes, the Coquille Tribe
8 does not distribute revenues to its tribal members
9 on a per-capita basis. This is explicitly
10 forbidden in the tribe's constitution.

11 Instead, the tribe uses its revenues to
12 provide for basic essential services: health care,
13 family and social services, costs of stewarding and
14 protecting our cultural and natural resources,
15 educating our children and taking care of our old
16 people.

17 Understanding the costs of these services
18 and how they are expected to change over time is a
19 large part of the work that I do as the chief
20 financial officer of the tribal government.

21 The tribe has recognized for a long time
22 that our current revenues are not enough to meet
23 these basic needs for our tribal members today.
24 The tribe also recognized for a long time that our
25 cost to provide these services will continue to

1 increase as the population of our tribe grows and
2 due to general inflationary increases at a rate
3 beyond the expected growth of our current revenues.

4 The tribe started its economic development
5 efforts in Medford over ten years ago, recognizing
6 that we need new sources of revenues not to enrich
7 ourselves, but to keep up with the growth in costs
8 and the growth of our tribal population and to make
9 a meaningful advance towards fully meeting the
10 needs of our tribal members for basic essential
11 services, not just the small portion of that need
12 that we are able to provide today.

13 I strongly encourage the BIA to approve
14 the Coquille Tribe's proposed project.

15 And thank you again for this opportunity
16 to provide comments.

17 THE MODERATOR: The next speaker is George
18 Adams.

19 MS. ADAMS: Hi. My name is George Adams.
20 I represent DSAC, Disabled Senior Advisory
21 Committee.

22 I -- the people with a disability
23 throughout Southern Oregon here disapproves of this
24 plan because of two reasons.

25 Because within this plan, it hasn't been

1 proven to have 15 parking spaces for a person with
2 a disability with a van and lift, for them to park.
3 It is already difficult for a van to be parked in a
4 parking space with a lift because of not enough
5 parking spaces.

6 The other thing is, is that in this
7 place -- in this plan I did not see that the
8 buttons on the front doors to be presented, the
9 bathrooms to be set up with -- for people with all
10 types of disabilities, of blind, physical, mental
11 or otherwise.

12 The other thing, too, the reason that
13 is -- disapprove of is because of in this plan it
14 wasn't being presented that housing would be
15 allowed around this property once this thing is
16 built.

17 If the plan is to come back with a newer
18 plan to be placed with housing around this -- the
19 building being built and it can be proven that
20 parking spaces, up to 15 spaces, are going to be
21 made in front of your building, including the
22 specifications for a person with all types of
23 disabilities, from buttons on your doors to
24 widening of your bathrooms, so on and so forth, and
25 being treated as customers and consumers, if that

1 can be -- all be proven to be in this plan, then we
2 and the people of disability in the Southern Oregon
3 would be able to approve this plan.

4 But in order for it to happen, we hope
5 that this could be in this plan before it can be
6 approved by us as disabled people in Southern
7 Oregon.

8 Thank you.

9 THE MODERATOR: Thank you.

10 The next speaker is Scott Sullivan.

11 MR. SULLIVAN: (Speaking tribal language.)

12 My name is Scott Sullivan. I am the vice chairman
13 of the Tolowa Dee-Ni' Nation.

14 The Tolowa Dee-Ni' Nation is a sovereign,
15 federally-recognized Indian tribe. Our reservation
16 lands and tribal community are located
17 approximately 110 miles from the site of the
18 Coquille Indian Tribe's proposed gaming facility.

19 The National Environmental Policy Review
20 Act requires federal agencies to take a hard look
21 at the environmental consequences of their actions.
22 Significant adverse environmental effects must be
23 mitigated. The draft EIS fails this high standard.
24 The flaws in the draft are numerous.

25 In this short time allotted for public

1 comment, we wish to highlight the principal defect
2 that particularly concerns our nation. The adverse
3 socioeconomic effects of the Tolowa Dee-Ni' -- on
4 the Tolowa Dee-Ni' Nation are severely
5 underestimated.

6 The nation depends on revenues from its
7 Lucky 7 gaming facility to fund critical
8 governmental and social welfare programs and
9 services for our citizens. We are largely
10 dependent on our gaming revenues to fund our
11 government. Any reduction in revenues from our
12 gaming facility will be felt across a wide range of
13 governmental services.

14 The draft does not reference or analyze
15 any demographic data for the community that is the
16 Tolowa Dee-Ni' Nation. There is no gaming market
17 segment identified for the Tolowa Dee-Ni' Nation
18 anywhere in the background or analysis.

19 The conclusion that the effects on our
20 gaming revenues will be small is based on
21 speculation that those effects will be diminished
22 over time because of population growth and
23 expanding economies at Tolowa. No factual support
24 for this speculation is provided, and there is
25 none.

1 In addition, what little information
2 included is out of date by at least three years.
3 As a result, it appears the drafters started with a
4 preconceived result in mind, that the project
5 should go forward, and constructed an analysis to
6 support that outcome. The draft is biased in favor
7 of the Coquille gaming project.

8 The BIA should withdraw the draft EIS and
9 completely redo the socioeconomic and other impact
10 portions.

11 (Speaking tribal language) for your
12 consideration of these comments.

13 THE MODERATOR: Thank you.

14 The next speaker is a phone number, last
15 four digits 4552. Please unmute yourself by
16 pressing star 6.

17 MR. CORNETT: You can hear me?

18 THE MODERATOR: Yes.

19 MR. CORNETT: My name is Chris Cornett.
20 I'm an enrolled member of the Choctaw Nation of
21 Oklahoma, and I'm Native American by blood.

22 I think this process has been flawed, that
23 the local native community that doesn't belong to
24 either the Cow Creek or the Coquille have ever been
25 considered, and there is no impact that's positive

1 for them. I believe that they've been
2 discriminated against and denied the chance to gain
3 wealth. They too are part of the makeup here.

4 And it is true that the Cow Creek and the
5 Coquille are not indigenous to this land; but there
6 are Native Americans here that were born here,
7 raised here and gained their cultural background
8 from these tribes and others that surround us. I
9 think that they need to be considered and need to
10 be weighed in on this process, and there needs to
11 be some kind of an action that lets them know that
12 they are part of it.

13 And thank you.

14 THE MODERATOR: Thank you.

15 The next speaker is Alexandria Jones.

16 MS. JONES: Hi. Good evening, everyone.
17 Thank you for allowing public comments and allowing
18 me to speak.

19 My name is Alexandria Jones. I reside in
20 Phoenix, Oregon, just right down the road from the
21 proposed casino; and I'm also a member of the
22 Coquille Indian Tribe.

23 With the casino only being a little over
24 two acres, it is the perfect size of a facility to
25 house in Medford. By opening the facility, we are

1 able to turn the revenues into funds for our elders
2 and our educational benefits for tribal members.

3 Not only will the casino help our tribal
4 members, it will provide employment for local
5 community members as well. The Coquille Indian
6 Tribe is known for being an employer of choice by
7 providing 401(k)s, PTO and health care.

8 By having a casino, it will attract more
9 visitors to the Medford area, and in return give
10 more money to the area. My tribe has been known to
11 donate to Coos Bay. I see them doing this in
12 Medford as well.

13 The casino will be a positive impact to
14 the Jackson County area and to the community. It
15 will also help sustain my tribe for generations to
16 come.

17 Please consider doing your own research
18 before listening to things that have been
19 misconstrued by other tribes as well as other
20 tribal members.

21 Thank you for your time.

22 THE MODERATOR: Thank you.

23 The next speaker is Nicole Keeton.

24 MS. KEETON: Hello. Can you guys hear me?

25 THE MODERATOR: Yes.

1 MS. KEETON: Okay. Perfect.

2 Let me find my notes real quick.

3 So my name is Nicole Keeton, and I am in
4 support of this proposal and it bringing more jobs
5 for our community as well as adding a local option
6 versus traveling over the summits that become very
7 dangerous during some adverse weather conditions
8 during the winter. I also believe that it will
9 help with our economic development in our
10 community.

11 And after hearing all of the supporting
12 comments, it has given me even more insight on the
13 positive effects that this will have on our
14 community.

15 And that's all that I have for you.

16 THE MODERATOR: Thank you.

17 The next speaker is Chris Gerschler.

18 MR. GERSCHLER: Hello. Can you hear me
19 okay?

20 THE MODERATOR: Yes.

21 MR. GERSCHLER: Okay.

22 I would like to say it's a positive, and
23 I'm speaking that I would like this project to go
24 ahead.

25 Where it's going to be put in, in Medford,

1 I like seeing stuff being replaced with new items
2 and new venues for Medford, Oregon. I have lived
3 here at my address for 35 years. I've always
4 thought that Medford has such potential to
5 entertain and also needs well-paying jobs.

6 My vote is yes. I'd be happy to see the
7 casino here.

8 Thank you.

9 THE MODERATOR: Thank you.

10 The next speaker is Jeff Jensen. Please
11 unmute yourself. Speaker Jeff Jensen.

12 MR. JENSEN: Hi. My name's Jeffrey
13 Jensen. I'm a local resident in Medford, and I am
14 speaking on behalf of being in favor of this
15 project.

16 I see the economic development aspects of
17 not only the product -- projects that they've
18 implemented so far, but what they're talking about
19 as far as having the Class II section gaming would
20 be a great benefit to our community.

21 The fact that they're willing to pay for
22 additional services that include additional fire,
23 police and other City services as well as buy local
24 as much as possible in the plan that I read through
25 shows me that they're going to make an increased

1 positive impact to a number of small businesses in
2 the community, which is in turn going to create
3 more wealth in the community as those small
4 businesses look for additional services, including,
5 you know, marketing or as they're spending more
6 money at our auto dealers and various places that
7 they're going to be putting their money back into.

8 The distance between this casino and any
9 other casinos seems like the relevance of that
10 should not be taken into consideration, only due to
11 the fact that the Medford -- City of Medford and
12 the chamber of commerce here is looking to build a
13 lot more in the sports and entertainment sector
14 here.

15 And every time that I have seen, you know,
16 people looking to go to Seven Feathers, a lot of
17 that traffic would also be pulled from counties
18 north of here, such as Eugene, you know, and
19 further into Douglas County or other areas, people
20 stopping along the I-5. So I think some people
21 might be overestimating what the revenue impacts
22 could be in this project to their existing
23 business.

24 And if they really have 200 million in
25 assets right now, including other businesses and

1 other things that they are developing as projects
2 that generate revenue, it seems like they probably
3 have the funds to invest in enough other projects
4 to further their revenue goals and make up for any
5 difference in shortfall from the casino.

6 Further, their entertainment venue that
7 they have offers a diverse set of entertainment --
8 entertainers that do not conflict with what we have
9 brought to the valley, either at the Jackson County
10 Expo, Britt, or other areas, right? They do a very
11 good job of having specialized entertainment and
12 things that are at their casino that are not
13 available down here, which is part of the draw for
14 people from our community to go up there and stay
15 there.

16 So in summary, I would be for this
17 project. I do not see the same negative
18 consequences that others are kind of proposing at
19 this point.

20 And as a Native American studies
21 certificate graduate of SOU, I did an entire thesis
22 paper on the impacts of the casino industries and
23 how they play into one another and create a
24 positive impact for the community in places that
25 they do, so...

1 THE MODERATOR: Okay. If you could wrap
2 up your comments.

3 MR. JENSEN: That's it. Thanks.

4 THE MODERATOR: All right. Thank you.

5 The next speaker is Simon Johnson.

6 MR. JOHNSON: Thank you for allowing me to
7 speak.

8 My name is Simon Johnson. Being a
9 resident of Medford, Oregon for over 30 years and
10 speaking on behalf of Ethos Academy located in
11 Phoenix, we are in favor of the approval of this
12 project.

13 There are many benefits to this project
14 moving forward, such as many more jobs will be
15 created, as the EIS suggests that the construction
16 will create up to 78 jobs in the short term and
17 more in the future, and will bring in more tourism.

18 Medford is growing and has the
19 infrastructure, especially in South Medford, to
20 support this project.

21 The increased traffic will bring in an
22 influx of additional revenue, not only for the
23 project, but for the other businesses in the area.
24 Also, seeing that the area gets a facelift will be
25 great.

1 So on behalf of Ethos Academy, that has
2 helped stimulate Phoenix after the fires, this
3 small casino will greatly increase the overall
4 impact of Medford, Phoenix, and the surrounding
5 areas. We would like to see this project be
6 approved and move forward.

7 Thank you.

8 THE MODERATOR: Thank you.

9 The next speaker is Holly Michaels.

10 Holly, there appears to be an issue with
11 your Zoom. Please call the help line at
12 (949) 861-5954.

13 The next speaker is Yamire Hanze.

14 MR. HANZE: Hello. Hi. Good evening,
15 everyone. Can you --

16 THE MODERATOR: Hello.

17 MR. HANZE: Hi. Hello?

18 THE MODERATOR: Hello. Please go ahead.

19 MR. HANZE: Oh, right. Yes. So I -- my
20 name is Yamire. My last name is Hanze. I am newly
21 employed at the Compass Hotel.

22 And all I see is positive things and
23 exciting things to happen here down in Medford. I
24 obviously see the new employment, the -- just the
25 creation of jobs happening. I get to see all the

1 people from all sorts of places come in. And I can
2 only imagine with the new projects more people
3 wanting to visit our town.

4 And I'm definitely for it. I can see only
5 positive things. I think Medford working with the
6 Coquille Tribe is doing an amazing, I mean,
7 collaboration, and hopefully we can continue to.
8 And yeah, I think I'm for it, and I -- I see
9 nothing but good things happening.

10 And that's all that I have to say.

11 THE MODERATOR: Thank you.

12 MR. HANZE: Thank you. Have a good night.

13 THE MODERATOR: The next speaker is
14 Jessica Gomez. Please unmute yourself.

15 MS. GOMEZ: Yes. Hello. Thank you for
16 having me.

17 I'd like to speak in support of this
18 project. I live about ten minutes from that, maybe
19 even less than that from the site. And I can tell
20 you that that area of Medford really is in need of
21 investment. It's great for our growing community.

22 We have many things that have been
23 improved over the last several years in Medford;
24 and this is, I think, one more great amenity for
25 people. There's a whole sports center that's very

1 close to that where we're really trying to promote
2 people coming in and bringing their kids to compete
3 in sports events here. Having an additional hotel
4 that's close to that area and then amenities that
5 go along with that hotel is a really positive
6 thing.

7 I would also like to say that the Coquille
8 Tribe has been, I mean, really fantastic community
9 members. They have been great partners for years
10 and years. They've been dedicated to this project
11 for the last ten years. And I think it's time to
12 see this move forward.

13 The -- I have heard through these comments
14 today and at the last period that, you know, many
15 people are coming to the table with this mindset of
16 scarcity, that it's going to somehow take away from
17 another tribe. And I would really like to
18 encourage people to think more broadly about what
19 this means for the community in Medford, what it
20 means for Southern Oregon.

21 There are many people that don't have
22 access to get to that other casino. There are many
23 people who visit our region that want that kind of
24 amenity. And for a growing community, it's really,
25 really important to have that offering.

1 So thank you for hearing me. Again, I'd
2 like to see this project move forward.

3 THE MODERATOR: Thank you.

4 The next commenter is Michael Mason.
5 Please unmute yourself. Again, the next speaker is
6 Michael Mason.

7 Michael, if you're having technical
8 difficulties, please call the help line on the
9 slide.

10 The next speaker is Stephen Beckham.

11 MR. MASON: Oh. This is Michael Mason.
12 Can you hear me at this point?

13 THE MODERATOR: Oh, yes.

14 MR. MASON: Sorry about that. I was
15 confused about what to unmute, which will be
16 explained momentarily.

17 But I'm Michael Mason. I'm an attorney in
18 Portland, Oregon.

19 Thank you very much for the opportunity to
20 testify.

21 I wish to express my support for the
22 fee-to-trust acquisition in Medford of this small
23 parcel, but fee-to-trust acquisition for Class II
24 gaming.

25 From 1986 through 1989, as an attorney at

1 the Native American Program of Oregon Legal
2 Services, I had the honor of representing the
3 Coquille Tribe in its federal restoration efforts,
4 culminating in passage of the Coquille Restoration
5 Act, Public Law 101-42. I jumped at the chance to
6 work on this in 1986 because of being a
7 Northwesterner and understanding the great
8 injustice that had been done to all the terminated
9 tribes here, something that was not known to many
10 people. Fortunately, we have a lot more awareness
11 of it today.

12 During the effort on the bill, early in
13 the effort, the tribe contracted for a
14 socioeconomic study of its membership. That
15 revealed a couple of things: one, that about 10
16 percent of the members were in Jackson County, the
17 tribal members.

18 It also revealed great unemployment and
19 underemployment among the members, as low as any
20 segment of our population in Oregon at that time.
21 That was a startling thing to see. We knew there
22 were problems and that termination had been
23 disastrous, but we didn't realize that it had
24 plunged people to such depths.

25 So the bill was introduced in the 100th

1 Congress, the same Congress that passed the Indian
2 Gaming Regulatory Act in 1988.

3 We had the, you know, five-county service
4 area. We ended up with a five-county service area
5 largely based on that socioeconomic study and on
6 the importance of economic development in areas
7 where people -- where tribal members were in such
8 dire straits. That service area was negotiated
9 with Congressman DeFazio, of course, the sponsor of
10 the bill. Jackson County was, again, important
11 because of its -- partly because of its 10 percent
12 membership residing there.

13 So we discussed in our meetings with
14 Congressman DeFazio -- and I was in all of the
15 meetings with the congressional delegation, the
16 Oregon congressional delegation, with Congressman
17 DeFazio; Senator Mark O. Hatfield, who led the
18 effort in the Senate when it -- the bill moved over
19 there; Senator Packwood; Congressman AuCoin;
20 Congressman Denny Smith.

21 All of the conversations included a
22 discussion of the importance of tribal economic
23 development in all of the service area counties
24 potentially. Certainly Medford, Lane and Coos were
25 focused on. So --

1 THE MODERATOR: Can you please conclude
2 your comments? Your three minutes are up.

3 MR. MASON: Oh, my goodness. Okay. Time
4 flies.

5 But I just wanted to say that at no time
6 during those discussions was there any mention of
7 any limits on economic development. Everything was
8 on the table, and that was very important.

9 So I -- again, I appreciate the
10 opportunity. Thank you. And I hope that this
11 project can be allowed to go forward.

12 Have a good night.

13 THE MODERATOR: Thank you.

14 The next speaker is Russell Attebery.
15 Please unmute yourself.

16 MR. ATTEBERY: Can you hear me?

17 THE MODERATOR: Yes.

18 MR. ATTEBERY: Yes.

19 Thank you for the time, and good evening.

20 My name is Russell "Buster" Attebery; and
21 I serve as chairman of the Karuk Tribe,
22 second-largest federally-recognized Indian tribe in
23 California.

24 I speak with you today to provide the
25 Karuk Tribe's initial comments on the draft

1 environmental impact statement and fee-to-trust
2 application before you and state clearly that the
3 Karuk Tribe objects to this action for both
4 governmental and environmental reasons.

5 Contrary to the comments you heard
6 earlier, approval of this proposed application
7 would absolutely decimate the Karuk Tribe's ability
8 to fulfill its obligations to its people.

9 The Karuk Tribe is headquartered at Happy
10 Camp, in an extremely remote area of Northern
11 California, and has only a small tribal trust land
12 base. The Karuk Tribe has over 3700 members, and
13 the tribal government is charged with providing
14 these members with essential services and
15 protecting their general welfare.

16 The tribe had no feasible opportunity to
17 benefit under the Indian Gaming Regulatory Act
18 until the tribe was able to acquire and convey into
19 trust for gaming a small parcel of land near Yreka,
20 California, within the tribe's traditional
21 territory and close to Interstate 5 a few miles
22 south of the California-Oregon border, just down
23 the road from this proposed project before you.

24 My comments tonight are focused only on a
25 few key issues; however, our concerns regarding

1 this application run deep; and these comments will
2 be supplemented with additional written comments.

3 First, the department has thus far failed
4 to consider all of the tribal communities impacted
5 by this decision, including the Karuk Tribe.

6 The Karuk Tribe has previously requested
7 pursuant to 25 CFR Part 292.2 that the Bureau of
8 Indian Affairs and the Assistant Secretary of
9 Indian Affairs, as the Karuk Tribe's trustee,
10 consult with the Karuk Tribe concerning the
11 proposed acquisition. However, we have not yet
12 received a response to this request.

13 The department's trust and consultation
14 obligations are not limited to the applicant tribe,
15 and it is not limited by state boundaries. Its
16 obligations are owed to all federally-recognized
17 tribes and in this instance the tribal communities
18 that will be disrupted by the proposed project.

19 Only in consultation would the Karuk Tribe
20 be able to share detailed, confidential information
21 about the likely extent to which approval of either
22 Alternative A or B in the EIS would be adversely --
23 would adversely impact the Karuk Tribe's ability
24 and resources to meet the current and future needs
25 of its citizens and government for the next three

1 decades and the extent to which the lives of the
2 Karuk citizens would be impacted.

3 Second, the scope of your analysis is too
4 narrow and out of date. The scoping for the
5 analysis of impacts from this project occurred
6 eight years ago and never resulted in a final
7 document.

8 That 2015 scoping process could not and
9 did not consider significantly changed
10 circumstances to the region since 2015, including
11 the 2018 opening of our Rain Rock Casino less than
12 an hour away, the region's wildfires, the threat of
13 future wildfires, as well as the impacts of the
14 COVID-19 pandemic. All of these items have
15 significantly altered the demographics and
16 economics of the region, raising border impacts
17 concerns and environmental justice concerns not
18 present during the 2015 scoping process.

19 The department is obligated to take a hard
20 look at all the impacts that would occur as a
21 result of its discretionary decision. Under
22 current scope of analysis --

23 THE MODERATOR: Mr. Attebery?

24 MR. ATTEBERY: Yes.

25 THE MODERATOR: Could you please conclude

1 your comments?

2 MR. ATTEBERY: I will. With all due
3 respect, I'll ask that you hear me out. I do know
4 that the Coquille chairwoman was allotted a lot
5 more time than the three minutes. I will finish as
6 quickly as I can.

7 We urge the department to pause its
8 analysis and conduct a renewed scoping report to
9 more appropriately guide the NEPA review. Only
10 then should a draft EIS be circulated for public
11 comment.

12 Third, when this project was previously
13 proposed, the department determined that it was
14 unable to approve the application for an abundance
15 of reasons, including the Coquille Tribe had not
16 made a convincing case that the project provided
17 needed benefits to the Coquille Tribe and that the
18 meager benefits did not outweigh the significant
19 impacts to surrounding jurisdictions, the
20 disruption of the well-established balance of
21 number of casinos in Oregon and the potential for
22 expansion of gaming against the wishes of the State
23 and its elected officials.

24 These concerns have increased since that
25 time, and the impacts to jurisdiction must include

1 impacts to regional tribes, like Karuk;
2 municipalities, including the City and County of
3 Yreka, which benefit from service agreements with
4 our people; and the socioeconomic impacts of these
5 and other communities.

6 The proposed project will only take jobs
7 and income from others in the region. This
8 project, if permitted to move forward as proposed,
9 will hamstring the Karuk Tribe's ability to provide
10 programs and services to our members, to protect
11 the public safety and general welfare of our
12 members, and to main infrastructure.

13 In short, this project's approval will
14 interfere with the Karuk Tribe's sovereignty by
15 impeding our ability to self-govern in a way we
16 have determined will best serve our members and
17 local community.

18 Moreover, the specter of this project
19 being approved in the future creates a real and
20 present danger for our planning and governing
21 capabilities.

22 I urge the department to do as it
23 previously did in 2020 and decline to accept the
24 Medford land into trust and remove this cloud over
25 our community. You have ample basis for this

1 determination without the cost of labor of an
2 environmental impact statement.

3 I urge that you do not close your eyes to
4 the Karuk and regional people that will be impacted
5 by your decision. These impacts will only be seen
6 and considered by pausing your current process and
7 increasing the scope of analysis by conducting a
8 new, proper scoping period.

9 Thank you for your time and consideration.

10 THE MODERATOR: Thank you.

11 The next speaker is Stephen Beckham.

12 MR. BECKHAM: My name is Stephen Dow
13 Beckham.

14 I have worked on fee-to-trust land
15 determinations in Oregon, Washington, California,
16 Oklahoma, Illinois, Connecticut, Pennsylvania and
17 Arkansas; and never have I seen a case of more
18 blatant, glaring reservation-shopping than the
19 proposal of the Coquille Tribe to reach 168 miles
20 from North Bend, Oregon into the treaty cession
21 area of the Rogue River tribes to try to justify a
22 second casino and entertainment venue.

23 This strikes me as wrongheaded.

24 Chairman Meade and tribal member Barton
25 both deplored termination; yet if one looks at the

1 history of the Coquille Tribe, the tribal council
2 endorsed termination in the 1950s as part of its
3 effort to receive its distribution of a land claims
4 case. The Karuk, Cow Creek, Tolowa and other
5 tribes who are affected by this proposal did not
6 endorse termination in the 1950s.

7 It's very important that beyond the EIS,
8 that the Department of the Interior consider the
9 ramifications of the Coquille Restoration Act of
10 June 28, 1989. That law gave the Secretary of
11 Interior discretion to take land into trust. But
12 that law did not in any way amend or contravene the
13 clause in IGRA, passed the previous October, 1988,
14 that defined how a restored tribe can gain
15 rescored -- restored lands for the purpose of
16 gaming.

17 The Interior Department cannot restore
18 something that never existed. The Coquille Tribe
19 was not an aboriginal tribe in the Rogue River
20 Valley. It lived over on the coast of Oregon.

21 This project will have deleterious impacts
22 on neighboring tribes. I worked on the
23 fee-to-trust determination for Cow Creek between
24 1984 and '86. I was the ethnohistorian for the
25 Karuk Tribe on the Rain Rock Casino project in

1 Yreka, California. This impact or the impacts of
2 the Coquille casino will undermine the delivery of
3 services to the Karuk, the Klamath, the Tolowa, the
4 Smith River and the Cow Creek peoples; all so that
5 another tribe from North Bend, Oregon can have a
6 second casino and hotel. This is wrongheaded.

7 I oppose the Propositions or Options A and
8 B that are enumerated in this EIS.

9 Thank you.

10 THE MODERATOR: Thank you.

11 The next speaker is Barbara Duey. Barbara
12 Duey, please unmute yourself.

13 Barbara Duey, if you're having technical
14 difficulties, please call the number on the
15 screen -- oh.

16 MR. DUEY: Do you get me here?

17 THE MODERATOR: Yes.

18 MR. DUEY: Okay.

19 This is Lance Duey.

20 I'm in favor of the Proposition A there.
21 I think the economic impact would be very good. I
22 know -- we live over on the coast, and we have a
23 couple casinos over here. And all the help they've
24 done to the town, the roads, the special activity
25 they've done have helped tremendously. So I

1 believe it'd be a good thing for it.

2 That's all. Thank you.

3 THE MODERATOR: Thank you.

4 The next speaker is Bob Khos. Please
5 unmute yourself.

6 MR. KHOS: Hello. This is Bob Khos.

7 THE MODERATOR: Hello. Please provide
8 your comments.

9 MR. KHOS: Thank you.

10 I want to comment that I'm for the
11 proposal for the Coquille Tribe and its impact, its
12 positive impact that it will have on the economics
13 for Jackson County and the Medford region.

14 The area, as you know, is strife when it
15 comes to jobs for -- that pay consistently and are
16 available at a higher pay rate. And I think that
17 there's a great impact in terms of what it will
18 bring in to the region that's growing year over
19 year and its future with its expansion in terms of
20 what features and options it provides to the
21 citizens.

22 So I'm, again, for the proposal and hope
23 to see it come through. I -- and I've been in
24 Oregon since 1991 and excited to see this growth
25 opportunity.

1 Thank you.

2 THE MODERATOR: The next speaker is Holly
3 Michaels.

4 MS. MICHAELS: Good evening. Are you able
5 to hear me?

6 THE MODERATOR: Yes, we are.

7 MS. MICHAELS: Wonderful. Thank you.

8 My name is Holly Michaels, and I am the
9 director of operations for Representative Christine
10 Goodwin of House District 4. And I am going to be
11 reading a letter on her behalf that she wrote and
12 wanted to have shared this evening.

13 "I am writing in the position as Oregon
14 State Representative for House District 4, which
15 covers the southern region of Oregon, from
16 Canyonville to Central Point, in opposition to the
17 off-reservation casino that the Coquille Tribe is
18 attempting to establish in the City of Medford.

19 "The draft environmental impact statement
20 open for comment exposes how this casino would
21 benefit only one tribe, the Coquille, to the
22 detriment of other tribes in the Pacific Northwest.
23 The Cow Creek Band of Umpqua Tribe of Indians would
24 lose at least 25 percent of its revenue from
25 gaming, which is a conservative estimate, and could

1 be nearly twice that.

2 "The Cow Creek Tribe is a leading employer
3 in Douglas County, creating jobs for primary
4 nontribal residents in the region. They pay living
5 wages with benefits in a rural part of our state
6 that cannot afford to lose jobs. A 25 percent cut
7 or more in revenues would result in job losses and
8 lost revenues critical for tribal government
9 services, putting more demand on local government
10 services.

11 "The Cow Creek Tribe is also a strong
12 partner with our community. For example, the
13 tribal police department works in a
14 government-to-government relationship to not only
15 respond to public-safety issues on tribal land, but
16 to fund two full-time positions with our sheriff's
17 department and also provide added capacity for
18 emergency response throughout the county, which is
19 desperately needed.

20 "During the pandemic, the tribe provided
21 PPE when hospitals needed it. In addition, they
22 have donated millions over the last decade to
23 support nonprofits fighting food insecurity,
24 education and housing needs. The tribe also helped
25 fund a wing at Asante to expand access to critical

1 behavioral-health care our region needs.

2 "All of this is at stake, and much more,
3 if this project is approved.

4 "Contrary to what the project proponents
5 suggest, this issue is about something other than
6 the competition in the market. Oregon has been
7 deliberate in its policies to balance governmental
8 gambling as a means to generate revenue for either
9 tribal governments or State government. Tribes are
10 permitted to have a casino on their reservation as
11 regulated by the Indian Gaming Regulatory Act and
12 in compact with the State of Oregon. The State
13 lottery is the other form of gaming permitted.

14 "However, if the BIA approves this project
15 through the restored lands exemption, this would be
16 the first off-reservation casino in Oregon. It
17 would set a precedent for Coquille to purchase
18 private lands with no ancestral ties into trust in
19 their five-county service areas and sprinkle large
20 and small casinos across Oregon.

21 "Furthermore, this project does not
22 require a compact, which means zero oversight or
23 accountability for local and State government.

24 "Please take all of these concerns into
25 consideration.

1 "The path is the wrong path for Oregon.
2 It would unhinge our balance of gambling and open
3 the door to massive casino and gambling expansion
4 that our state doesn't want or need. This decision
5 should be the decision of State and local elected
6 officials.

7 "Please reject this application under the
8 restored lands exemption and understand the
9 negative statewide social and economic impact this
10 project would have, benefiting one tribe at the
11 expense of many others.

12 "Sincerely,

13 "Representative Christine Goodwin."

14 Thank you for allowing me to share that on
15 her behalf tonight.

16 THE MODERATOR: Thank you.

17 The next speaker is Michael Brady.

18 MR. BRADY: Hi. My name's Mike Brady.

19 I've been a resident of the Rogue Valley for the
20 past -- about ten years now.

21 I'm supporting the Coquille Tribe's
22 efforts to place a Class II gaming license in the
23 existing Roxy Ann Lanes.

24 You know, my understanding is the Coquille
25 Tribe allocates all their revenue towards services

1 for their tribal members, you know, short of what's
2 donated to charitable organizations. They've been
3 as active as any giving group in this community
4 since I've lived here.

5 And truthfully, it sounds like people are
6 making this casino thing sound out to be a very,
7 very large property. And if you look at the plans,
8 it's the same footprint that the Roxy Ann Lanes
9 already owns. And the Roxy Ann Lanes will still be
10 there. So, you know, the reality is it's --
11 doesn't look like it's that big of a property, yet
12 it's going to generate quite a bit of opportunity
13 for, you know, those of us that live here in the
14 Rogue Valley.

15 You know, I saw the amount of jobs it's
16 expected to create, both directly and indirectly,
17 and good jobs, too, ones with benefits and 401(k)s.
18 And if you spend any time down here, I think you'd
19 all agree that we're -- we could use those.

20 So, you know, if the tribe is -- indeed
21 they're in their legal right to develop that
22 property out and it would accomplish their goals
23 of, you know, getting toward self-sufficiency,
24 then, you know, I don't see a reason why this
25 project isn't approved.

1 So thank you. I appreciate you letting me
2 speak my mind here.

3 THE MODERATOR: Thank you.

4 The next speaker is Jen Procter Andrews.

5 MS. PROCTER ANDREWS: (Speaking tribal
6 language.) Hello, friends and cousins. My name is
7 Jen Procter Andrews. I'm a Coquille Indian person.
8 My relatives are the Mecum family. My Mecum family
9 lives in Roseburg along the Umpqua River. I'm a
10 tribal council representative for the Coquille
11 Tribe, and I'm in favor of upholding the law and
12 moving this application forward.

13 I've been an Oregonian all my life. My
14 ancestors were Oregonians for millennia before
15 anybody else laid claim to our lands, the territory
16 that would become Oregon. My family are
17 Oregonians, and my child's an Oregonian. My son is
18 growing up knowing that his roots are right here
19 today in our lands in what we call Oregon; and we
20 will always be here, my tribe and my family.

21 Despite the unratified treaties, the
22 Indian agents, the diseases, the wars, the boarding
23 schools, termination, the allotments and the
24 payoffs, we're still here. We're here as a
25 sovereign nation, people who have been here since

1 time immemorial; and we plan to be here for
2 centuries to come.

3 We're creating jobs, managing our lands,
4 our forests, caring for our waters and our fish,
5 who are family to us, just as our ancestors managed
6 Oregon lands for millennia before Oregon or Jackson
7 County was even a concept.

8 We've heard many mythologies and opinions
9 tonight, terms like "greed" and "colonize" and
10 "reservation-shopping," which is dramatic. People
11 who cannot pronounce our name are talking about our
12 right to reservation lands. But none of that
13 applies here, because this is an environmental
14 impact hearing.

15 The real environmental impact is the
16 Coquille Tribe provides for our people and
17 communities. Our number-one core value is
18 promoting the health and well-being of tribal
19 members and our community. We take much of the
20 burden off the County and State by providing health
21 care, education, job training, and other critical
22 social services to our people, other Native
23 American and Alaska Natives and the greater
24 community, creating a support network where others
25 have failed. We care for our lands, our water and

1 our communities in which we live and do business.
2 This is what the Coquille people do.

3 Follow the law, look at the facts. And
4 thank you.

5 THE MODERATOR: Thank you.

6 At this time, there are no additional
7 hands raised. If you would like to make a
8 statement, please raise your hand by pressing the
9 hand icon in the lower right-hand of your screen or
10 star 9 if you are joining by phone.

11 This includes anybody who has already
12 spoken and would like additional time to speak.
13 Please raise your hand.

14 At this time I would like to ask phone
15 number 4552.

16 MR. CORNETT: Yes. Can you hear me?

17 THE MODERATOR: Yes. You have an
18 additional three minutes.

19 MR. CORNETT: Thank you.

20 I'm Chris Cornett, an enrolled member of
21 the Choctaw Nation, Oklahoma.

22 I've lived here 69 years, and I don't
23 understand why there's no recognition for the
24 natives that have been born here and
25 have historical roots here are never in the

1 equation. I believe the processes to be failed and
2 the environmental impact statement just to be
3 irrelative.

4 Thank you.

5 THE MODERATOR: Thank you.

6 Next speaker, Chairman Brenda Meade. You
7 have an additional three minutes.

8 MS. MEADE: Thank you.

9 Again, this is Brenda Meade, chairman for
10 the Coquille Tribe.

11 And I just want to take a moment to say
12 thank you to everyone for your time tonight, for
13 giving comments and participating in this public
14 hearing.

15 We want everyone to know that we are
16 listening to all the comments that are being made
17 to understand the fears that we hear from other
18 tribes. But the truth is we all must grow and to
19 take care of our people as a sovereign nation.

20 And we look to the BIA and the Department
21 of Interior to uphold the promises made to us by
22 Congress and to follow the laws, because the truth
23 is we have the right to place land into trust. And
24 we look forward to our next steps in this process.

25 Thank you.

1 THE MODERATOR: The next speaker is
2 Alexandria Jones.

3 MR. FLORES: Hello. My name's Jose
4 Flores. I've lived in Phoenix, Oregon and was born
5 here.

6 I support the Coquille Tribe and would
7 like the casino to boost employment and
8 sustainability for the Native American tribe.

9 Thank you.

10 THE MODERATOR: Next speaker is Wayne
11 Shammel.

12 MR. SHAMMEL: Yes. Thank you for the
13 time.

14 I'm curious if there has been any analysis
15 of treaty-line delineations or treaty-right
16 boundaries in the area covered by the environmental
17 study.

18 THE MODERATOR: Mr. Shammel, this is an
19 opportunity to provide comment. Your comments and
20 questions will be responded to in the final EIS.

21 MR. SHAMMEL: Thank you very much.

22 THE MODERATOR: If there is any additional
23 people who would like to speak, who would like an
24 additional three minutes, please raise your hand
25 now. If you're on a phone, you can raise your hand

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by pressing star 9.

Thank you, everyone who joined the hearing tonight. We appreciate your comments. We'll now be ending the public hearing. Good night.

(Whereupon the proceedings were concluded at 8:07 p.m.)

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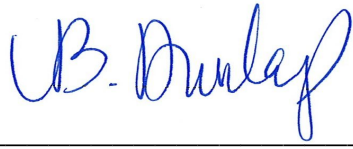
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I am not financially interested in this action and am not a relative or employee of any attorney of the parties, or of any of the parties.

I am the reporter that stenographically recorded the testimony in the foregoing proceeding and the foregoing transcript is a true record of the testimony given.

Dated: March 8, 2023



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