

Attachment 1

Mitigation Monitoring and
Compliance Plan

Coquille Indian Tribe Fee-to-Trust and Gaming Facility Project

Mitigation Monitoring and Compliance Plan

The purpose of this Mitigation Monitoring and Compliance Plan (MMCP) is to guide compliance and implementation of mitigation measures associated with the Coquille Indian Tribe (Tribe) Fee-to-Trust and Gaming Facility Project (Project). The mitigation measures listed in **Table 1** were identified within the Final Environmental Impact Statement (EIS) dated November 2024 and the Record of Decision (ROD). This MMCP has been prepared consistent with the requirements of 40 CFR § 1501.6(d) and 1505.3 (c) and includes descriptions of the following:

- The mitigation measures identified within the EIS;
- The parties responsible for monitoring and implementing the mitigation measures;
- The anticipated timeframe for implementing and completing the mitigation measures; and
- Compliance standards and entities responsible for the enforcement of the mitigation measures.

Mitigation measures detailed in **Table 1** were included in Section 5 of the EIS and will be implemented to reduce potentially significant impacts to land and water resources, air quality, biological resources, cultural and paleontological resources, transportation and circulation, public services, noise, hazardous materials, and aesthetics. The Tribe will be the primary agency responsible for funding, monitoring, and/or implementing the mitigation measures. Implementation of the mitigation measures will occur either during the planning phase, prior to beginning construction-related activities (pre-construction), during construction, or during operation. Where applicable, the mitigation measures will be monitored and enforced pursuant to federal and/or tribal law. Non-compliance could result in the suspension of construction and/or regulatory fines.

Table 1: Mitigation Monitoring and Compliance

Mitigation Measure	Party Responsible for Monitoring and/or Implementation	Timing of Implementation	Enforcement Authority/Applicable Regulation	Standard for Determining Compliance
Geology and Soils (MM 5.2)				
Erosion Control				
<p>A. The Tribe shall obtain coverage under the U.S. Environmental Protection Agency (USEPA) General Construction National Pollutant Discharge Elimination System (NPDES) permit under the federal requirements of the Clean Water Act. As required by the NPDES Construction General Permit, a SWPPP shall be prepared that addresses potential water quality impacts associated with construction of the project alternatives. The Stormwater Pollution Prevention Plan (SWPPP) shall make provisions for erosion prevention and sediment control and control of other potential pollutants. The SWPPP shall describe construction practices, stabilization techniques, and structural BMPs that are to be implemented to prevent erosion and minimize sediment transport. BMPs shall be inspected, maintained, and repaired to assure continued performance of their intended function. Reports summarizing the scope of these inspections, the personnel conducting the inspection, the dates of the inspections, major observations relating to the implementation of the SWPPP, and actions taken as a result of these inspections shall be prepared and retained as part of the SWPPP. To minimize the potential for erosion to occur on the site, the following items shall be addressed in the SWPPP and implemented pursuant to the NPDES Construction General Permit.</p> <ol style="list-style-type: none"> 1. Stripped areas shall be stabilized through temporary seeding using dryland grasses. 2. Conveyance channels and severe erosion channels shall be mulched or matted to prevent excessive erosion. 3. Exposed stockpiled soils shall be covered with plastic covering to prevent wind and rain erosion. 4. The construction entrance shall be stabilized by the use of rip-rap, crushed gravel, or other such material to prevent the track-out of dirt and mud. 5. Construction roadways shall be stabilized through the use of frequent watering, stabilizing chemical application, or physical covering of gravel or rip-rap. 6. Filter fences shall be erected at all on-site stormwater exit points and along the edge of graded areas to stabilized non-graded areas and control siltation of onsite stormwater. 7. Dust suppression measures included in FEIS Section 2.3.3 shall be implemented to control the production of fugitive dust and prevent wind erosion of bare and stockpiled soils. 8. Prior to land-disturbing activities, the clearing and grading limits shall be marked clearly, both in the field and on the plans. This can be done using construction fences or by creating buffer zones. 9. Construction traffic shall be limited in its access to the site to a single entrance if possible. Haul roads and staging areas shall be developed to control impacts to on-site soil. All access points, haul roads, and staging areas shall be stabilized with crushed rock. Any sediment shall be removed daily and the road structure maintained. 10. Downstream waterways and properties shall be protected during construction from increased flow rates due to the higher impervious nature of the site. During construction, detention ponds can be combined with sedimentation ponds as long as the detention volume is not impacted by 	Tribe	Pre-Construction Phase and Construction Phase	<ul style="list-style-type: none"> ▪ U.S. Environmental Protection Agency, Tribe ▪ Clean Water Act Sections 401 and 404 ▪ Coquille Tribal Resolution 	<p>A Notice of Intent requesting coverage under the Construction General Permit shall be filed with USEPA and the USEPA shall confirm that the coverage is granted prior to the initiation of earth disturbing activities. The measures identified in the SWPPP shall be implemented and monitored.</p>

Mitigation Measure	Party Responsible for Monitoring and/or Implementation	Timing of Implementation	Enforcement Authority/Applicable Regulation	Standard for Determining Compliance
<p>a buildup of sediment.</p> <p>11. Concentrated flows create high potential for erosion; therefore, any slopes shall be protected from concentration flow. This can be done by using gradient terraces, interceptor dikes, and swales, and by installing pipe slope drains or level spreaders. Inlets need to be protected to provide an initial filtering of stormwater runoff; however, any sediment buildup shall be removed so the inlet does not become blocked.</p> <p>12. The SWPPP shall address maintenance and repair of heavy equipment on the site to remove the potential for pollution from oil, fuel, hydraulic fluid, or any other potential pollutant.</p> <p>13. Staging areas and haul roads shall be constructed to minimize future over-excavation of deteriorated sub-grade soil.</p> <p>14. If construction occurs during wet periods, sub-grade stabilization shall be required. Mulching or netting may be needed for wet-weather construction.</p> <p>15. Temporary erosion control measures (such as silt fence, gravel filter berms, straw wattles, sediment/grease traps, mulching of disturbed soil, construction stormwater chemical treatment, and construction stormwater filtration) shall be employed for disturbed areas.</p> <p>16. Exposed and unworked soils shall be stabilized by the application of effective BMPs. These include, but are not limited to, temporary or permanent seeding, mulching, nets and blankets, plastic covering, sodding, and gradient terraces.</p> <p>17. The SWPPP shall address the maintenance of both temporary and permanent erosion and sediment control BMPs.</p>				
Water Resources (MM 5.3)				
Construction Impacts				
<p>A. As described under MM 5.2 (A), prior to construction, an NPDES Construction General Permit from the USEPA shall be complied with and a SWPPP shall be prepared. The SWPPP shall describe construction practices, stabilization techniques, and structural BMPs that are to be implemented to prevent erosion and minimize sediment transport as outlined above.</p> <p>B. In accordance with the NPDES Construction General Permit, a sampling and monitoring program shall be developed and implemented to assess the quality of surface water entering and leaving the site. At a minimum, sampling sites shall include a location above all proposed development and a location downstream of all development. Analyses shall include total suspended solids (TSS), oils, and greases</p>	Tribe	Pre-Construction Phase and Construction Phase	<ul style="list-style-type: none"> ▪ U.S. Environmental Protection Agency, Tribe ▪ Clean Water Act Sections 401 and 404 ▪ Coquille Tribal Resolution 	A Notice of Intent requesting coverage under the Construction General Permit shall be filed with USEPA and the USSEPA shall confirm that the coverage is granted prior to the initiation of earth disturbing activities. The measures identified in the SWPPP shall be implemented and monitored.
Biological Resources (MM 5.5)				
Migratory Birds and Birds of Prey				
<p>A. In accordance with the MBTA, a qualified biologist will conduct a preconstruction survey within 100 feet around the vicinity of the site for active nests should construction activities commence during the nesting season for birds of prey and migratory birds (between February 15 and September 15).</p>	Tribe	Pre-Construction Phase and Construction	<ul style="list-style-type: none"> ▪ USFWS, Tribe ▪ Migratory Bird Treaty Act ▪ Coquille Tribal Resolution 	A qualified biologist shall be engaged by the Tribe or construction contractor. A letter

Mitigation Measure	Party Responsible for Monitoring and/or Implementation	Timing of Implementation	Enforcement Authority/Applicable Regulation	Standard for Determining Compliance
<p>In addition, and in accordance with the Bald and Golden Eagle Act, a qualified biologist will conduct at least two preconstruction surveys for bald and golden eagles should construction activities commence during the nesting season for eagles (between January 1 and August 31). Following the preconstruction nesting bird surveys, if any active nests of migratory birds are located within 100 feet of the Action Area, a no-disturbance buffer zone shall be established around the nests to avoid disturbance or destruction of the nest. Following the preconstruction survey for nesting bald and golden eagles, if any active eagle nests are located within 330 feet of the Action Area, a no-disturbance buffer zone shall be established around the nests and nesting resources must also be protected (perching and fledging trees, replacement nest trees, and forested area around the nest tree) to avoid disturbance or destruction of the nest. The distance around the no-disturbance buffer for either migratory birds or eagles shall be determined by the biologist in coordination with the USFWS, if needed, and will depend on the level of noise or construction activity, the level of ambient noise in the vicinity of the nest, line-of-sight between the nest and disturbance, and the species at hand. The biologist shall delimit the buffer zone with construction tape or pin flags. The no-disturbance buffer will remain in place until after the nesting season (to be lifted in August or September) or until the biologist determines that the young birds have fledged. A report shall be prepared and submitted to the Tribe and the USFWS following the fledging of the nestlings to document the results.</p> <p>B. Trees anticipated for removal will be removed between September 15 and December 31, prior to the nesting season. If trees are anticipated to be removed during the nesting season, a preconstruction survey will be conducted by a qualified biologist. If the survey shows that there is no evidence of active nests, then the tree will be removed within 10 days following the survey. If active nests are located within trees identified for removal, a species-specific buffer will be installed around the tree and additional measures outlined in section A above shall be implemented.</p>		Phase		report shall be prepared by a qualified biologist documenting compliance.
Stormwater				
<p>C. As described under MM 5.2 (A), prior to construction, the project shall obtain coverage under the NPDES Construction General Permit from the USEPA and a SWPPP shall be prepared. The SWPPP shall describe construction practices, stabilization techniques, and structural BMPs that are to be implemented to prevent erosion and minimize sediment transport as outlined above.</p> <p>D. The site shall incorporate BMPs for stormwater runoff, including sedimentation basins, vegetated swales, and runoff infiltration devices if necessary, to ensure that the water quality of on-site or nearby waters does not degrade. Stormwater runoff from the site shall be monitored according to BMPs to assess the quality of water leaving the site.</p>	Tribe	Pre-Construction Phase and Construction Phase	<ul style="list-style-type: none"> ▪ U.S. Environmental Protection Agency, Tribe ▪ Clean Water Act Sections 401 and 404 ▪ Coquille Tribal Resolution 	A Notice of Intent requesting coverage under the Construction General Permit shall be filed with USEPA and the USEPA shall confirm that the coverage is granted prior to the initiation of earth disturbing activities. The measures identified in the SWPPP shall be implemented and monitored.
Construction				
<p>E. All equipment refueling and maintenance shall occur in an approved staging area and an agency-approved spill prevention plan will implemented by the contractor.</p>	Tribe	Construction Phase	<ul style="list-style-type: none"> ▪ Coquille Tribal Resolution 	Requirements shall be identified in construction contracts.

Mitigation Measure	Party Responsible for Monitoring and/or Implementation	Timing of Implementation	Enforcement Authority/Applicable Regulation	Standard for Determining Compliance
Cultural and Paleontological Resources (MM 5.6)				
<p>A. All earth disturbing activities involving excavation greater than 2 feet in depth shall be monitored by a qualified archaeologist. If intact archaeological deposits and/or cultural features including human remains are discovered during project construction and monitoring activities, the following measures will apply.</p> <p>B. In the event of any inadvertent discovery of prehistoric or historic archaeological resources during construction-related earth-moving activities, all such finds shall be subject to Section 106 of the NHPA as amended (36 CFR 800). Specifically, procedures for post-review discoveries without prior planning pursuant to 36 CFR 800.13 shall be followed. All work within 50 feet of the find shall be halted until a professional archaeologist can assess the significance of the find. If any find is determined to be significant by the archaeologist, then representatives of the Tribe shall meet with the archaeologist to determine the appropriate course of action, including the development of a Treatment Plan, if necessary. All significant cultural materials recovered shall be subject to scientific analysis, professional curation, and a report prepared by the professional archaeologist according to current professional standards.</p> <p>C. If human remains are discovered during ground-disturbing activities on Tribal lands, the Tribal Official and BIA representative shall be contacted immediately. No further disturbance shall occur until the Tribal Official and BIA representative have made the necessary findings as to the origin and disposition. If the remains are determined to be of Native American origin, the BIA representative shall notify a Most Likely Descendant (MLD). The MLD is responsible for recommending the appropriate disposition of the remains and any grave goods.</p> <p>D. In the event of accidental discovery of paleontological materials during ground-disturbing activities, a qualified paleontologist shall be contacted to evaluate the significance of the find and collect the materials for curation as appropriate.</p>	<p>Tribe BIA as needed</p>	<p>Construction Phase</p>	<ul style="list-style-type: none"> ▪ BIA ▪ Section 106 of the National Historic Preservation Act ▪ Coquille Tribal Resolution 	<p>Requirements shall be identified in construction contracts. Documentation for inadvertent discoveries shall be prepared in accordance with NHPA and must be approved by the SHPO.</p>
Transportation and Circulation (MM 5.8)				
Opening Year 2022				
<p>To prevent violation of federal, state and local policies related to traffic operations imposed for the protection of the environment (40 CFR 1508.27[b][10]), the following mitigation measures shall be implemented, with paragraph A below subject with specific negotiations between the Tribe and ODOT:</p> <p>A. In accordance with OAR 734 -051 (Division 51) the Tribe shall enter into discussions with ODOT regarding the two accesses along Hwy 99 and the applicability of the “moving in the direction” criteria. The collaboration may conclude with issuance of access permits. Improvements to the existing accesses as a result of this collaboration may include, but may not be limited to.</p> <ol style="list-style-type: none"> 1. Install a narrow median island on Hwy 99 to limit the access to the northern driveway (South Pacific Highway/Human Bean Driveway) to right-in, right-out movements. 2. Restripe the southern driveway on Hwy 99 (South Pacific Highway / Roxy Ann Lanes) with one entry lane and separated right turn and left turn exit lanes. 3. Design truck access locations to accommodate vehicles with a wheel base of 67 feet (WB-67 	<p>Tribe</p>	<p>Pre-Construction Phase and Construction Phase</p>	<ul style="list-style-type: none"> ▪ Oregon Department of Transportation (ODOT)/Conditions of access permit(s) and encroachment permits for work within ODOT right-of-way ▪ Coquille Tribal Resolution 	<p>Requirements shall be identified in construction contracts. Design plans must be submitted to ODOT for review and approval. Access approvals and encroachment permits will be obtained prior to construction of improvements.</p>

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vehicles).				
Cumulative Year 2042				
<p>To prevent violation of federal, state, and local policies related to traffic operations imposed for the protection of the environment (40 CFR 1508.27[b][10]), the Tribe shall offer to implement and pay a fair share contribution to the following mitigation measures:</p> <p>D. <u>South Pacific Highway and Garfield Street</u>: Restripe the westbound right-turn lane to a shared through-right and making appropriate changes to the signal head, controller and signage. Proportionate fair share of 2%.</p> <p>E. <u>South Pacific Highway and Charlotte Ann Road</u>: Access management via turn movement restrictions. Right-out only of the private driveway and striping the westbound movements to be separate movements. Proportionate fair share of 3%.</p>	Tribe	Pre-Construction Phase and Construction Phase	<ul style="list-style-type: none"> Oregon Department of Transportation (ODOT)/Conditions of access permit(s) and encroachment permits for work within ODOT right-of-way Coquille Tribal Resolution 	Payment of applicable fair share fee at time of improvements.
Land Use (MM 5.9)				
MM 5.8 and MM 5.11 and BMPs in Section 2.3.3 will reduce incompatibilities with neighboring land uses due to air quality, traffic, noise, and aesthetic impacts.	Tribe	Pre-Construction Phase and Construction Phase	<ul style="list-style-type: none"> See MM 5.8 and MM 5.11 Coquille Tribal Resolution 	See MM 5.8 and MM 5.11
Public Services (MM 5.10)				
Law Enforcement				
<p>C. Prior to operation, 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. The agreement shall include 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. In addition, the Tribe shall offer to enter into an agreement with Jackson County to reimburse law enforcement costs associated with the increase in demand for the District Attorney, jail, and Community Justice Department services as a result of Alternative A.</p>	Tribe	Planning Phase	<ul style="list-style-type: none"> City of Medford/Tribe Intergovernmental Service Agreement between the Tribe and the City of Medford and Jackson County Coquille Tribal Resolution 	A service agreement shall be negotiated between the Tribe the Medford Police Department for compensation for law enforcement services. The Tribe shall offer to enter into an agreement with Jackson County to reimburse law enforcement costs associated with the increase in demand for the District Attorney, jail, and Community Justice Department services.
Fire Protection and Emergency Medical Services				
<p>E. Prior to operation, the Tribe shall offer to enter into an agreement to reimburse the Medford Fire Department for additional demands caused by the operation of the facilities on trust property. The agreement shall address any required conditions and standards for emergency access and fire protection system.</p>	Tribe	Planning Phase	<ul style="list-style-type: none"> City of Medford/Tribe Intergovernmental Service Agreement between the Tribe and the City of 	A service agreement shall be negotiated between the Tribe the Medford Fire Department for compensation for fire protection

Mitigation Measure	Party Responsible for Monitoring and/or Implementation	Timing of Implementation	Enforcement Authority/Applicable Regulation	Standard for Determining Compliance
			<ul style="list-style-type: none"> Medford ▪ Coquille Tribal Resolution 	and emergency medical services.
Noise (MM 5.11)				
Construction				
<p>The following mitigation measures shall be implemented during construction to prevent violation of federal noise abatement criteria standards:</p> <p>A. Construction shall not be conducted between the hours of 6:00 p.m. and 7:00 a.m. Additionally, the following measures shall be used to minimize impacts from noise during work hours (7:00 a.m. to 6:00 p.m.):</p> <ol style="list-style-type: none"> 1. All construction vehicles or equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers and acoustical shields or shrouds, in accordance with manufacturers' specifications. 2. Haul trucks shall be operated in accordance with posted speed limits. 3. Loud stationary construction equipment shall be located as far away from residential receptor areas as feasible. To the extent feasible, existing barrier features (structures) shall be used to block sound transmission between noise sources and noise sensitive land uses. 4. Equipment shall not be left idling for more than 5 minutes. 5. All diesel engine generator sets shall be provided with enclosures. 6. The Tribe shall monitor construction noise and will designate a disturbance coordinator (such as an employee of the general contractor or the project manager for the Tribe), post the coordinator's contact telephone number conspicuously around the project site, and provide the number to nearby sensitive receptors. The disturbance coordinator shall receive all public complaints, be responsible for determining the cause of the complaints, and implement any feasible measures to alleviate the problem. 	Tribe	Construction Phase	<ul style="list-style-type: none"> ▪ Coquille Tribal Resolution 	Requirements shall be identified in construction contracts.
Heating, Ventilation, and Air Conditioning				
B. HVAC systems for the gaming facility will be roof mounted and shielded to minimize noise	Tribe	Construction Phase and Operation Phase	<ul style="list-style-type: none"> ▪ Coquille Tribal Resolution 	Requirements shall be identified on design plans and in construction contracts.
Hazardous Materials (MM 5.12)				
A. The Tribe shall ensure, through the enforcement of contractual obligations, that all contractors require construction personnel to wear appropriate personal protective equipment (PPE) and follow proper decontamination procedures subsequent to working in areas where native soils have been disturbed.	Tribe	Construction Phase	<ul style="list-style-type: none"> ▪ Coquille Tribal Resolution 	Requirements shall be identified in construction contracts.

Attachment 2
Final EIS Notices

Similar to BIA's surface leasing regulations, Tribal regulations under the HEARTH Act pervasively cover all aspects of leasing. See 25 U.S.C. 415(h)(3)(B)(i) (requiring Tribal regulations be consistent with BIA surface leasing regulations). Furthermore, the Federal Government remains involved in the Tribal land leasing process by approving the Tribal leasing regulations in the first instance and providing technical assistance, upon request by a Tribe, for the development of an environmental review process. The Secretary also retains authority to take any necessary actions to remedy violations of a lease or of the Tribal regulations, including terminating the lease or rescinding approval of the Tribal regulations and reassuming lease approval responsibilities. Moreover, the Secretary continues to review, approve, and monitor individual Indian land leases and other types of leases not covered under the Tribal regulations according to 25 CFR part 162.

Accordingly, the Federal and Tribal interests weigh heavily in favor of preemption of State and local taxes on lease-related activities and interests, regardless of whether the lease is governed by Tribal leasing regulations or 25 CFR part 162. Improvements, activities, and leasehold or possessory interests may be subject to taxation by the Bay Mills Indian Community, Michigan.

Wizipan Garriott,

Principal Deputy Assistant Secretary—Indian Affairs, Exercising by delegation the authority of the Assistant Secretary—Indian Affairs.

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BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[256A2100DD/AAKC001030/
A0A501010.999900]

Final 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, with the Coquille Indian Tribe (Tribe), City of Medford (City), Jackson County (County), and the Oregon Department of Transportation (ODOT) serving as cooperating agencies, intends to file a Final Environmental

Impact Statement (FEIS) with the U.S. Environmental Protection Agency (EPA) in connection with the Tribe's application to transfer into trust approximately 2.4 acres for gaming purposes in the City of Medford, Jackson County, Oregon (Medford Site).

DATES: The Record of Decision for the proposed action will be issued on or after 30 days from the date the EPA publishes its Notice of Availability in the **Federal Register**. The BIA must receive any comments on the FEIS before that date.

ADDRESSES: By mail or hand delivery to: Bryan Mercier, Regional Director, Bureau of Indian Affairs, Northwest Region, 911 NE 11th Avenue, Portland, Oregon 97232. Please include your name, return address, and "FEIS Comments, Coquille Indian Tribe Fee-to-Trust and Casino Project" on the first page of your written comments.

By email to: Tobiah Mogavero, NEPA Coordinator, Bureau of Indian Affairs, at: tobiah.mogavero@bia.gov, using "FEIS Comments, Coquille Indian Tribe Fee-to-Trust and Casino Project" as the subject of your email.

FOR FURTHER INFORMATION CONTACT: Mr. Tobiah Mogavero, NEPA Coordinator, Bureau of Indian Affairs, Northwest Region, (435) 210–0509, tobiah.mogavero@bia.gov. Information is also available online at <https://coquille-eis.com>.

SUPPLEMENTARY INFORMATION: The Notice of Availability (NOA) of the Draft EIS was published by the BIA (87 FR 72505) and EPA (87 FR 72482) in the **Federal Register** on November 25, 2022. The Draft EIS was originally made available for public comment for a 45-day period. However, the BIA extended the public comment period for an additional 45-day period that concluded on February 23, 2023, resulting in a total comment period of 90 days. Virtual public hearings were held on December 15, 2022, and January 31, 2023, to collect verbal comments on the Draft EIS.

Background

The following alternatives are considered in the FEIS: (1) Proposed Project; (2) Phoenix Site; (3) Expansion of the Mill Casino; and (4) and No Action/No Development Alternative. The BIA has selected Alternative 1, the Proposed Project, as the Preferred Alternative as discussed in the FEIS.

Environmental issues addressed in the FEIS 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.

The information and analysis contained in the FEIS, as well as its evaluation and assessment of the Preferred Alternative, will assist the Department in its review of the issues presented in the Tribe's application. Selection of the Preferred Alternative does not indicate the Department's final decision because the Department must complete its review process. The Department's review process consists of (1) issuing the notice of availability of the FEIS; (2) issuing a Record of Decision no sooner than 30 days following publication of a Notice of Availability of the FEIS by the EPA in the **Federal Register**; and (3) transfer of the Medford Site in to trust under the Coquille Restoration Act of 1989, 25 U.S.C. 715 *et. seq.*

Locations where the FEIS is Available for Review: The FEIS is available for review at <https://coquille-eis.com>. Contact information is listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

Public Comment Availability: Comments, including names and addresses of respondents, will be included as part of the administrative record and responses to comments on the Final EIS. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask in your comment that your personal identifying information be withheld from public review, the BIA cannot guarantee that this will occur.

Authority

This notice is published pursuant to section 1503.1 of the Council of Environmental Quality Regulations (40 CFR part 1500 through 1508) and section 46.305 of the Department of the Interior Regulations (43 CFR part 46), implementing the procedural requirements of the NEPA of 1969, as amended (42 U.S.C. 4371, *et seq.*), and is in the exercise of authority delegated to the Assistant Secretary—Indian Affairs by 209 DM 8. This notice is also published in accordance with 40 CFR 93.155, which provides reporting

requirements for conformity determinations.

Bryan Newland,

Assistant Secretary—Indian Affairs.

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DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Notice of Availability of a Final Environmental Impact Statement and Final Conformity Determination for the Koi Nation of Northern California's Proposed Shiloh Resort and Casino Project, Sonoma County, California

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, with the National Indian Gaming Commission (NIGC) and United States Environmental Protection Agency (EPA) serving as cooperating agencies, has filed a Final Environmental Impact Statement (FEIS) with the EPA in connection with the Koi Nation of Northern California's (Koi Nation) application for acquisition in trust by the United States of approximately 68.60 acres adjacent to the Town of Windsor, Sonoma County, California for gaming and other purposes.

DATES: The Record of Decision for the proposed action will be issued on or after 30 days from the date the EPA publishes its Notice of Availability in the **Federal Register**. The BIA must receive any comments on the FEIS before that date.

ADDRESSES: You may send written comments by any of the following methods:

- *Mail or hand-delivery:* Amy Dutschke, Regional Director, Bureau of Indian Affairs, Pacific Region, 2800 Cottage Way, Sacramento, California 95825. Please include your name, return address, and "FEIS Comments, Shiloh Resort and Casino Project" on the first page of your written comments.

- *Email:* Chad Broussard, Environmental Protection Specialist, Bureau of Indian Affairs, at chad.broussard@bia.gov using "FEIS Comments, Shiloh Resort and Casino Project" as the subject of your email.

FOR FURTHER INFORMATION CONTACT: Chad Broussard, Environmental Protection Specialist, Bureau of Indian Affairs, Pacific Regional Office, 2800 Cottage Way, Room W-2820, Sacramento, California 95825;

telephone: (916) 978-6165; email: chad.broussard@bia.gov. Information is also available online at <https://www.shilohresortenvironmental.com/>.

SUPPLEMENTARY INFORMATION: The BIA previously prepared an EA that analyzed the potential environmental effects of the proposed action. The EA was made available for public comments from September 12, 2023, through November 13, 2023, providing for a total of 60 days to submit comments on the EA. Upon consideration of the public and agency comments received, the BIA decided to prepare an EIS to further analyze the environmental effects which may result from the proposed action. A Notice of Intent (NOI) to prepare an EIS was published in the **Federal Register** and *The Press Democrat* on March 8, 2024. A Notice of Availability (NOA) was published in the **Federal Register** by the BIA on July 8, 2024 (89 FR 55968) and the EPA on July 12, 2024 (89 FR 57150). The Draft EIS was made available for a 45-day public comment period beginning July 12, 2024, and ending on August 26, 2024. A public meeting was held July 30, 2024, to collect verbal comments. In accordance with section 176 of the Clean Air Act and the EPA's general conformity regulations, a Draft Conformity Determination has been prepared for the Shiloh Resort and Casino Project. The Final Conformity Determination is contained within appendix F-2 of the FEIS.

Background

The following alternatives are considered in the FEIS: (A) Proposed Project; (B) Reduced Intensity Alternative; (C) Non-Gaming Alternative; and (D) No Action Alternative. The BIA has selected Alternative A, the Proposed Project as the Preferred Alternative as discussed in the FEIS.

Environmental issues addressed in the FEIS include land resources; water resources; air quality and climate change; noise; biological resources; cultural and paleontological resources; transportation and circulation; land use; hazardous materials and hazards; public services and utilities; socioeconomic; environmental justice; visual resources; and cumulative, indirect, and growth-inducing effects.

The information and analysis contained in the FEIS, as well as its evaluation and assessment of the Preferred Alternative, will assist the Department in its review of the issues presented in the Tribe's application. Selection of the Preferred Alternative does not indicate the Department's final decision because the Department must

complete its review process. The Department's review process consists of (1) issuing the notice of availability of the FEIS; (2) issuing a Record of Decision no sooner than 30 days following publication of a Notice of Availability of the FEIS by the EPA in the **Federal Register**; and (3) transfer of the approximately 68.60 acres into trust.

Locations where the FEIS is Available for Review: The FEIS is available for review at <https://www.shilohresortenvironmental.com/>, Bureau of Indian Affairs, Pacific Region, 2800 Cottage Way, Sacramento, California 95825 (with advance notice and during regular business hours), and Windsor Regional Library located at 9291 Old Redwood Hwy. #100, Windsor, CA 95492, telephone (707) 838-1020 (during regular business hours). Contact information is listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

Public Comment Availability: Comments, including names and addresses of respondents, will be included as part of the administrative record and responses to comments on the Final EIS. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask in your comment that your personal identifying information be withheld from public review, the BIA cannot guarantee that this will occur.

Authority

This notice is published pursuant to section 1503.1 of the Council of Environmental Quality Regulations (40 CFR parts 1500 through 1508) and section 46.305 of the Department of the Interior Regulations (43 CFR part 46), implementing the procedural requirements of the NEPA, as amended (42 U.S.C. 4371, *et seq.*), and in accordance with the exercise of authority delegated to the Assistant Secretary—Indian Affairs by 209 DM 8. This notice is also published in accordance with 40 CFR 93.155, which provides reporting requirements for conformity determinations.

Wizipan Garriott,

Principal Deputy Assistant Secretary—Indian Affairs, Exercising by Delegation the Authority of the Assistant Secretary—Indian Affairs.

[FR Doc. 2024-27430 Filed 11-21-24; 8:45 am]

BILLING CODE 4337-15-P

Convention. EPA seeks to enhance its current information on how much mercury is used, in which products and manufacturing processes, and whether certain products are manufactured domestically, imported, or exported.

Reporting is required from any person who manufactures (including imports) mercury or mercury-added products, as well as any person who otherwise intentionally uses mercury in a manufacturing process under TSCA section 8(b). The Agency promulgated reporting requirements at 40 CFR part 713. To avoid duplication, EPA coordinated the reporting with the Interstate Mercury Education and Reduction Clearinghouse (IMERC).

Form number: 9600–024.

Respondents/affected entities: Entities potentially affected are those that manufacture (including import) mercury, manufacture (including import) mercury containing products, and those who intentionally use mercury in a manufacturing process.

Respondent's obligation to respond: Mandatory, per TSCA section 8(b) and 40 CFR 713.

Estimated number of respondents: 105 (total).

Frequency of response: Triennial.

Total estimated burden: 2,573 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: \$223,592 (per year), which includes \$0 annualized capital or operation & maintenance costs.

Changes in the Estimates: There is a decrease of 14,775 hours in the total estimated respondent burden compared with the ICR currently approved by OMB. This decrease reflects a change in EPA's method of estimating the number of expected reports. In 2021, EPA amended the original final rule to effectuate the vacatur ordered by the Second Circuit Court. In this ICR, with data available from the Mercury Inventory and with no new changes to the rule itself, this ICR utilizes data from the Reporting Year 2021 of the Mercury Inventory. In the RY 2021, there were 105 submissions (the previous ICR used an estimate of 252). This ICR assumes each respondent completes the entire form. Wages were also updated to 2022 dollars. This change is an adjustment.

Courtney Kerwin,

Director, Information Engagement Division.

[FR Doc. 2024–27396 Filed 11–21–24; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL OP–OFA–153]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information 202–564–5632 or <https://www.epa.gov/nea>. Weekly receipt of Environmental Impact Statements (EIS) Filed November 8, 2024 10 a.m. EST Through November 18, 2024 10 a.m. EST Pursuant to 40 CFR 1506.9.

Notice: Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: <https://cdxapps.epa.gov/cdx-enepa-II/public/action/eis/search>.

EIS No. 20240216, Final, USGS, WI, Proposed Development of an Updated Facility for USGS National Wildlife Health Center Madison, Wisconsin, Review Period Ends: 12/23/2024, *Contact:* Jordan Sizemore 360–929–0783.

EIS No. 20240217, Final, NRC, MN, Site-Specific Environmental Impact Statement for License Renewal of Nuclear Plants Supplement 26, Second Renewal Regarding Subsequent License Renewal for Monticello Nuclear Generating Plant, Unit 1 Final Report, Review Period Ends: 12/23/2024, *Contact:* Jessica Umana 301–415–5207.

EIS No. 20240218, Draft, NMFS, PRO, Identification of Aquaculture Opportunity Areas in U.S. Federal Waters of the Gulf of Mexico, Comment Period Ends: 02/20/2025, *Contact:* Andrew Richard 727–551–5709.

EIS No. 20240219, Draft, NMFS, CA, Identification of Aquaculture Opportunity Areas in U.S. Federal Waters off of Southern California, Comment Period Ends: 02/20/2025, *Contact:* Celia Barroso 562–432–1850.

EIS No. 20240220, Final, BIA, OR, Coquille Indian Tribe Fee to Trust Gaming Facility Project, Review Period Ends: 12/23/2024, *Contact:* Brian Haug 503–347–0631.

EIS No. 20240221, Final, BIA, CA, Koi Nation Shiloh Resort and Casino, Review Period Ends: 12/23/2024, *Contact:* Chad Broussard 916–978–6165.

Dated: November 18, 2024.

Nancy Abrams,

Associate Director, Office of Federal Activities.

[FR Doc. 2024–27419 Filed 11–21–24; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–12404–01–OA]

Animal Agriculture and Water Quality Subcommittee (AAWQ), Subcommittee of the Farm, Ranch, and Rural Communities Committee (FRRCC); Notice of Public Meeting Animal Agriculture and Water Quality Subcommittee

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act (FACA), notice is hereby given that the next meeting of the Animal Agriculture and Water Quality Subcommittee, a subcommittee of the Farm, Ranch, and Rural Communities Advisory Committee (FRRCC) will be held virtually on December 6, 2024. The goal of the AAWQ subcommittee is to provide recommendations that will inform the Agency's decisions regarding how to improve the implementation of the Clean Water Act (CWA) National Pollutant Discharge Elimination System (NPDES) Concentrated Animal Feeding Operation (CAFO) permitting program.

DATES: The public meeting of the AAWQ will be held virtually only on Friday, December 6, 2024, from approximately 8:30 a.m. to 5:30 p.m. (EST).

ADDRESSES: The meeting will take place virtually only. To register to attend virtually and receive information on how to listen to the meeting and to provide comments, please visit: www.epa.gov/faca/frcc-0. Virtual attendance will be via Zoom. The link to register for the meeting can be found on the FRRCC web page, www.epa.gov/faca/frcc-0. To provide public comments, attendees must submit request by Tuesday, November 26, 2024, at 11:59 p.m. (EST).

FOR FURTHER INFORMATION CONTACT: Dr. Venus Welch-White, Designated Federal Officer (DFO), at AAWQ@epa.gov or telephone. (202) 564–0595. General information regarding the FRRCC and AAWQ can be found on the EPA website at: www.epa.gov/faca/frcc.

SUPPLEMENTARY INFORMATION: Meetings of the AAWQ are open to the public. An agenda will be posted on AAWQ's website at <https://www.epa.gov/faca/frcc-0>.

Access and Accommodations: Requests for accessibility and/or accommodations for individuals with disabilities should be directed to AAWQ@epa.gov or at the phone number

Affidavit of Publication
STATE OF OREGON, COUNTY OF JACKSON

I, Julius Black, a citizen of the United State and a resident of the county aforesaid; I am over the age of eighteen years, and not part to or interested in the above-entitled matter. I am the principal clerk of the printer of

**TROGUE VALLEY
TIMES**

a newspaper of general circulation, published in the aforesaid county and state as defined by ORS 192.010 and ORS 192.020, that

Acct Name: ACORN ENVIRONMENTAL

PO Number:

Legal Description: DEPARTMENT OF THE INTERIOR BUREAU OF INDIAN AFFAIRS FINAL ENVIRONMENTAL IMPACT STATEMENT FOR THE COQUILLE INDIAN TRIBE FEE-TO-TRUST AND GAMING FACILITY PROJECT CITY OF MEDFORD JACKSON COUNTY OREGON A

a printed copy of which is hereto affixed was published in each regular and entire issue of the said newspaper and not in any supplement thereof on the following dates to wit:

11/23/24

I certify (or declare) under penalty of perjury that the foregoing is true and correct.



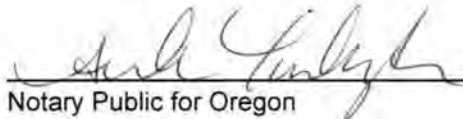
Signature

Dated at Medford, Oregon, this 23rd day of November, 2024

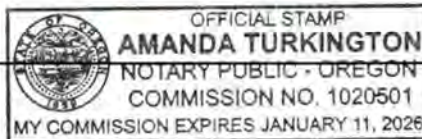
AdName: **459814**

State of Oregon, County of Jackson

Subscribed and Sworn to before me this 5TH day of Dec, 2024 by



Notary Public for Oregon



<p>No. _____</p> <p>in the _____ Court of the</p> <p style="text-align: center;">STATE OF OREGON for the COUNTY OF JACKSON</p>	
<p style="text-align: center;">AFFIDAVIT OF PUBLICATION</p> <p>Filed: _____</p> <p>By _____</p> <p>From the office of _____</p> <p>Attorney for _____</p>	

**DEPARTMENT OF THE
INTERIOR**

Bureau of Indian Affairs

Final 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, with the Coquille Indian Tribe (Tribe), City of Medford (City), Jackson County (County), and the Oregon Department of Transportation (ODOT) serving as cooperating agencies, intends to file a Final Environmental Impact Statement (FEIS) with the U.S. Environmental Protection Agency (EPA) in connection with the Tribe's application to transfer into trust approximately 2.4 acres for gaming purposes in the City of Medford, Jackson County, Oregon (Medford Site).

DATES: The Record of Decision for the proposed action will be issued on or after 30 days from November 22, 2024 (the date the EPA published its Notice of Availability in the *Federal Register*). The BIA must receive any comments on the FEIS on or before December 23, 2024.

ADDRESSES: By mail or hand delivery to: Regional Director, Bureau of Indian Affairs, Northwest Region, 911 NE 11th Avenue, Portland, Oregon 97232. Please include your name, return address, and "FEIS Comments, Coquille Indian Tribe Fee-to-Trust and Casino Project" on the first page of your written comments. By email to: Tobiah Mogavero, NEPA Coordinator, Bureau of Indian Affairs, at: tobiah.mogavero@bia.gov, using "FEIS Comments, Coquille Indian Tribe Fee-to-Trust and Casino Project" as the subject of your email.

FOR FURTHER INFORMATION CONTACT: Mr. Tobiah Mogavero, NEPA Coordinator, Bureau of Indian Affairs, Northwest Region, (435) 210-0509, toblah.mogavero@bia.gov. Information is also available online at <https://coquille.eis.com>.

SUPPLEMENTARY INFORMATION: The Notice of Availability (NOA) of the Draft EIS was published by the BIA (87 FR 72505) and EPA (87 FR 72482) in the *Federal Register* on November 25, 2022. The Draft EIS was originally made available for public comment for a 45-day period. However, the BIA extended the public comment period for an additional 45-day period that concluded on February 23, 2023, resulting in a total comment period of 90 days. Virtual public hearings were held on December 15, 2022, and January 31, 2023, to collect verbal comments on the Draft EIS. **Background**

The following alternatives are considered in the FEIS: (1) Proposed Project; (2) Phoenix Site; (3) Expansion of the Mill Casino; and (4) and No Action/No Development Alternative. The BIA has selected Alternative 1, the Proposed Project, as the Preferred Alternative as discussed in the FEIS.

Environmental issues addressed in the FEIS 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.

The information and analysis contained in the FEIS, as well as its evaluation and assessment of the Preferred Alternative, will assist the Department in its review of the issues presented in the Tribe's application. Selection of the Preferred Alternative does not indicate the Department's final decision because the Department must complete its review process. The Department's review process consists of (1) issuing the notice of availability of the FEIS; (2) issuing a Record of Decision no sooner than 30 days following publication of a Notice of Availability of the FEIS by the EPA in the *Federal Register*; and (3) transfer of the Medford Site in to trust under the Coquille Restoration Act of 1989, 25 U.S.C. 715 *et seq.*

Locations where the FEIS is Available for Review: The FEIS is available for review at <https://coquille-eis.com>. Contact information is listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

Public Comment Availability: Comments, including names and addresses of respondents, will be included as part of the administrative record and responses to comments on the Final EIS. Before including your address, phone number, 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 pursuant to section 1503.1 of the Council of Environmental Quality Regulations (40 CFR part 1500 through 1508) and section 46.305 of the Department of the Interior Regulations (43 CFR part 46), implementing the procedural requirements of the NEPA of

1969, as amended (42 U.S.C. 4371, *et seq.*), and is in the exercise of authority delegated to the Assistant Secretary—Indian Affairs by 209 DM 8. This notice is also published in accordance with 40 CFR 93.155, which provides reporting requirements for conformity determinations.

Bryan Newland, Assistant Secretary – Indian Affairs.

Attachment 3

Response to Final EIS Comments

Attachment 3 - Comments and Responses to Comments on the Final EIS

1.0 INTRODUCTION

This attachment to the U.S. Department of Interior’s (DOI) Record of Decision (ROD) regarding the Trust Acquisition of the 2.4-acre Site in the City of Medford for the Coquille Indian Tribe (Proposed Action) contains responses to certain “new” comments that were received on the Final Environmental Impact Statement (Final EIS) following the publication of the Notice of Availability (NOA) in the Federal Register on November 22, 2024 (89 FT 92712). A total of 135 letters were received during the waiting period and were considered by the DOI during the decision-making process for the Proposed Action. The commenters for these 135 Letters are indexed in **Table 1**. Master Responses have been provided in **Section 2** to address comments with similar subject matter that were submitted multiple times in separate comments. Specific comments that were determined to potentially be “new” comments (i.e. not previously responded to during the EIS process) are provided in **Exhibit 1**, and are responded to in **Section 3**. Copies of all comment letters are provided in **Exhibit 2**.

In summary, the comments received by the BIA following publication of the NOA for the Final EIS did not reveal substantial new circumstances or information about the significance of adverse effects that bear on the analysis.

Table 1: Index of Comment Letters on Final EIS

Government Agencies (A)			
Number	Agency	Name	Date
A1	Office of the Governor of California	Matthew Lee, Senior Advisor for Tribal Negotiations	12/16/24
A2	U.S. House of Representatives	Cliff Bentz, Member of Congress	12/20/24
A3	Oregon Department of Transportation	Micah Horowitz, AICP, Senior Transportation Planner	12/23/24
Tribes (T)			
Number	Tribe	Name	Date
T1	Confederated Tribes of Coos, Lower Umpqua, & Siuslaw Indians	Meagan Davenport, Senior Executive Assistant	11/26/24
T2	Cow Creek Band of Umpqua Tribe of Indians	Carla Keene, Chairperson	11/26/24
T3	The Klamath Tribes	William E. Ray Jr., Chairperson	11/27/24
T4	Karuk Tribe	Russell Attebery, Chairman	12/2/24
T5	Tolowa Dee-ni’ Nation	Jeri Lynn Thompson	12/9/24

T6	Elk Valley Rancheria	Dale A. Miller, Chairman	12/16/24
T7	Confederated Tribes of the Grand Ronde Community of Oregon	Rob Greene, Tribal Attorney	12/17/24
T8	Lytton Rancheria	Andy Mejia, Chairperson	12/19/24
T9	Confederated Tribes of Siletz Indians	Craig Dorsay, Tribal Attorney	12/20/24
T10	Cow Creek Band of Umpqua Tribe of Indians	Michael Rondeau, CEO Tribal Government	12/19/24
T11	Cow Creek Band of Umpqua Tribe of Indians	Carla Keene, Chairperson	12/20/24
T12	Cloverdale Rancheria	Patricia Hermosillo	12/20/24
T13	Cachil Dehe Band of Wintun Indians of the Colusa Indian Community	Wayne Mitchum Jr., Chairman	12/20/24
T14	Confederated Tribes of the Umatilla Indian Reservation	Daniel Hester, Tribal Attorney	12/23/24
Individuals/Organization (I)			
Number	Individual	Organization	Date
I1	The Morrisons		11/22/24
I2	John Ivy	Coquille Tribal Member 506	11/22/24
I3	Joe Arena		11/22/24
I4	Angus Troxel		11/22/24
I5	Colin Evans		11/22/24
I6	Angus Troxel		11/22/24
I7	Keith Canaday		11/26/24
I8	Jennifer and Scott Schneider		11/23/24
I9	Roland Bauske		11/23/24
I10	Wendy Cushnie		11/23/24
I11	Lindsay Sturgeon		11/23/24
I12	Bill Englund		11/23/24
I13	Linda Robb		11/23/24
I14	Kylan Ledford	Cow Creek Tribal Member S-1160	11/23/24
I15	Margaret N. Taylor		11/23/24
I16	Paul McMahon		11/24/24
I17	Karen Callahan		11/24/24
I18	Laura Hawkins		11/24/24

I19	Thomas A Olbrich		11/24/24
I20	Jack and Susie		11/24/24
I21	JoJo Howard		11/25/24
I22	Kirby Ragsdale		11/25/24
I23	N Hill		11/26/24
I24	Joi and Geoffrey Riley		11/26/24
I25	Kelly Metcalf-Canaday		11/26/24
I26	Sara Monteith		11/26/24
I27	Roland Bauske		11/27/24
I28	Brady Scott	Coquille Tribal Elder	11/27/24
I29	Todd Hoener		11/28/24
I30	Stephanie Tritt	Cow Creek	11/29/24
I31	Gerry Douglas		12/1/24
I32	Medford Citizen		12/1/24
I33	Karen		12/1/24
I34	Karen Markman		12/1/24
I35	Katy Mallams		12/1/24
I36	Quentin Saludes	Coquille Tribal Member 687	12/1/24
I37	Barbara Varner		12/1/24
I38	Angie Steinhoff	Cow Creek Tribal Member	11/22/24
I39	Kayleen Moss		11/22/24
I40	Kathy Cammorata		11/21/24
I41	Fabiola Monroe		11/21/24
I42	Rick Shroy		11/22/24
I43	Nancy Nidiffer		12/2/24
I44	Mike Heverly		11/27/24
I45	Trevor Porter	Cow Creek Tribal Member 518	12/3/24
I46	Keanu Lycett	Cow Creek Tribal Citizen	12/4/24
I47	Rachel Gaylord	Cow Creek Tribal Citizen	12/5/24
I48	Anati Zubia	Coquille Tribal Member	12/5/24
I49	Courtney Buschmann Simpson		12/6/24
I50	Shelley Estes	Coquille Tribal Member	12/6/24
I51	Charlie Snider		12/7/24
I52	Trista Johnson	Cow Creek Tribal Member	12/8/24
I53	David Eisenberg		12/8/24

154	Harlan and Kathleen Posen		12/9/24
155	Randall Hunter	Coquille Tribal Member 958	12/9/24
156	Julie Wright	Coquille Tribal Elder	12/10/24
157	Robert Mengis		12/10/24
158	Ken and Lynette O'Neal		12/12/24
159	Jeff Bruton		12/12/24
160	Deborah Porter		12/14/24
161	Steven Kaesemeyer	Cow Creek Tribal Elder	12/15/24
162	Anne Batzer		12/16/24
163	Rolf Peterson		12/16/24
164	Robert Wade		12/16/24
165	Katherine Iverson		12/16/24
166	Theresa Mershon-Samuels		12/16/24
167	Jon Buckley		12/16/24
168	Linda Hayes		12/16/24
169	Jacky Hagan Sohn		12/16/24
170	Dawn Norris		12/16/24
171	Samantha Mutter		12/16/24
172	Amy Haptonstall		12/16/24
173	Jefferson Smith		12/16/24
174	Donna Ruffer		12/17/24
175	Alexander Iverson		12/17/24
176	Stanley Kerr		12/17/24
177	Marie Chesnut		12/17/24
178	Barbara Dollarhide		12/18/24
179	Sean Keller		12/18/24
180	Xiao Xu		12/18/24
181	Christopher Tanner	Coquille Tribal Member	12/18/24
182	Robert and Barbar Reynolds		12/18/24
183	Brandan Hull, MD		12/18/24
184	Grey Astley	Oregon Restaurant and Lodging Association	12/19/24
185	Maggie Walker	Cow Creek	12/19/24
186	Betty Jo Reynolds		12/19/24
187	Rachael Hand		12/19/24
188	Linda Moran		12/19/24

I89	Amy Gunter		12/20/24
I90	Alan DeBoer	Ashland Mayor	12/22/24
I91	Alice Crume		12/22/24
I92	Shelly Lehman	Cow Creek	12/22/24
I93	Steve and Gina Kaesemeyer	Cow Creek	12/22/24
I94	Eugene Majeski' and Syl Zucker		12/22/24
I95	Jim Fleischer		12/22/24
I96	Leigh Nelson		12/23/24
I97	Carissa Bussard	Karuk Tribal Member	12/23/24
I98	Herbert Rothschild		12/23/24
I99	Rose Crane		12/23/24
I100	Reginald and Annette Breeze		12/23/24
I101	Lorie Hancock		12/23/24
I102	Medford Resident		12/23/24
I103	Matthew		12/23/24
I104	Karen Harris		12/23/24
I105	Cara Davis-Jacobson		12/23/24
I106	Mr. and Mrs. Richard Fielder		12/23/24
I107	Ceili Widmann		12/23/24
I108	Fred Arnett		12/23/24
I109	Michael Framson		12/23/24
I110	Jerry Colton		12/23/24
I111	Mike Medina		12/23/24
I112	Kimberlee Tripp		12/23/24
I113	Kathleen Ortiz		12/23/24
I114	Jerred Shoemaker		12/23/24
I115	Sharon Gross		12/24/24
I116	Joan G. Hill		12/24/24
I117	Carma Mornarich		12/24/24
I118	Brad A. Breeze, CFP		12/29/24

2.0 MASTER RESPONSE TO COMMENTS

Master responses in this section address comments with similar subject matter that were submitted multiple times in separate comments. Responses to separate comments may refer to these master responses in whole or in part to avoid repetition.

2.1. Extension of Time for Review of the Final EIS

Summary of Comments

Commenters (including but not limited to T1, T2, T4, T5, T6, T7, T8) stated that because the Final EIS is over 1500 pages and was released during the winter holidays, more time should be provided for review prior to issuance of a decision. Some commenters (I59 and I85) stated that newly elected officials not yet sworn into office, including those for the City of Medford, should have adequate time and representation when it comes to transformational decisions that will affect a community for decades to come.

Response

The Department of the Interior (DOI) NEPA regulations (43 CFR Part 46) and CEQ Regulations for Implementing NEPA (40 CFR Parts 1500–1508) encourage agencies to facilitate public involvement in the NEPA process (40 CFR 1500.2(d); 40 CFR 1501.9); however, neither NEPA, the CEQ Regulations for Implementing NEPA, DOI's NEPA Procedures or the BIA's NEPA Guidebook (59 IAM 3-H) require a public comment period for a Final EIS. Rather, the DOI NEPA Procedures require that an agency may not issue a Record of Decision (ROD) until after 30 days from the publication by the USEPA of the Notice of Availability of the Final EIS in the federal register, with some exceptions (40 CFR 1506.10; 43 CFR 46.415(c)).

As described in detail in Final EIS Volume II, Section 1.4, extensive opportunities for public review and input have been provided throughout the EIS process in excess of the minimum requirements stipulated by the Council on Environmental Quality (CEQ) Regulations for Implementing NEPA (40 CFR Sections 1500 – 1508); the Department of the Interior's NEPA Procedures (43 CFR Part 46) and the BIA's NEPA Guidebook (59 IAM 3-H). These have included:

- Extended 60-day Scoping Comment Period with Public Hearing. While the initial scoping comment period was identified as 30 days, in response to requests, the BIA granted an extension resulting in a 60-day comment period with a public hearing. The BIA issued the Notice of Intent (NOI) for the Proposed Action in the Federal Register on January 15, 2015. The NOI described the Proposed Action and announced the initiation of the formal scoping process and a 30-day public scoping comment period. A newspaper notice announcing the scoping process and date and location of the public scoping meeting was published in the Medford Mail Tribune on January 16 and 18, 2015. Direct mailings were also sent to interested parties. On February 19, 2015, notices extending the comment period for an additional 30 days to March 19, 2015 were mailed to interested parties, and a newspaper notice announcing the extension was published in the Medford Mail Tribune on February 24, 2015. A scoping report was published by the BIA in June 2015 as described in Final EIS Volume II, Section 1.5. During the scoping process, the BIA identified four cooperating agencies: (1) Tribe, (2) ODOT, (3) City of Medford, and (4) Jackson County. Cooperating agencies and the USEPA were invited to review and comment on the administrative draft EIS prior to publication of the Draft EIS.

- Extended 90-day Draft EIS review period with two Public Hearings. While the CEQ NEPA Regulations, DOI NEPA Procedures, and BIA Handbook recommend that a Draft EIS review period be a minimum of 45 days (40 CFR 1506.10(d); 43 CFR 46.415(c)), in response to requests, the BIA granted an extension to the comment period resulting in a 90-day comment period with two public hearings. The review and comment period began on November 25, 2022, after the Notice of Filing with the USEPA in the Federal Register. The Notice of Availability (NOA) issued by the BIA and published in the Medford Mail Tribune on November 27, 2022, provided the time of the first virtual public hearing to receive comments from the public concerning the Draft EIS: December 15th, 2022. On December 20, 2022, the BIA via the federal register and Medford Mail Tribune (published on December 18, 2022) extended the review period for an additional 45 days with the second virtual public hearing occurring on January 31, 2023. The extended public comment period ended on February 23, 2023.

All 108 comment letters received in addition to the public hearing transcripts are included in the Final EIS Volume I, Attachment 2. Substantive comments received on the Draft EIS during the comment period, including those submitted or recorded at public hearings, were addressed in the Final EIS Volume I and appropriate edits were made in Final EIS Volume II. Since the publication of the Draft EIS, substantial changes relevant to environmental concerns related to the Proposed Action have not been made, nor has a new alternative been introduced as the Proposed Action. Similarly, there are no significant new circumstances or information relevant to environmental concerns and bearing on the Proposed Action or its impacts. In response to comments received on the Draft EIS, text and analyses contained in the EIS have been supplemented, modified, and improved; and factual corrections have been made. While new information has been presented, the information has not resulted in substantial changes in the EIS's conclusions regarding the environmental impacts of the Proposed Action. Therefore, the BIA has determined that public engagement has been conducted in accordance with NEPA and an extended review period for the Final EIS is not warranted.

40 CFR 1501.10 and 40 CFR 1506.10 set forth the timelines for preparation of an EIS. 40 CFR 1501.10 (a) states:

“To ensure that agencies conduct sound NEPA reviews as efficiently and expeditiously as practicable, Federal agencies shall set deadlines and schedules appropriate to individual actions or types of actions consistent with this section and the time intervals required by § 1506.10 of this subchapter....”

The BIA has prepared the EIS consistent with these regulations.

2.2. Lack of/or Insufficient Consultation with Native American Tribes

Summary of Comments

A number of comments (including but not limited to A1 – California State Governor, T1 - Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians, T4 – Karuk Tribe, T5 – Tolowa Dee-ni’ Nation, and T11 - Cow Creek Band of Umpqua Tribe of Indians) stated that there was a lack of, or insufficient, meaningful government to government consultation between the Department of the Interior and Native American Tribes.

Response

Tribal governments have been provided numerous opportunities for input during the NEPA review process. Noticing for the EIS (described in the Final EIS Volume II, Section 1.4) has been completed in accordance with the applicable requirements of NEPA, its implementing regulations and guidance, and the BIA NEPA Guidebook. In addition, as discussed in Final EIS Volume II, Section 3.6.4, the BIA sent letters to Cow Creek Tribe and the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians inviting them to consult pursuant to Section 106 of the NHPA. All letters and communication from tribes received by the BIA have been considered as part of the BIA's decision including, but not limited to, information communicated in numerous in person meetings between the BIA and interested tribes, comment letters received from tribes during the Scoping Comment Period (comment letters were submitted by the Cow Creek Band of Umpqua Tribe of Indians, Coquille Indian Tribe, Elk Valley Rancheria, and Shasta Nation), 17 comment letters received from 11 different tribes on the Draft EIS (see the Final EIS Volume I, Comment Letters T1-T17), the 14 comment letters submitted by 12 different Tribes on the Final EIS (see **Table 1** and Comment Letters T1-T14 in **Exhibit 2**), and comments received through the Section 106 consultation process.

2.3. Compliance with Gaming Regulations and Legislation (Matters Beyond the Scope of NEPA)

Summary of Comments

A number of comments stated that the FEIS does not address the Coquille Tribe's lack of any aboriginal, ancestral, or historical connection to Medford area or the Rogue River Valley. Commenters states that the Project should not qualify for the Restored Lands Exception Under IGRA. Commenters stated that approving this project will set a precedent for future projects.

Response

These comments were largely repeated from comments provided during the Draft EIS review period. The statutory basis for the operation of gaming by Native American tribes as a means of promoting tribal economic development, self-sufficiency, and strong tribal governments is included within the federal IGRA (25 USC §2719). The Department of the Interior will review the Tribe's request in compliance with applicable federal laws, regulations, procedures, and definitions. However, the procedural process under 25 CFR 292 is independent from the NEPA process. Rather, the NEPA process is intended "to help public officials make decisions that are based on an understanding of environmental consequences, and take actions that protect, restore, and enhance the environment" (40 CFR §1500.1(c)). In order to fully analyze the potential physical environmental effects of the Proposed Action, the Final EIS assumed that the Medford Site can be utilized for gaming in accordance with federal law.

NEPA does not require detailed responses to comments that fail to raise substantive environmental issues. Comments addressing gaming eligibility and the application of the restored lands exception under IGRA do not raise substantive environmental issues; therefore, no response to these issues was provided in the Final EIS.

Regarding statements that the approval of the Proposed Action would lead to other tribes seeking to develop off-reservation gaming facilities closer to favorable market environments, NEPA requires the

analysis of reasonably foreseeable effects. It does not require the consideration of remote, speculative, or worst-case effects. The BIA's consideration of the Proposed Action will be governed by federal statutes and regulations, and concerns raised about policy implications or legal precedent created by that decision are speculative.

Regarding comments stating that the EIS should disclose the degree to which the Proposed Action would adversely affect the rights of other tribes under the IGRA, it should be noted that IGRA does not guarantee any tribe the right to a gaming market that is free from competition from other tribes. Conversely, the provisions of IGRA apply to all eligible tribes and tribal lands, and do not provide for market protection between eligible tribes. Further, economic competitive effects are not considered environmental effects under NEPA when they do not translate into physical effects to the environment.

2.4. CEQ Regulations and Marin Audubon Society v. Federal Aviation Administration

Summary of Comments

A number of commenters (T8 and T11) stated that the Final EIS was invalid and/or mitigation measures were no longer enforceable as a result of the recent decision in *Marin Audubon Society, et al., v. Federal Aviation Administration, et al.*, where the United States Court of Appeals for the District of Columbia Circuit ruled that the CEQ lacks the statutory authority to issue regulations for implementation of NEPA.

Response

The DOI is aware of the November 12, 2024 decision in *Marin Audubon Society v. Federal Aviation Administration, No. 23-1067 (D.C. Cir. Nov. 12, 2024)*. To the extent that a court may conclude that the CEQ regulations implementing NEPA are not judicially enforceable or binding on this agency action, the DOI has nonetheless elected to follow those regulations at 40 C.F.R. Parts 1500– 1508, in addition to the Department of the Interior's procedures/regulations implementing NEPA at 43 CFR Part 46, and the BIA NEPA Guidebook (59 Indian Affairs Manual 3-H) to meet the agency's obligations under NEPA, 42 U.S.C. §§ 4321 et seq.

Further, the CEQ regulations themselves are not the "enforcement mechanism" for mitigation measures. Rather, the CEQ regulations state that the ROD "shall identify the authority for enforceable mitigation, such as through permit conditions, agreements, or other measures, and prepare a monitoring and compliance plan." Regardless as to whether the CEQ regulations are ultimately determined to not be binding on the Proposed Action, the BIA has prepared a Mitigation Monitoring and Compliance Plan (MMCP) for the mitigation measures adopted in the ROD. The MMCP is provided as Attachment 1 of the ROD. The MMCP identifies mitigation enforcement through compliance with federal laws and permit conditions, and as a matter of tribal law (refer to the Tribal Resolution in the ROD Attachment 4); the MMCP does not reference the CEQ regulations as the authority for enforcement of mitigation.

2.5. NEPA Timeline and EIS Accuracy

Summary of Comments

Some comments (including but not limited to T11) stated that the BIA failed to take the required "hard look" at the Proposed Action.

Response

The NEPA “hard look” doctrine is a principle of administrative law relied upon to give meaning to the “arbitrary and capricious” standard established by the Administrative Procedure Act; in summary, it requires that agencies take a hard look at the environmental consequences of proposed federal actions, based on consideration of all relevant evidence, and that decisions are supported by adequate facts. As stated in Final EIS Volume II, Section 1.1, the “EIS has been completed in accordance with the applicable requirements of NEPA, its implementing regulations and guidance, and the Bureau of Indian Affairs (BIA) NEPA Guidebook.” It provides a detailed description of the Proposed Action and analysis of the potential environmental consequences associated with the Proposed Action and the subsequent development of the Proposed Project. The scope of issues addressed within the Final EIS was informed by a thorough scoping process that involved multiple opportunities for public and agency input (refer to **Master Response 2.1** for a description of the public/agency engagement opportunities in the NEPA process). Consistent with the NEPA “hard look” standard, the determinations and mitigation recommendations described therein were informed by extensive research and studies prepared by qualified experts either cited as appropriate or provided within the technical appendices of the Final EIS. Supporting technical appendices to the Draft EIS included but was not limited to: cultural resource studies prepared by registered professional archaeologists that meet Secretary of Interior standards; economic impact analysis prepared by gaming economic specialists; a transportation impact study prepared by a traffic engineering firm; a water supply and wastewater feasibility study and a grading and stormwater plan prepared by a civil engineering firm; and air quality modeling completed using the USEPA’s model MOVES3.1. The following updates to the technical analysis were included as appendices to the Final EIS: Appendix O - Updated Substitution Effects Analysis for the Coquille Medford Project; Appendix P - Traffic Technical Memorandum: Comparison of 2019 Traffic Impact Analysis Volumes to 2023 Traffic Volumes; Appendix Q - Updated USFWS Species List and Table of Regionally occurring Sensitive Species and Their Likelihood of Occurrence; Appendix R - Updated Expanded Regulatory and Environmental Setting; Appendix S - Updated Air Quality Output Tables; and Appendix T – Public Services Memorandum.

3.0 RESPONSE TO NEW COMMENTS ON FINAL EIS

Specific responses to comments that were determined to potentially be “new” comments (i.e. not previously responded to during the EIS process) are provided below in **Table 2**. If a specific comment raises an issue that has previously been responded to within the Final EIS, the appropriate section or response within the Final EIS is referenced. Additionally, once an issue has been addressed in a response to a comment, subsequent responses to similar comments reference the initial response.

Table 2: Response to "New" Comments on the Final EIS

Comment Number	Response
A3-1	<p>Comments noted. Mitigation Measure 5.8, which relates specifically to compliance with OAR 734 -051 (Division 51) and Project Site access on Highway 99, provides a mechanism by which these improvements can be negotiated between ODOT and the Tribe. The Proposed Project would comply with all required permits related to transportation on State facilities as condition of access improvement approvals. Any new pedestrian facilities constructed as part of the Proposed Project would be subject to American Disabilities Act (ADA) standards.</p>
T11-1	<p>Please refer to Master Response 2.2 of this document regarding consultation with Native American Tribes.</p> <p>The BIA did analyze environmental justice impacts on tribal governments in Final EIS, Volume II, Section 4.7.1 and Final EIS, Volume I, Master Response 3: Gaming Substitution Effects. As described in Master Response 3, "Without confidential and proprietary information specific to the revenues of each tribal casino and the amount distributed to the respective tribal governments and tribal members, the environmental justice impact on governmental and social services cannot be determined." Although impacts to tribal governmental services were not quantitatively estimated, effects were analyzed. As described in Final EIS, Volume II, Section 4.7.1, "Although the substitution effects resulting from Alternative A to competing gaming facility revenues may impact the operations of these casinos, they are not anticipated to cause their closure. Therefore, it is anticipated that under Alternative A, the above-listed facilities would continue to operate and generate a certain level of profit that would be utilized by the tribal governments that own them to provide services to their respective memberships." Substitution effects are also anticipated to diminish after the first full year of project operations. Thus, it is anticipated that funding of tribal functions (e.g., governmental services and/or per capita payments) would continue for these tribes.</p> <p>Because the BIA does not have access to the confidential and proprietary business information related to operation of the other gaming facilities within the market, or the specific budgets and spending decisions of the impacted tribes, it is not possible to make an assessment with any level of precision as to how each tribe may be individually affected. There are many factors, which are outside of the control of the BIA which influence the funding of government and social services for other tribes. These factors would vary from year to year, and may include, but are not limited to, the structure of the tribe’s government and its business entities, the management decisions of tribal businesses, the level of contribution of revenues from tribal businesses to governmental and social services, the distribution of per capita payments (if applicable) to tribal members, economic factors and the use of federal, State, and/or local grants to fund governmental and social services. Therefore, such an assessment would inherently be speculative in nature.</p>

Comment Number	Response
	Please also see Master Response 2.2 and Response to Comment T11-2 for further information regarding consultation.
T11-2	<p>Please refer to Master Response 2.2 of this document regarding consultation with Native American Tribes. Executive Order 13175 referenced by the commenter requires meaningful consultation and collaboration with tribal officials specifically for the development of "Federal policies that have tribal implications", which is defined by the order as: "regulations, legislative comments or proposed legislation, and other policy statements or actions that have substantial direct effects on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes." The Proposed Action of taking land into federal trust for the purpose of gaming is not a regulation, legislation, or policy and, therefore, is definitionally not a Federal policy that has tribal implications and consultation and collaboration is not triggered under Executive Order 13175. Rather for federal actions such as the Proposed Action, opportunities for Tribal government input is provided through the NEPA process and NHPA Section 106 process. As set forth in the NHPA implementing regulations at 36 CFR 800.2(a)(4), "[t]he agency official should plan consultations appropriate to the scale of the undertaking and the scope of federal involvement and coordinated with other requirements of other statutes, as applicable, such as the National Environmental Policy Act..." Pursuant to this regulation, the BIA coordinated the Section 106 consultation with the NEPA process and considered comments from Native American Tribes received under both the Section 106 consultation and the NEPA process in its determination.</p> <p>The Cow Creek Tribe's September 4, 2015 letter in response to the BIA Section 106 NHPA request for information called for additional information ("i.e., a brief information packet consisting of a description of the proposal, an initial list of issues and impacts, maps, drawings, and any other material or references that can help us understand what is being proposed"). While the August 13, 2015 BIA Section 106 NHPA letter did not include maps, it did include a description of the location of the proposed fee-to-trust property and Proposed Project. Further, the Cow Creek Tribe had already received notice that the Scoping Report for the Proposed Action was available online for their review in June 2015. The Scoping Report included a description of the Proposed Project and Alternatives, a list of issues that were identified in scoping and would be addressed in the EIS, and maps showing the location of the proposed fee-to-trust property and project site. As set forth in 36 CFR 800.3(b), an "agency official may use information developed for other reviews under Federal, State, or tribal law to meet the requirements of Section 106."; therefore, the Scoping Report could be used to provide information to inform the Section 106 consultation. Regardless, the BIA re-initiated Section 106 consultation in 2020 and sent new letters to tribes, which also received no response.</p>

Comment Number	Response
	<p>Subsequently, the Draft EIS was released in November 2022 which provided a detailed description of the project and analysis of potential impact. Section 3.6.4 of the Draft EIS regarding Native American Consultation stated that "To date, no response has been received by the BIA." This is true in that the BIA had not received any response regarding information on known cultural resources in the vicinity of the alternative sites. As noted by the commenter, the September 4, 2015 letter only requested additional information, but did not identify any sites in the vicinity of the proposed trust property or project site that could meet the criteria for listing on the NRHP. The Draft EIS noted that the 2015 archaeological investigation and 2022 supplemental archaeological research report prepared for the Medford Site revealed no cultural or archaeological resources and found that Roxy Ann Lanes does not meet the criteria for listing on the NRHP; consequently, the BIA determined that the proposed undertaking would have 'No Potential to Effect" on historic properties. In a response letter dated February 21, 2020, SHPO concurred that "the project will likely have no effect on any significant archaeological objects or sites". Even with the detailed analysis included in the Scoping Report and Draft EIS, which more than met the September 4, 2015 request for additional information, the Cow Creek Tribe did not identify any sites that could meet the criteria for listing on the NRHP in the vicinity of the alternative sites (the Cow Creek Tribe's comments that the Proposed Action's potential impacts to Bear Creek and Coho Salmon should be considered impacts to the Cow Creek Tribe's cultural resources was responded to in Final EIS Volume I Response to Comment T13-24.).</p>
T11-3	Please refer to Master Response 2.4 regarding CEQ Regulations and Marin Audubon Society v. Federal Aviation Administration.
T11-4	The DOI's basis for approval of the Proposed Action is outlined in the ROD.
T11-5	The "...Tribes should have the ability to streamline operations...." statement in Final EIS, Volume II is an acknowledgement that similar to any business enterprise that has advanced knowledge of a likely decline in revenue, the Tribes would have the opportunity to modify their respective operations in anticipation of this change. Such modifications may include reductions in expenses in certain areas of operations, and would presumably result in higher earnings and cash flows than if the modifications had not been implemented. The operators of existing Tribal casinos, including the Cow Creek Tribe, are in the best position to determine what measures, if any, would be in their best interests given their individual circumstances and operations.
T11-6	Please refer to Response to Comment T11-2.

Comment Number	Response
T11-7	<p>The commenter states that: "FEIS response to comments insults and chastises the Tribe, speculating that Cow Creek uses its gaming revenues for per capita payments in an apparent attempt to undermine the Tribe's position that Tribal government services to our members will be impacted by Coquille's predation of our gaming market. This is untrue." An attempt was made to located such language in Final EIS, Volume I (Responses to Comments). Such language was not found. However, the following statement does exist in Final EIS, Volume I, Master Response 3: Gaming Substitution Effects: "For certain tribes, these profits also provide funding for distributions to tribal members." This Final EIS statement is referring to each of the tribes that may experience substitution effects as a result of the Proposed Project, and not specifically the Cow Creek Tribe.</p> <p>The statement in Final EIS, Volume II, Section 1.3 that the Mill Casino is located in an inundation zone for a tsunami is factually accurate. The commenter is correct that the odds of a tsunami occurring in any particular year are relatively low. However, should one occur, the financial consequences to the Tribe could be severe. The odds that a tsunami occurs increases with the length of the time under consideration. Also, the location of the Mill Casino in an inundation zone is only one of the factors listed in support of the purpose and need for the Proposed Action. The first factor described in Section 1.3 is that the Proposed Project would provide additional revenue to address budget deficits.</p>
T11-8	<p>The purpose of the substitution effect analysis included in Final EIS, Volume II, Appendix O is to determine substitution effects on existing casinos owned and/or operated by other tribes. The Compass by Margaritaville Hotel is owned by the Coquille Tribe, not another tribe. Second, because of its location next to the Project Site and because it is owned by the Tribe, it is unlikely that the Compass by Margaritaville Hotel would experience significant substitution effects. Finally, the substitution effects analysis included in Final EIS, Volume II, Appendix O is focused on gaming revenues, not hotel revenues. For these reasons, it was not necessary nor warranted for Final EIS, Volume II, Appendix O to analyze potential substitution effects to the Compass by Margaritaville Hotel.</p> <p>Further, as stated in the Final EIS, Volume I, Response to Comment T1-2, the existing adjacent hotel (Compass by Margaritaville Hotel) was developed as a standalone, independent economic enterprise and is already in operation today on land owned in fee by the Tribe. The independent utility of the hotel as a standalone, separate project from Alternative A is illustrated by the fact that the hotel has been in operation since the summer of 2022, well in advance of the proposed opening year of Alternative A. Construction of the adjacent hotel was subject to permitting and approvals by the City of Medford, the local jurisdictional agency, similar to any other private development project on fee land within the City's boundaries. The hotel is not located on existing or proposed federal trust land, and was not subject to federal approval, oversight, or permitting, and thus there was no associated</p>

Comment Number	Response
	<p>federal action that would trigger analysis under NEPA. Figure 2-6 of the Draft EIS, Volume II illustrates the location of the hotel in relation to the Medford Site and clearly labels the hotel as a separate project. Accordingly, as with any other existing privately operated business, the adjacent hotel was included in the baseline existing setting for the impact analysis throughout the Draft EIS and is also considered as cumulative project in Section 4.15 the Draft EIS.</p>
T11-9	<p>The scope of the Proposed Action is the transfer of approximately 2.4 acres (Tax Lot 37-1W-32C-4701) within the Medford Site, described in Final EIS Volume II, Section 2.2.1, from fee to trust status as part of the restoration of lands for the Tribe by the Secretary in accordance with the Coquille Restoration Act of 1989 (25 USC 715). This Proposed Action has been consistently described in all notices as well as the Scoping Report, Draft EIS, and Final EIS. Although the trust acquisition only involves 2.4 acres, additional fee land would be utilized as parking, and therefore these areas have been included within the boundaries of the Medford Site as studied within the EIS. Table 2-1 of the Draft EIS and Final EIS lists the parcels within the 7.24-acre Medford Site, and clearly indicates that only the 2.4-acre parcel identified as Tax Lot 37-1W-32C-4701 would be taken into trust as part of the Proposed Action. The analysis of potential environmental impacts of the Proposed Action, as well as the subsequent proposed retrofit and remodel of the existing building within the proposed trust parcel boundaries into a gaming facility and utilization of adjacent fee land within the Medford Site as parking was included in the Final EIS as Alternative A. As described in Final EIS Volume II, Section 4.15.2, the Compass Hotel (also known as Hotel at the Cedars) was approved by the City of Medford and was constructed on fee land owned by the Tribe in accordance with local permitting requirements. There were no Federal actions, discretionary or ministerial, associated with the development of the Compass Hotel and operation of the Compass Hotel is not dependent on the Proposed Action. As the Compass Hotel is currently operational and not associated with the Proposed Action, it was appropriately considered under the cumulative analysis in Final EIS Volume II, Section 4.15.3.</p> <p>The Coquille Tribe has not amended the fee-to-trust application to include any additional parcels beyond the 2.4 acres described in the Final EIS. Should the Coquille Tribe submit a fee-to-trust application in the future for additional parcels in the vicinity of the 2.4-acre proposed trust parcel, that application would be considered under Department of the Interior’s land acquisition policy as articulated in the Department’s trust land regulations at 25 CFR Part 151. As a Federal discretionary action, the fee-to-trust transfer of additional parcels would require compliance with NEPA.</p>
T11-10	<p>Please refer to Master Response 2.5 regarding EIS Accuracy and the Final EIS, Vol I, Master Response 2. The need for updates to each of the studies as referenced in the comment is addressed below:</p>

Comment Number	Response
	<p>Unmet Needs Analysis: The EIS does not rely on the Tribe's Unmet Needs Analysis as the basis for the environmental effect determinations, and therefore, an update to this study is not required to meet NEPA obligations.</p> <p>Noise Output Files: As stated in the Final EIS, Vol I, Master Response 2: While the resources utilized to compose the environmental background and analysis for noise vary in age, the information is still relevant despite the environmental changes mentioned in the comments. In the areas surrounding the alternative sites, no new sensitive receptors have been introduced to the landscape that were not previously considered in the Draft EIS. Furthermore, as noted above in the "Transportation and Circulation", 2023 traffic volumes, which are the largest contributor to ambient noise levels in the vicinity of the Medford Site, have changed relatively little since the 2019 Draft TIA (refer to the Final EIS, Volume II, Appendix P). By extension, this same conclusion can be applied to the traffic portion of the noise environment. Therefore, updated noise measures were not deemed to be required. Furthermore, during the public comment period for Draft EIS, no comments were received that directly addressed noise.</p> <p>Environmental Site Assessments (2012), Hazardous Materials Reports (2015): Refer to Response to Comment T11-20. As stated in the Final EIS, Vol I, Master Response 2: An updated radius report was generated by NETROnline in March 2022, to identify locations of past and current hazardous materials involvement on and in the vicinity of the Medford Site. This report (included as Appendix M of the Final EIS) found no significant new sources of hazardous material that could affect the Medford Site. Further, in compliance with 602 DM 2, an updated Phase 1 Environmental Site Assessment was prepared by Green Environmental Management (GEM) on November 15, 2024. The updated Phase 1 concluded that there are no Recognized Environmental Conditions (RECs) within the proposed trust property (GEM, 2024).</p> <p>Air Quality Output Tables: As stated in the Final EIS, Vol I, Master Response 2: The operational emission estimates presented in Section 4.4 and Section 4.15 of the Final EIS, Volume II have been updated using EPA's more recent MOVES3.1 (versus MOVES2014). The revised emissions estimates are also provided in new Appendix S of the Final EIS, Volume II.</p>
T11-11	<p>The Purpose and Need for the Proposed Action is described in the Final EIS Volume II, Section 1.2. As stated therein, the <i>"purpose of the Proposed Action is to facilitate tribal self-sufficiency, self-determination, and economic development, thus, satisfying both the Department of the Interior's (Department) land acquisition policy as articulated in the Department's trust land regulations at 25 Code of Federal Regulations (CFR) Part 151, and the principle goal of IGRA as articulated in 25 USC § 2701. The need for the Department to act on the Tribe's application is established by the Department's regulations at 25 CFR § 151.10(h) and 151.12."</i></p> <p>The Unmet Needs Report referenced in this comment is described in the Final EIS, Vol 2., Section 1.3, Background section. As such, this report provides background information related to the Tribe and their request; it does not provide the basis for the</p>

Comment Number	Response
	federal Purpose and Need described in Section 2, nor does it provide the basis for the environmental analysis in the EIS. Therefore, an update to that report is not needed to meet NEPA requirements.
T11-12	Please refer to Response to Comment T11-9.
T11-13	Please refer to Response to Comment T11-9. As discussed therein, the currently operating Compass Hotel was appropriately considered under the cumulative analysis in Final EIS Volume II, Section 4.15.3. As the Coquille Tribe has not submitted a fee-to-trust application for any additional parcels in the vicinity of the 2.4-acre proposed fee-to-trust parcel, future trust acquisition and subsequent development on additional trust properties are not reasonably foreseeable.
T11-14	Please refer to Master Response 2.5 regarding the NEPA "hard look" standard and completeness of the Final EIS; Response to Comment T11-9 regarding the scope of the Proposed Action and the consideration of the Compass Hotel; Response to Comment T11-15 regarding alternatives considered; and Master Response 2.2 and Response to Comment T11-2 regarding tribal consultation.
T11-15	As stated in the Final EIS, Volume I, Response to Comment T10-12: The Tribe has submitted an application to the BIA for the transfer of 2.4 acres of land within the Medford Site into federal trust for the development of a casino and related facilities. While the BIA did consider the development of a gaming facility, as proposed by the Coquille Tribe as the applicant, the BIA did not limit the range of alternatives to only consider gaming uses. Please refer to Draft EIS, Section 2.7, Alternatives Eliminated from Consideration. This section provides a discussion of alternatives that were eliminated from further study, including a variety of non-gaming alternatives, and the reasons for their elimination.
T11-16	A word search was conducted on the Final EIS and it does not appear that the document labelled the loss of revenue to the Cow Creek's Tribe's gaming facility as "purely economic." However, as described in Final EIS, Volume II, Section 4.7 and in Final EIS, Volume I, Master Response 3: Gaming Substitution Effects, it is necessary to analyze the substitution effects because this provides the necessary context to understand potential effects to the activities of the tribal governments and the human environment that may be caused by reductions in gaming revenue of existing tribal casinos. This is why part of the Final EIS analysis is focused on economic effects, including substitution effects. The socioeconomic effects that may result from decreases in gaming revenue are described in the Final EIS, including in Final EIS Volume I, Master Response 3: Gaming Substitution Effects. As stated in the last paragraph of Master Response 3: "Profits from the tribal gaming facilities may be utilized for a variety of purposes by its tribal

Comment Number	Response
	<p>government, with some of these revenues providing funding for government and social services. For certain tribes, these profits also provide funding for distributions to tribal members. Without confidential and proprietary information specific to the revenues of each tribal casino and the amount distributed to the respective tribal governments and tribal members, the environmental justice impact on governmental and social services cannot be determined...."</p> <p>The BIA has solicited input from interested parties, including the Cow Creek Tribe, regarding the environmental impacts of the project on numerous occasions. Specifically, the Cow Creek Tribe was invited to provide input through noticing of the scoping period for the EIS, the scoping hearing, the Draft EIS review period, two Draft EIS hearings, and the Final EIS waiting period, as well as during in-person meetings conducted directly between DOI officials and the Tribe. No specific financial data was provided by the Cow Creek Tribe during these opportunities.</p> <p>The consideration of phasing was not contrived to obfuscate the impacts of the Project, but rather was conducted to reflect the proposed phasing plan described in the Final EIS, Volume II, Section 2.3.4. Regardless, the Final EIS, Volume II, Section 4.7 focuses on the socioeconomic effects of the Proposed Project based on the full buildout, which includes all phases.</p> <p>The commenter's concerns regarding socioeconomic impacts to the Cow Creek Tribe are acknowledged. Please see the first paragraph of this response, as well as Response to Comment T11-1, T11-5 and T11-8.</p> <p>As upheld by the United States District Court for the Eastern District of California, "competition...is not sufficient, in and of itself, to conclude [there would be] a detrimental impact on" a tribe (Citizens for a Better Way, et al. v. United States Department of the Interior, E.D. Cal., 2015). However, should competition effects be so severe as to cause closure of a facility, it could result in environmental effects associated with abandoned buildings and vacant lots, referred to as "urban blight." Additionally, in the case of tribal casinos, facility closure could result in economic effects to tribal communities from decreased availability and/or quality of governmental services (refer to discussion in T11-1). Research of markets where casinos have experienced impacts to their gaming revenues by more than 20% was conducted and was published in Appendix B-2 of the separately prepared Koi Nation Shiloh Casino Resort Final EIS (available at www.shilohresortenvironmental.com). The analysis focused on commercial gaming markets, as information was readily and publicly available (whereas such data is not available in tribal gaming markets). The researched gaming revenue disruptions were caused by various factors beyond gaming expansion, including the economic recession, regulatory factors, and increased competition from new entrants into the market. Appendix B-2 of the Koi Nation Final EIS describes several instances of properties facing significant challenges due to the emergence of new competitors and/or macro-economic market factors (example, the recession), resulting in substantial impacts to gaming revenues. However, in all</p>

Comment Number	Response
	<p>researched case studies, these casinos were able to adapt and regrow revenue via strategic initiatives, operational changes, and/or product improvement/expansion. Of the analyzed markets considered in the Koi Nation Final EIS Appendix B-2, there were no casino closures as a result of the measured gaming revenue impacts. This suggests that it is likely that the gaming facilities experiencing substitution effects from Alternative A can remain open and operational with management strategies and adaptation.</p>
T11-17	<p>Refer to Response to Comments T11-21 as well as T11-1, T11-5, T11-8 and T11-16.</p>
T11-18	<p>The distinction between potential increases in "crime" and "crime rates" is important. Final EIS, Volume II, Section 4.7 clearly states that crime would likely increase, but the crime rate would not: "Gaming facilities can increase the volume of people entering a given area. Whenever large volumes of people are introduced into an area, the volume of crime would also be expected to increase. This is true of any large-scale development. However, the studies on the subject summarized in Appendix E suggest 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." Final EIS, Volume II, Section 4.10, Subsection <i>Law Enforcement</i> estimates the specific increases in crime that would result from Alternative A.</p>
T11-19	<p>While the environmental setting was corrected in the FEIS to discuss the known anadromous fish usage of habitat within Bear Creek, changes to the analysis itself were not warranted as the DEIS had considered Bear Creek potential anadromous fish habitat and conservatively assumed presence of anadromous fishes, including federally-listed salmonids. As with the Draft EIS, the Final EIS, Volume II Section 4.5.1 considered that impaired runoff from the totality of the Medford Site could adversely affect water quality in Bear Creek, but that this would be reduced to a less-than-significant level through implementation of a SWPPP during construction and a LID stormwater treatment system prior to discharge off-site during operation. Note that it is incorrect to state that Bear Creek is adjacent to the Medford Site. Bear Creek is approximately 1,400 feet from the Medford Site, as was displayed on Figure 3.5-3 of Volume II of the FEIS. While specific comments on this analysis were not received, additional information is provided below.</p> <p>The use of bioretention facilities, such as constructed stormwater treatment vegetated swales, has been found to prevent the acute lethal effects of stormwater on salmonids (Spromberg et al., 2015; Fardel et al., 2020; McIntyre et al., 2023). Specifically, vegetated bioswales with composting have been found to remove a majority of pollutants, including 6PPD-quinone, as organic materials are capable of sequestering this pollutant (Washington Stormwater Center, 2021). As stormwater would be treated</p>

Comment Number	Response
	<p>within the Medford Site prior to discharge and would travel an additional approximately 1,400 feet through vegetated drainages prior to discharge into Bear Creek, no appreciable levels of pollutants would enter Bear Creek from the Medford Site.</p> <p>It is correct that runoff from the totality of the Medford Site ultimately flows into Bear Creek. This was already noted in the FEIS, within Section 2.3.3 of Volume II, which stated “The site is currently developed and all surface drainage flows as sheet flow across the site to the east into a natural drainage swale that flows east towards Bear Creek.” The quote provided by the commentor is taken from a description of the habitats present within the Medford Site that was not intended to be descriptive of Bear Creek or the Medford Site hydrology. It is correct that 0.10 acres of the Medford Site is comprised of vegetative ditches, while the balance was classified as ruderal/developed.</p> <p>Regarding the Almeda Fire, it is outside the scope of the Final EIS to analyze impacts of the Almeda Fire on the environment. The purpose of the Final EIS is to assess impacts of the Project Alternatives on the environment. The Final EIS, Volume II Section 4.7.1 evaluated the potential for the Proposed Project to increase wildfire risk. As stated therein, the Proposed Project does not contain elements that would increase wildfire risk. While the Almeda Fire may have reduced the baseline quality of salmonid habitat within Bear Creek upstream of the Medford Site, the FEIS conservatively continues to assume presence of salmonids within Bear Creek. As discussed above, impacts from runoff were assessed in Volume II Section 4.5.1 of the FEIS. Additional analysis on stormwater runoff, including increased impervious surfaces, was provided in Volume II Section 4.3.1 of the FEIS. Please refer to this section of the FEIS for this analysis. No comments were provided on this analysis.</p> <p>As noted in the comment, a correction was made in the FEIS to identify the correct evolutionarily significant unit (ESU) of Oregon Coast coho. The analysis is unchanged as this correction does not change the potential impacts of the Project Alternatives or the level of impact significance. As discussed within Volume II Section 4.5.1 of the FEIS, impacts to federally listed species, including listed salmonids, were determined to be less than significant. No comments were received on the analysis.</p> <p>Volume II Section 4.5.1 of the FEIS provides an analysis on the Proposed Project’s potential to impacts on biological resources, including critical habitat and essential fish habitat. The “Habitats” header within this section correctly identifies the status of Bear Creek and directs reader to the discussion on impacts to federally listed species. As with the DEIS, the FEIS provided an analysis on impacts to Bear Creek and found that impacts to Bear Creek would be less-than-significant.</p> <p>It is understood that Coho salmon are culturally significant to the Cow Creek Tribe. The FEIS was responsive to this comment when it was received on the DEIS in Volume I Section 3.1.2 of the FEIS, under the "Cultural and Paleontological Resources"</p>

Comment Number	Response
	<p>section. As stated therein, the potential for impacts to salmon were thoroughly addressed in Section 4.3 of the Final EIS, Volume II. Note that, as discussed above, significant impacts to salmonids were not identified.</p>
T11-20	<p>The potential for soil contamination from pesticides on the Medford Site was disclosed in Final EIS Volume II, Section 3.12.2. Although soil testing was limited to the proposed trust parcel, the analysis assumed similar potential for soil contamination across the Medford Site. Given this conservative assumption, an updated ESA covering the entirety of the Medford Site is not warranted. Based on the minimal ground-disturbing activities that would occur under Alternative A as the majority of the site is already paved (see Final EIS Volume II, Section 2.3.3) and the presence of compacted non-native fill as the first 1.2 feet below ground surface, the potential for exposure of construction workers to soils at the site with elevated arsenic levels will be minimal. As described in Final EIS Volume II, Section 4.12.1, the risk to construction workers can be reduced by requiring workers to wear appropriate personal protective equipment (PPE) and follow proper decontamination procedures after working with on-site native soils below the layer of non-native fill. These measures, which would minimize or eliminate adverse effects, are included as mitigation in Final EIS Volume II, Section 5.0. Therefore, effects to construction workers as a result of elevated arsenic levels in the Medford Site soils are less than significant with mitigation. The Final EIS also acknowledges the possibility also exists that additional undiscovered contaminated soil is present on the site due to hazardous materials usage on adjacent sites that could affect surface and/or subsurface conditions on the Medford Site. Although not anticipated, construction personnel could encounter contamination during construction-related earth-moving activities. As described in Final EIS Volume II, Section 4.12.1, BMPs included in Final EIS Volume II, Section 2.3.3 provide requirements to follow in the event that contaminated soil is encountered during construction-related earth-moving activities. Implementation of the BMPs would ensure that effects to workers associated with the unanticipated discovery of contaminated soil are less than significant. Further, in compliance with 602 DM 2, an updated Phase 1 Environmental Site Assessment was prepared by Green Environmental Management (GEM) on November 15, 2024. The updated Phase 1 concluded that there are no Recognized Environmental Conditions (RECs) within the proposed trust property (GEM, 2024).</p>
T11-21	<p>GMA's response to this report is provided as Exhibit 3. The commenter's statements regarding the substitution analysis conducted by GMA were addressed in Final EIS, Volume I, Response to Comments T1-2, T10-17, T13-6, T13-27 and T13-28. As noted therein, the assumptions and methodologies employed by GMA in performing its substitution analysis are appropriate and consistent with standards for performing this type of analysis. The fact that Meister Economic Consulting arrived at a different</p>

Comment Number	Response
	estimate of substitution effects under its different set of assumptions and methodologies is acknowledged. Also see Response to Comment T11-8 above.
I84-1	<p>The commenter's concerns regarding the challenges of existing restaurant and hospitality businesses in attracting and retaining qualified employees are acknowledged. Operations of Alternative A would stimulate some level of economic growth, and this would benefit many local businesses. It is true that Alternative A would cause some businesses to experience competitive effects, and these would be most notable among existing casinos and businesses in the restaurant and hospitality sectors. The most acute effect would likely involve employees with casino experience, as some Alternative A operations require employees with specific gaming-related skills. Therefore, it is possible that some employees at competing casinos would seek employment at Alternative A. These employees would not be disadvantaged by such an outcome. Existing businesses would likely implement measures to retain their existing employees, to incentivize them to not seek employment at other competing casinos, including the Proposed Project. This is currently the case, as there are numerous casinos in the regional market. This dynamic could continue once Alternative A commences operations. Employees within the food service and hospitality industries would likely also seek employment at the Proposed Project. This would be a typical outcome as competition amongst firms for employees exists in all industries where there are multiple firms in a geographic region.</p>

4.0 REFERENCES

GEM, 2024. Phase 1 Environmental Site Assessment, Roxy Ann Lanes. Prepared by Green Environmental Management. Report date: November 15, 2024 (revised November 21, 2024).

Fardel et al., 2020. Performance of two contrasting pilot swale designs for treating zinc, polycyclic aromatic hydrocarbons and glyphosate from stormwater runoff. Available online at: <https://www.sciencedirect.com/science/article/abs/pii/S0048969720340250>. Accessed December 2024.

McIntyre et al., 2023. Bioretention filtration prevents acute mortality and reduces chronic toxicity for early life stage coho salmon (*Oncorhynchus kisutch*) episodically exposed to urban stormwater runoff. Available online at: <https://www.sciencedirect.com/science/article/pii/S0048969723043826>. Accessed December 2024.

Spromberg et al., 2015. Coho Salmon Spawner Mortality in Western US Urban Watersheds: Bioinfiltration Prevents Lethal Storm Water Impacts. Available online at: <https://besjournals.onlinelibrary.wiley.com/doi/epdf/10.1111/1365-2664.12534>. Accessed December 2024.

Washington Stormwater Center, 2021. Technical Q+A On Stormwater And Tire Chemical Toxicity To Aquatic Organisms Available online at: https://www.wastormwatercenter.org/wp-content/uploads/Technical-Q-and-A-Tire-Chemical-Toxicity_WSU-UWT.pdf. Accessed December 2024.

EXHIBIT 1—SELECTED “NEW” BRACKETED COMMENTS



Oregon

Tina Kotek, Governor

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

December 23, 2024

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

Re: Final 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 Final Environmental Impact Statement (FEIS) 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 Assistant Manager Lucas Schauffler at lucas.d.schauffler@odot.state.or.us or 541-621-0188 when the Tribe is ready to discuss the permit application process.
- II. Access management mitigation identified in the TIA will require further discussion to determine feasibility and performance. ODOT suggests convening a meeting to discuss transportation mitigation in greater detail prior to the permitting process.
- III. 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.
- IV. All pedestrian ramps along Highway 99 should be designed to meet current ADA standards.
- V. ODOT will need to approve a drainage study prepared by an Oregon Registered Professional Engineer.

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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



December 19, 2024

To: Tobiah Mogavero, NEPA Coordinator, Bureau of Indian Affairs

From: Greg Astley, Director of Government Affairs, Oregon Restaurant & Lodging Association

RE: FEIS Comments, Coquille Indian Tribe Fee-to-Trust and Casino Project

It has long been held that federally recognized Native American tribes are considered sovereign nations that hold the right to self-government within the boundaries of their tribal lands. This includes the right to engage in economic activity on reservation lands, specifically gambling. While tribal casinos are largely thought of as competition only to state lotteries, the truth is they enjoy a competitive advantage in comparison to other hospitality industry businesses as well. Oregon has some of the highest labor costs in the nation, and the rising costs associated with employee benefits is creating an escalating challenge for Oregon's restaurant and lodging properties. The local economic impact of additional casino location proposals is and will continue to be of serious concern to ORLA members. Our position since April of 2008 has been as follows – Changes to current federal and state gaming policies should not be made for the purpose of allowing off-reservation casinos, tribal or private. The Medford casino proposal is just that – an off-reservation casino.

Approval of new casinos in Metro areas is a Pandora's Box

Oregon currently has 2 federally recognized Native American tribes who operate both Class 2 and Class 3 casinos. But approval of a Class 2 casino in an Oregon urban area would be a first and unprecedented. If approved, a new Class 2 casino inside Medford's city limits will launch new expectations amongst Oregon's other Native American tribes to expand gambling operations within their broad service areas off reservation land. Approval of the first and only casino in an established metro area will trigger many additional proposals in other large urban areas across the state. Any momentum for casino proliferation is broadly opposed by Oregonians as proven by multiple ballot measures seeking voter approval for casino projects. In addition, increased gambling access will further strain Oregon's social service network providing addiction treatment and mental health

services. These social service needs are a prime focus of Oregon's political leaders. Approval of an additional casino in Oregon will directly conflict with Oregon's current efforts to better manage addiction treatment and mental health services based on existing gaming supply.

Casinos in Metro Areas will Trigger Significant Market Disruptions

As stated above, ORLA continues to support the rights of sovereign nations and the importance of their operations and services. But if casinos emerge in service areas off reservation land, then we expect competitive inequities to emerge within the hospitality industry in these markets. Restaurant and lodging members are aggressively competing for talent in a challenging marketplace for employers. We expect these conditions to persist for the foreseeable future. Casino operations in metro areas will result in workforce migrations that further exacerbating the challenges faced by these small businesses. Gambling revenue unavailable to others within the industry's competitive set can upend workforce conditions. If restaurant and lodging locations can't compete with total compensation packages offered to industry employees by casinos in the same marketplace, then we can expect further erosion of Oregon's hospitality industry. Workforce shortfalls in the industry remain a top issue for Oregon's small, independent lodging and restaurant owners and operators who are already struggling to keep their doors open. Casinos, whether tribal or private, in urban areas will make an existing problem worse.

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Thank you,



Greg Astley

Director of Government Affairs, Oregon Restaurant & Lodging Association



Meister Economic Consulting, LLC
59 Promesa Avenue
Rancho Mission Viejo, CA 92694



Pyramid Associates, LLC
2112 W. University Drive, Suite 1251
Edinburg, TX 78539

December 18, 2024

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").

In November 2024, the Bureau of Indian Affairs ("BIA") published in the Federal Register a Notice of Availability for the Final Environmental Impact Statement ("FEIS") for the Proposed Medford Casino project.¹ Subsequently, the FEIS dated November 2024 became available for public review and comment.²

Set forth below are our observations and comments on the FEIS. Note that all of our critiques of the Draft Environmental Impact Statement ("DEIS") set forth in our DEIS comment letter dated February 23, 2023 still apply as they were not adequately addressed.³ As discussed further below, it is our qualified opinion that *the competitive effects conclusions of the FEIS are erroneous as they underestimate the true cannibalization by the Proposed Medford Casino.*

¹ Bureau of Indian Affairs, U.S. Department of Interior, "Final Environmental Impact Statement for the Coquille Indian Tribe Fee-to-Trust and Gaming Facility Project, City of Medford, Jackson County, Oregon," *Federal Register*, Vol. 89, No. 226, November 24, 2024.

² Acorn Environmental on behalf of the Bureau of Indian Affairs, U.S. Department of Interior, "Final Environmental Impact Statement" (<https://coquille-eis.com/final-environmental-impact-statement/>), November 2024.

³ Meister Economic Consulting, LLC, Letter submitted to the Cow Creek Band of Umpqua Tribe of Indians, February 23, 2023.

I. FEIS Competitive Effects Analysis Fails to Account for All Relevant Factors

First, we wish to be clear that we stand by our original conclusion that Seven Feathers Casino Resort will “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).”⁴ Whether this magnitude of loss occurs in Year 2 of the Medford Casino’s operation, as we projected, or in Year 6 due to a longer phase-in, as GMA now projects, it does not alter the magnitude of the final impact. At best, a longer phase-in period for the proposed Medford Casino merely delays the total impact, but it does not change the magnitude of the substitution effect.

Consequently, we reiterate our conclusion that “[l]osses 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.”⁵ Furthermore, and more importantly, we reiterate our conclusion that:

“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.”⁶

To arrive at these conclusions in our original February 2023 report, we conducted a market impact analysis based on well-established demand analysis techniques that incorporate standard assumptions about the gaming market and the proposed gaming facilities. The analysis and conclusions were derived from a *custom designed gravity model*,⁷ which is a modeling technique commonly utilized for forecasting visits and revenues at casinos. Inputs to the model consisted 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 made available by the Cow Creek Band on a confidential basis, although our final report was quite transparent in showing how that data affected our analysis (see below).

As we noted in our report, 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.⁸ However, it is known that customer decisions about

⁴ Meister Economic Consulting, LLC, *The Competitive Impact of Proposed Medford Casino on Seven Feathers Casino Resort*, submitted to the Cow Creek Band of Umpqua Tribe of Indians (February 2023), p. 19.

⁵ *Ibid*, p. 20.

⁶ *Ibid*, p. 20.

⁷ *Ibid*, pp. 13-18.

⁸ One slot machine equals one gaming position, while one table game is typically six positions.

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. Nevertheless, non-gaming entertainment and resort amenities are not usually incorporated into most gravity models, including the one utilized by GMA.⁹ However, our model explicitly and transparently incorporates these amenities into the calculation of gravity factors.¹⁰ Consequently, *the full array of Seven Feathers Casino Resort's gaming and non-gaming amenities was incorporated into our analysis* of the proposed Medford Casino's competitive impact on Seven Feathers Casino Resort.

In light of these facts, the FEIS is 100% wrong in its responsive comments asserting that our competitive impact analysis “does not adequately consider the impact of the additional amenities present at the existing Seven Feathers facility in terms of its overall level of attraction in comparison to the Medford project,”¹¹ and “fails to explain that gaming facility size is only one factor that is important to include in a complex gravity model.”¹²

These statements are not only false, they misrepresent GMA's own analysis, which is not comprehensive, nor is it based on objective, comparative metrics of the gaming facility's relative competitiveness. In our report, we explicitly note and quantitatively incorporate into our gravity model that “Seven Feathers Casino Resort is owned and operated by the Cow Creek Band in Canyonville, Oregon...The 381,500 square foot facility includes:

- 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;
- 182-space and 9-cabin Recreational Vehicle resort; and
- 1,200 parking spaces.”¹³

⁹ FEIS, Appendix E, p. 70 states that GMA's gravity model relies primarily on “the number of gaming positions provided within each [casino],” and while it purports to incorporate non-gaming amenities, its model relies exclusively on a subjective “attraction factor” that consists of nothing more than “visiting each facility to understand their relative aesthetic attractiveness.” The exact same methodology is found in FEIS, Appendix O, p. 5.

¹⁰ Meister Economic Consulting, LLC, *The 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. 15-18, especially, Table 3.

¹¹ FEIS – Volume I Response to Comments, p. 3-46, Comment T13-27.

¹² Ibid, p. 3-46, Comment T13-28.

¹³ Meister Economic Consulting, LLC, *The 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. 2-3.

We further note in our report that “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.”¹⁴

However, our analysis did not merely take note of all these gaming and non-gaming amenities, but explicitly incorporates them into our transparent gravity model. Our gravity model uses objective quantitative metrics to generate a “gravity factor.” The gravity factor is a quantitative comparison of the relative competitiveness of different gaming facilities based on the quantity of these amenities and their weighted importance to the financial operations of a casino.¹⁵

Ironically, it is GMA that is not comprehensive because they do not objectively incorporate non-gaming amenities in their gravity model. Rather than including non-gaming amenities in an objective, quantitative manner in its gravity model, GMA instead merely throws in its model a subjective, qualitative “attraction factor” to try to account for the comparative attractiveness of competing gaming facilities.¹⁶ In contrast to our objective, transparent gravity factor that uses quantitative data for each non-gaming amenity, GMA’s attraction factor is solely based on “detailed property evaluations during the site visit,” which means it is a purely subjective assessment made by GMA during one-time walkthroughs of each casino. A subjective factor of this type is not objective or transparent, and therefore, it is easily manipulated by the consultant to generate any preferred result. GMA’s failure to properly include an objective, quantitative measure of non-gaming amenities is another reason why their gravity model underestimates the competitive impact of the proposed Medford Casino’s cannibalization of gaming and non-gaming revenues at Seven Feathers Casino Resort.

II. FEIS Competitive Effects Analysis Fails to Capture Proper Sizing of Seven Feathers Casino Resort

In its gravity model, GMA incorrectly attributes 950 Class III slot machines to Seven Feathers Casino Resort. However, this is old, inaccurate data, and another reason why GMA underestimates the impact of the proposed Medford Casino on Seven Feathers Casino Resort. In the gravity model used in our February 2023 report, we incorporated the correct number of Class III slot machines, 890. Slot machines account for approximately 46% of a casino’s mass – gravity factor – and, therefore, by overestimating the number of slot machines at Seven Feathers Casino Resort by nearly 7%, GMA injects another significant source of error into its competitive effects conclusions. This is on top of the error created by GMA not properly incorporating non-gaming amenities in an objective and quantitative manner in its gravity model.

¹⁴ Ibid, p. 3.

¹⁵ Clyde W. Barrow and David R. Borges, “Gravity Models and Casino Gaming: A Review, Critique, and Modification,” *Gaming Research and Review Journal*, Vol. 18, No. 1 (Spring 2014): 49-82.

¹⁶ FEIS, Appendix O, p. 29.

III. FEIS Competitive Effects Analysis Fails to Properly Account for the Contribution of the Existing Hotel to the Proposed Medford Casino's Cannibalization of Gaming Revenue

GMA fails to incorporate in any way the 111-room Compass by Margaritaville Hotel owned by the Coquille Indian Tribe directly adjacent to the site of the Proposed Medford Casino, and which will be used by the Proposed Medford Casino for their casino patrons. While we noted in our report that this hotel is not technically part of their land-in-trust application, it "should be considered part of the project when estimating the market and competitive effects of the proposed casino."¹⁷ It is disingenuous for GMA to pretend that the hotel will not be marketed in conjunction with the casino to enhance its attractiveness to potential casino patrons. Thus, a comprehensive and accurate gravity model *must* include the hotel. The hotel's omission from GMA's gravity model is another reason why GMA underestimates the competitive impact of the proposed Medford Casino's cannibalization of gaming and non-gaming revenues at Seven Feathers Casino Resort.

IV. FEIS Competitive Effects Analysis Relies on Irrelevant Data

In its revised analysis in Appendix O, GMA incorporates into its gravity model players club data from The Mill Casino, Hotel & RV Park, the Coquille Tribe's existing casino elsewhere in the State of Oregon, possibly to compensate for the fact that GMA did not in its original analysis in Appendix E include any actual market data, such as players club data for any of the tribal casinos that will be negatively affected by the Proposed Medford Casino.¹⁸ However, The Mill Casino is not located in or competing in the relevant market area as it is 169 miles and 3 hours from the Proposed Medford Casino site, which would place it outside the designated market area of even a large resort casino with a full array of non-gaming amenities. The Mill Casino data is not just irrelevant to measuring the impact of the proposed Medford casino on Seven Feathers Casino Resort, it generates an additional source of error and inaccuracy with regard to measuring that impact.

V. FEIS Competitive Effects Analysis Underestimates Total Competitive Impact Given it Erroneously Focuses Only on Local Market Gaming Revenue, Ignoring Outer Market Revenue

As documented in our February 2023 report, Seven Feathers Casino Resort generates a meaningful share of its gross gaming revenue from drive-through and pass-by traffic and these are the types of customers who are likely to stay overnight at the hotel and spend on money on food and beverage, unless intercepted by another gaming facility, such as the Proposed Medford Casino. This is another reason why the adjacent Compass Margaritaville Hotel must be incorporated into GMA's gravity model for purposes of accurately assessing the competitive impact of the Proposed Medford Casino.

GMA is aware of this out-of-market source of revenue, but for reasons unexplained, they do not incorporate this lost revenue into their estimates of the Proposed Medford Casino's competitive impacts. What GMA typically calls "outer market" revenue in its studies includes gaming and non-gaming revenue from tourists to the region, long-haul truck traffic, and other pass-through traffic.

¹⁷ Meister Economic Consulting, LLC, *The Competitive Impact of Proposed Medford Casino on Seven Feathers Casino Resort*, Submitted to the Cow Creek Band of Umpqua Tribe of Indians (February 2023), p. 4.

¹⁸ FEIS, Appendix O, p. 30.

However, GMA's competitive impact analysis simply ignores this outer market revenue, as the GMA report notes that "[f]or the purposes of the Substitution Effect Analysis, GMA focused its analysis on local market gaming revenue."¹⁹ Elsewhere, they confirm that "GMA compared each market participant's projected local market revenue levels (as the gravity model only projects the distribution of local market gaming revenue)."²⁰

There is no reason for GMA to make these statements if there is no other gaming revenue outside of local gaming revenue for the Proposed Medford Casino. Furthermore, it is only reasonable to assume that if outer market gaming revenue exists, a portion of it would come at the expense of existing casinos, just like the portion that would come from within the local market. At least a portion of their visitation to the Proposed Medford Casino would be cannibalization of existing casinos' revenues. This dynamic is especially relevant for tourists with extended stays in the area or those planning to visit multiple destinations throughout the region. By excluding outer market revenue from consideration in the competitive impact assessment, GMA has again underestimated the competitive impacts on the numerous existing tribal casinos.

VI. FEIS Competitive Effects Analysis Fails to Account for Non-Gaming Revenue Losses

As documented in our February 2023 report, Seven Feathers Casino Resort stands to lose approximately 52.1% of its total annual non-gaming revenues (i.e., food and beverage, hotel, retail, and other) to the Proposed Medford Casino if it were to be opened.²¹ However, the financial statements show that promotional allowances are only about 4% of gross non-gaming revenue (only food and beverage revenue). GMA claimed that "projected losses are overstated due to the fact that a large portion of food and beverage revenue at Seven Feathers Casino Resort would likely stem from comped revenue."²² GMA was merely assuming that a large percentage of food and beverage revenue was comped and they are incorrect. Further, GMA did not address other lost non-gaming revenue, which was not comped at all. Thus, significant non-gaming revenue losses will be incurred, and GMA still does not even attempt to compute those losses.

VII. Without Explanation, FEIS Competitive Effects Analysis Presents Different Results than the DEIS Competitive Effects Analysis

In the DEIS (GMA's 2016 study), GMA estimated that the Proposed Medford Casino would generate \$32.2 million in gross gaming revenue, 72.5% of which would be cannibalized from existing casinos and VLTs.²³ Notably, Seven Feathers Casino Resort would experience a 13.2% substitution effect.

In the FEIS (GMA's 2023 study), GMA estimated that the Proposed Medford Casino would generate \$49.4 million in gross gaming revenue, 75.2% of which would be cannibalized from existing casinos and VLTs.²⁴ Notably, Seven Feathers Casino Resort would experience a 21.3% substitution effect.²⁵

¹⁹ Ibid, p. 2.

²⁰ Ibid, p. 31.

²¹ Meister Economic Consulting, LLC, *The Competitive Impact of Proposed Medford Casino on Seven Feathers Casino Resort*, Submitted to the Cow Creek Band of Umpqua Tribe of Indians (February 2023), p. 19.

²² FEIS – Volume I Response to Comments, p. 3-46, Comment T13-27.

²³ DEIS, Appendix E, pp. 87-88.

The GMA estimates have changed over the last seven years, and GMA does not offer any explanation for these differences, although they use essentially the same model with the same assumptions in both studies (changing the years of the model would not explain the vast majority of the differences). Despite increasing their estimate of the substitution effect on Seven Feathers Casino Resort and the market as a whole, their model continues to underestimate the substitution effect on Seven Feathers Casino Resort for the numerous reasons documented elsewhere in this letter and our DEIS comment letter.²⁶ In our February 2023 report, we estimated that the Proposed Medford Casino would generate \$45.9 million in GGR and it would have cannibalize 28.5% of gross gaming revenues from Seven Feathers Casino Resort, and we used the best data possible in the form of their players club data.

VIII. FEIS Competitive Effects Analysis Significantly Underestimates Detrimental Economic Impact to Seven Feathers Casino Resort and Cow Creek Band

While GMA does not provide all the details, data, and underlying assumptions of the FEIS competitive effects analysis, there is enough set forth in Appendix O from which we can easily identify several reasons why *the detrimental economic impact on the Seven Feathers Casino Resort and the Cow Creek Band will be more severe than what is estimated in the FEIS*:

- Seven Feathers Casino Resort has reduced its number of gaming machines over time, adjusting to market conditions. It went from 955 in 2019 to 890 in 2023.²⁷ *This reduction in the number of gaming positions at Seven Feathers Casino Resort has the 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.²⁸ However, at the time of the publication of the FEIS, it was known that the hotel was already built and operational directly adjacent to the proposed casino site.²⁹ Despite this fact, the FEIS does not include in its competitive effects analysis the contribution of the hotel to gaming revenue at the Proposed Medford Casino and its competitive effects on other existing casinos, like Seven Feather Casino

²⁴ FEIS, Appendix O, pp. 2-3. At full build, GMA estimates total local gaming revenue of \$48,167,993, with a substitution effect of \$36,218,686 (75.2%).

²⁵ Ibid, p. 32.

²⁶ Meister Economic Consulting, LLC, Letter submitted to the Cow Creek Band of Umpqua Tribe of Indians, February 23, 2023.

²⁷ The count of 890 gaming machines was obtained from Seven Feathers Casino Resort in 2023. The count of 950 gaming machines came from the FEIS (Appendix O, p. 15). Note that table games increased slightly at Seven Feathers Casino Resort, from 19 in 2019 to 24 in 2023 (same sources).

²⁸ 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.

²⁹ 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%EF%BF%BC/>); FEIS, pp. 2-1, 3-67, and 4-78.

Resort. Even if not technically part of the land-in-trust application, the hotel must be included in the market and competitive effects analyses because it affects the performance of the proposed casino. The FEIS even admits that “the adjacent hotel would be available to serve patrons of the proposed class II gaming facility.”³⁰ 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 Casino Resort, 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.*

- The absence of Seven Feathers’ players club data from GMA’s gravity model is a significant source of error in estimating competitive effects. Standard gravity models make assumptions about the propensity to gamble at different distances from competing casinos based on Newton’s law of gravity. However, our February 2023 report documents that Seven Feathers Casino Resort’s customer base and revenue generation do not conform to a standard gravity model of the type employed by GMA. Seven Feathers Casino Resort’s geographic sources of revenue deviate from a standard gravity model due to the high proportion of its customer base that originates outside a 30-minute drive-time radius. Thus, as we stated in our February 2023 report:

“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.’”³¹

As shown in Table 1 of that report, the residents of 10 Census Civil Divisions (CCD) accounted for 72.0% of the casino’s annual gross gaming revenues in 2021.³²

³⁰ FEIS, p. 2-28.

³¹ Meister Economic Consulting, LLC, *The Competitive Impact of Proposed Medford Casino on Seven Feathers Casino Resort*, submitted to the Cow Creek Band of Umpqua Tribe of Indians (February 2023), p. 4.

³² Ibid, p. 5.

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 and the loss of these customers will disproportionately affect Seven Feathers Casino Resort beyond what a standard gravity model would estimate for competitive impact. Notably, our February 2023 report 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 customers, particularly those living in southern Oregon, would be in the Proposed Medford Casino Resort’s primary market area (0-30 minute drive time). GMA has never addressed this fact in its response, nor has it adjusted its gravity model to account for this fact.

Seven Feathers Casino Resort also generates a significant share (6%) of its gross gaming revenue from drive-through and pass-by traffic.

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.³³

³³ Ibid, p. 19.

IX. FEIS Erroneously Claims Detrimental Economic Impact to Seven Feathers Casino Resort is Acceptable and Recoverable

The FEIS suggests that the gaming revenue losses to existing casinos, including an alleged 21.3% loss to Seven Feather Casino Resort, are acceptable and recoverable. For a variety of reasons, this conclusion is *speculative and fundamentally flawed*:

- The FEIS claims that “[a] typical properly managed facility should have the ability to streamline operations to absorb the magnitude of impacts described in Table 4.7-6 and remain operational.”³⁴ *There is no way that the FEIS can definitively draw this conclusion without data from the affected casinos.* It is our understanding that the BIA and its consultants do not have and did not use data from Seven Feathers Casino Resort or the Cow Creek Band, nevermind any of the other casinos that will be cannibalized by the proposed Medford Casino. Furthermore, GMA’s claimed reliance on players club data for an out-of-market casino, the Mill Casino, is completely irrelevant and does not help determine competitive impacts on Seven Feathers Casino Resort, or any other casino.
- Regardless of whether Seven Feathers Casino Resort can absorb the impact and remain operational, *the gaming and non-gaming revenue losses are real and significant.* The FEIS invokes a court decision not relevant to this matter that “competition...is not sufficient, in and of itself, to conclude [there would be] a detrimental impact on” a tribe.³⁵ With such a sizable decrease in revenue to the Seven Feathers Casino Resort, *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/or (c) provide for the current level of general welfare of its tribal members, the fundamental usages allowed by the Indian Gaming Regulatory Act.* Competition *per se* is not the detrimental impact to the Cow Creek Band, but instead it is the loss of Tribal government revenues that is the detrimental impact to the Cow Creek Band.
- The FEIS claims that “[e]stimated substitution effects are anticipated to diminish after the first year of project operations because local residents will have experienced the casino and will gradually return to more typical and more diverse spending patterns.”³⁶ This conclusion is *purely speculative.* It is *not supported by any data or analyses* in the main text of the FEIS, nor is this conclusion made or supported at all in studies completed by GMA in Appendices E or O. 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 its close proximity to a significant portion*

³⁴ FEIS, p. 4-23. As noted elsewhere in this letter, the gaming competitive impact on Seven Feathers Casino Resort will be much higher than 21.3% given its ability to draw patrons from further than average distances (Source: Seven Feathers Casino Resort players club database).

³⁵ Ibid, p. 4-23.

³⁶ Ibid, p. 4-23.

of Seven Feathers Casino Resort's existing players, the substitution effect is going to be permanent.

- The FEIS 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.”³⁷ 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 and FEIS, including GMA's Appendices E and O.
 - 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 Casino Resort 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 Casino Resort will never get to the revenue level it otherwise would be at in any year after the introduction of the Proposed Medford Casino*.
 - 4) 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 is acceptable because Seven Feathers Casino Resort's gaming revenue will allegedly recover to the 2023, pre-Medford Casino level in 16.1 years (approximately 2040).³⁸ *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*.
- Even if revenue at Seven Feathers Casino Resort 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 Casino Resort 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*

³⁷ DEIS, p. 4-22 and Appendix E, p. 67.

³⁸ DEIS, p. 4-22 and Appendix E, pp. 89-90.

total of 32.2% to 48.3% above the 2023 pre-Medford Casino level,³⁹ and this lost growth can never be recovered by Seven Feathers Casino Resort or the Cow Creek Band.

X. FEIS Confirms Proposed Medford Casino Will Yield Only a Small Net Economic Benefit to the Region Because It Largely Cannibalizes Existing Casinos

Despite all its aforementioned shortcomings, the FEIS still admits that the Proposed Medford Casino will only grow the existing gaming market by a small amount, 24.8%.⁴⁰ This means that the vast majority of the proposed Medford Casino's gross gaming revenues, 75.2%, will be cannibalized from existing gaming facilities in the market area, of which a large proportion will be cannibalized from Seven Feathers Casino Resort. 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 in the casino's market area.

If you have any questions regarding this letter, please do not hesitate to contact us at (949) 390-0555 or ameister@meisterconomics.com.

Sincerely,

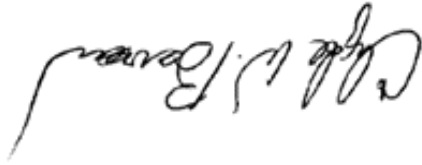


Alan Meister, Ph.D.

CEO & Principal Economist

Meister Economic Consulting

(formerly with Nathan Associates)



Clyde W. Barrow, Ph.D.

Affiliate, Meister Economic Consulting

Principal Investigator, Pyramid Associates, LLC

³⁹ 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.
⁴⁰ FEIS, p. 4-22, and Appendix O, p. 3. At full build, GMA estimates total local gaming revenue of \$48,167,993, with new market growth of \$11,949,308 (24.8%) and a substitution effect of \$36,218,686 (75.2%).

EXHIBIT 2 – ALL COMMENT LETTERS

Agency Comments



OFFICE OF THE GOVERNOR

December 16, 2024

Via electronic mail

Wizipan Garriott
Principal Deputy Assistant Secretary – Indian Affairs
U.S. Department of the Interior
1849 C Street, N.W.
Washington, D.C. 20240

Re: Off-Reservation Tribal Gaming Projects

Dear Mr. Garriott:

On behalf of Governor Gavin Newsom, I write to express grave concern that the U.S. Department of the Interior continues to move forward with at least two off-reservation gaming projects (the Shiloh Resort and Casino Project and the Coquille Indian Tribe Fee-to-Trust and Gaming Facility Project), and perhaps also with a third such project (the Scotts Valley Casino and Tribal Housing Project), despite serious deficiencies in its decision-making process. I urge the Department to take the time necessary to engage in further consultation on these projects.

In the context of the Shiloh Resort and Casino Project, deficiencies in the Department's decision-making process have already given rise to litigation. As California's State Historic Preservation Officer (SHPO) warned on July 10, 2024, the Department's efforts to identify historic properties (including those of religious and cultural significance to local tribes) that could be affected by the project have been "insufficient, inadequate, and not reasonable." These shortcomings reflect, in large part, the Department's failure to consult sufficiently with local tribes: indeed, the SHPO noted that the Department had failed to respond to concerns raised by one local tribe, the Federated Indians of Graton Rancheria. The Department concedes that it has still failed to resolve the SHPO's concerns—and nevertheless proposes to plow forward with the project anyway. (Final Environmental Impact Statement at 3-65.) Given the Department's puzzling refusal to correct its deficient



consultation process, Graton Rancheria has now found it necessary to initiate litigation to ensure its voice is heard.

The Scotts Valley Casino and Tribal Housing Project raises similar concerns. We have heard consistent frustration from potentially affected tribes that the Department has failed to engage in meaningful consultation regarding that project. The Yocha Dehe Wintun Nation, in particular, has sent multiple letters to the Department requesting government-to-government consultation about the project—all of which appear to have been ignored or rebuffed. And we understand that, while the Department has now belatedly moved to begin Section 106 consultation under the National Historic Preservation Act, no such consultation has yet taken place. We have also heard concern that the Department has been reluctant to share key evidence on which a potential “restored lands” determination for the Scotts Valley project would be based. And for unclear reasons, the Department has failed, thus far, to prepare an Environmental Impact Statement for the project—further underscoring our tribal partners’ concerns about the Department’s lack of transparency.

Our tribal partners’ experiences, unfortunately, align with our own. On August 16, 2024, our office submitted a letter to Assistant Secretary Bryan Newland expressing serious concerns about the Department’s proposed use of the “restored lands” exception for the Shiloh Resort and Casino Project and the Scotts Valley Casino and Tribal Housing Project and urging the Department not to move forward with the projects outside a two-part determination. We never received a response from the Department, or any other outreach or follow-up regarding the projects. On the contrary, we first learned from local tribes—rather than from the Department—that the Department planned to move forward with these projects. Indeed, we have yet to be notified of the Department’s intentions regarding the Scotts Valley project.

Given this experience, we share tribal governments’ concern over deficiencies in the Department’s consultation process. We understand why Graton Rancheria has already found it necessary to litigate over those deficiencies in the context of the Shiloh project. And we urge the Department to pause to correct its deficient consultation process—to take the time to listen to tribal voices, the State, and other concerned parties—before further litigation becomes necessary.

We are likewise concerned about deficiencies in the Department’s process regarding the Coquille project. In a January 2023 letter, we urged the Department to consult with tribes (including California tribes) within 100 miles of the project, so



that tribes could “be given an opportunity to describe the potential impacts of the project on their gaming revenues and governmental functions and services.” Frankly, we did not think this suggestion would be controversial: we assumed the Department would show nearby tribal governments this basic courtesy. Thus, we were disappointed to receive a response (more than two months later) disputing whether such consultation was legally required—as if the federal government’s relationships with its tribal partners should be guided by the bare minimum the law requires, rather than by basic respect. And we have likewise been disappointed to hear our fellow governments confirm that they have been frustrated in their pursuit of meaningful government-to-government consultation over the Coquille project.

In our August 2024 letter to the Department regarding the Shiloh and Scotts Valley projects, we noted the importance of striking a careful balance between the potential benefits of expanded tribal gaming and its potential impacts on surrounding communities. Striking this balance requires thorough and careful consultation—a willingness to hear, understand, and respond to the concerns of affected communities, including local tribes.

In its haste to rush forward with these projects, the Department has not yet done this important work. We urge the Department to reconsider its rush to judgment, and to take the time to listen to the tribal voices it has marginalized, before making any final decisions on these projects.

Sincerely,



Matthew Lee
Senior Advisor for Tribal Negotiations &
Deputy Legal Affairs Secretary
Office of Governor Gavin Newsom

Cc: Amy Dutschke, Regional Director for the Pacific Region, Bureau of Indian Affairs
Tobiah Mogavero, NEPA Coordinator, Northwest Region, Bureau of Indian Affairs
Chad Broussard, Environmental Protection Specialist, Pacific Region, Bureau of Indian Affairs



From: Higgins, Nate <Nate.Higgins@mail.house.gov>
Sent: Friday, December 20, 2024 2:06 PM
To: Higgins, Nate <Nate.Higgins@mail.house.gov>
Subject: [EXTERNAL] Rep. Bentz Letter Public Comment on Coquille Casino EIS

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

Good afternoon,

Please see the attached letter from Congressman Bentz for public comment on the Coquille Casino EIS

Nate Higgins
Legislative Assistant
Congressman Cliff Bentz (OR-02)
(202) 225-6730 – Office
409 Cannon House Office Building
Washington, DC 20515

CLIFF BENTZ

SECOND DISTRICT, OREGON

WASHINGTON D.C. OFFICE:
1239 LONGWORTH HOUSE OFFICE BUILDING
WASHINGTON, D.C. 20515
TEL: (202) 225-6730

DISTRICT OFFICES:
14 N CENTRAL AVENUE, SUITE 112
MEDFORD, OR 97501
TEL: (541) 776-4646
FAX: (541) 779-0204

2430 SW 4TH AVENUE, SUITE 2
ONTARIO, OR 97914
TEL: (541) 709-2040



CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
WASHINGTON, D.C. 20515

December 20, 2024

HOUSE NATURAL RESOURCES COMMITTEE

RANKING MEMBER
SUBCOMMITTEE ON WATER, OCEANS,
AND WILDLIFE

SUBCOMMITTEE FOR INDIGENOUS
PEOPLES OF THE UNITED STATES

HOUSE JUDICIARY COMMITTEE

SUBCOMMITTEE ON ANTITRUST, COMMERCIAL,
AND ADMINISTRATIVE LAW

SUBCOMMITTEE ON COURTS,
INTELLECTUAL PROPERTY,
AND THE INTERNET

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

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

AND VIA E-MAIL TO:

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

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

Dear Former Director Mercier, Acting Director Peone, and Regional NEPA Coordinator Mogavero:

I write to provide comments on the Final Environmental Impact Statement (“FEIS”) prepared by the Bureau of Indian Affairs (“BIA”) 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, and issued by publication in the federal register on November 22, 2024.¹

The FEIS does not adequately address the issues raised in my April 13, 2023 letter to AS-IA Newland, nor the numerous comments the BIA received from five state and local government

¹ EPA NOA: 89 FR 92681 (November 22, 2024); BIA NOA: 89 FR 92712 (Nov. 22, 2024).

entities,² ten affected Tribes,³ and at least eighty individuals, some of them elected state and local officials. To the contrary, the BIA's responses to comments it received on the 2022 Draft Environmental Impact Statement ("DEIS"), and the FEIS itself, fail to adequately frame or consider the current economic position and needs of the Coquille Indian Tribe, rely on stale and outdated data, and otherwise gloss over or ignore the many identified procedural discrepancies in the environmental review process. Further, while on the one hand dismissing my and many other's expressed concern that the BIA has failed to submit the Coquille Indian Tribe's application to a two-part determination, as required by IGRA, with the phrase "compliance with the Coquille Restoration Act and Indian Gaming Regulatory Act ("IGRA") is a procedural issue and is beyond the scope of NEPA,"⁴ the FEIS is replete with statements unlawfully acceding to use of the "restored lands exception" as the basis for the anticipated agency action.⁵ As a result of these and other deficiencies, the FEIS fails to take the "hard look" at the proposed agency action required by the National Environmental Policy Act ("NEPA") and is inadequate as a matter of law.

Insufficient Purpose and Need. As I stated in my April 13, 2023 letter to AS-IA Newland,

I applaud the Coquille Indian Tribe for its economic development efforts and its great success with its existing Class III gaming facility, and its construction enterprise, Tribal One. However, further economic development for the Coquille should not come at the cost of safety, opportunity, or economic development for Medford and its surrounding communities.

Notably, however, the FEIS makes no mention of the Coquille's exemplary success with Tribal One in assessing the Tribe's economic condition or needs. In fact, it makes no mention of Tribal One at all. Instead, in analyzing the Tribe's revenue sources, the FEIS contains a lengthy explanation of the challenges currently faced by the Coquille's existing Class III gaming facility, the Mill Casino, and the limited income the Tribe is able to derive from "the sale of timber from the 5, 410-acre Coquille Forest."⁶ This analysis of the Tribe's revenue sources does not mention Tribal One or the millions of dollars in revenue these enterprises generate, or will generate in the future, for the Tribe. Moreover, while the FEIS acknowledges the existence of the Coquille Tribe's successful Compass Hotel, located adjacent to the Medford Site, it does not consider the revenue the Tribe receives from that successful venture either.

The FEIS then describes the unmet needs of the Coquille Indian Tribe, failing to update the DEIS's reliance on the Coquille Tribe's Unmet Needs report from 2013, last updated a decade ago, in 2014.⁷ Without reference to or provision of any underlying data, the FEIS goes on to state

² City of Medford, Governor of California, Oregon Department of Transportation, Jackson County, and U.S. EPA – Region 10.

³ Cow Creek Band of Umpqua Band of Indians, Karuk Tribe, Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians, Tolowa Dee-ni' Nation, Confederated Tribes of Warm Springs, Elk Valley Rancheria, Confederated Tribes of the Grand Ronde, Klamath Tribes, Confederated Tribes of Siletz Indians, and Shasta Nation.

⁴ See e.g., FEIS, Vol. I, at p. 3-30, 3-34, 3-40, and 3-42.

⁵ See e.g., FEIS, Vol. II, at 2-5, 2-9, and 2-27.

⁶ FEIS, Vol. II, at § 1.3, p. 1-2 to 1-3.

⁷ "In 2013 and 2014, the Tribe summarized its present economic situation, and basic needs associated with providing governmental programs for its members including health care, education, social services, elder services, housing, cultural preservation, and environmental protection (Coquille Tribe, Unmet Tribal Needs Report, 2013a and, 2014).

“as of 2023, the budgetary needs to support existing expenditures of the Tribe continue to exceed incoming revenue. These circumstances have more recently been exacerbated by inflation and the growing and aging nature of the Tribe’s membership.”⁸ The Coquille Indian Tribe’s DEIS comment letter does not mention Tribal One. Neither does it provide any data to support the conclusory statement quoted in the FEIS.

Since the Unmet Tribal Needs Report was last updated in 2014, the success of its construction enterprise, Tribal One, has expanded significantly; Tribal One has been awarded many multi-million-dollar contracts, with numerous federal agencies, including the US Army Corp of Engineers, United States Department of Agriculture and the BIA. The Coquille’s new hotel in Medford is also generating significant revenue independent of any gaming availability. This impressive economic success necessitates an update to the Unmet Tribal Needs Report. In the FEIS, the BIA failed to update the Unmet Tribal Needs Report and consequently failed to adequately define the purpose and need for the proposed action.

Insufficient Scope. The Notice of Intent and the Scoping Report, published in 2015, are insufficient and fail to recognize the full scope of the proposed action. The proposed action, as initially contemplated, included a 2.4-acre transfer of land, converting a bowling alley to a Class II gaming facility. In the last nine years, the scope of the proposed action increased substantially, and the Tribe’s development now includes a newly constructed 111-room hotel; further, the gaming facility as it is now contemplated will exist as a part of a sprawling 45-acre development. 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).

The increased scope is acknowledged in the FEIS. In describing the “Medford Site,” the FEIS states it “is located within the incorporated boundaries of the City of Medford, adjacent to the northeastern boundary of Oregon State Highway 99 (OR 99, also South Pacific Highway and South Riverside Avenue), between Charlotte Ann Road and Lowry Lane (Figure 2-1 and 2-2). The site is approximately 7.24 acres and consists of nine tax lots (Tax Lots [listed]) currently owned by the Tribe and a portion of another tax lot (Tax Lot [listed]) that is currently leased by the Tribe.”⁹ The FEIS also acknowledges “[t]he adjacent parcels to the northwest, northeast, southeast and east consist of commercial and residential uses, including the recently constructed Compass Hotel (also known as the Cedars) that began operation in the summer of 2022.”¹⁰

However, the FEIS then fails to incorporate the increased scope throughout other parts of its analysis in the FEIS, particularly when analyzing the substitution effects the Medford project will have on other Tribal casinos in the same gaming market. To the contrary, the FEIS treats the hotel as if it is entirely unrelated to the project or its environmental impacts. In response to comments pointing out that the hotel is an amenity which increases the revenue projections for

As described by the Tribe, the annual supplemental income needed by the Tribe to fund existing programs and services is estimated to exceed \$13 million by 2022, at which time the Tribe would have a cumulative deficit in excess of \$74 million.” DEIS, at § 1.3, p. 1-2 ; FEIS, Vol. II, at § 1.3, p. 1-2.

⁸ FEIS, Vol. II, at § 1.3, p. 1-2.

⁹ FEIS, Vol. II, at § 2.2.1, p. 2-1.

¹⁰ *Id.*

gaming revenues at the Medford Site, the BIA claims that because the “hotel was developed on a standalone, independent basis and is already in operation today” it should not be considered as part of the FEIS analysis.¹¹ By acknowledging, but refusing to analyze, the increased scope of the proposed action, the FEIS has failed to take the requisite hard look required by NEPA.

Outdated Materials. Like the DEIS, and despite numerous comments addressing the staleness of its data and suggesting that the scoping process be restarted, the FEIS rejects those concerns and continues to rely on outdated materials. The BIA claims “since the publication of the scoping report [in 2015], substantial changes relevant to environmental concerns related to the Proposed Action have not been made... Similarly, there are no significant new circumstances or information relevant to environmental concerns and bearing on the Proposed Action or its impacts. In response to comments received on the Draft EIS, text and analyses contained in the EIS have been supplemented, modified, and improved; and factual corrections have been made.”¹² However, this appears not to be true. The FEIS continues to rely on stale data as much as twelve or more years out of date. For example, even the “updated” reports, such as the Updated Air Quality Output Tables, continue to rely on a traffic impact analysis from 2015, the Coquille’s April 2013 business plan, and a 2016 AES report that is not properly identified.¹³

The gaming industry has shifted significantly in recent years, most notably due to the shockwaves felt throughout the world from the COVID-19 pandemic. As noted above, in the past few years there have been significant changes to the scope of the proposed action, most notably the construction of a connected hotel, necessitating updated studies and analyses in order to understand the full impact of the proposed action.

These outdated documents, which are relied upon for the conclusions drawn in the FEIS, must be updated. Courts have 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). In failing to adequately update the outdated and foundational studies supporting the conclusions contained in the FEIS, the BIA failed to take the requisite hard look at the proposed action.

IGRA’s Two-Part Determination. My April 13, 2023 letter to AS-IA Newland also documented my position that “[w]hile I absolutely support economic development for all of Oregon’s federally recognized Tribes, it must be pursued through the appropriate channels. The Appropriate channel for this application is a two-part determination.” As I said then, and maintain today, doing so is the only way to “effectuate the clear intention of Congress in passing both IGRA and the Coquille Restoration Act.” The FEIS fails to address this important aspect of the Proposed Action. No amount of environmental assessment can render an unlawful action lawful; yet the FEIS repeatedly states that the Proposed Action entails the transfer of the Medford parcel into trust

¹¹ FEIS, Vol. I, at p. 3-46.

¹² FEIS, Vol. I, at p. 3-2.

¹³ FEIS, Vol. II, Appendix S.

“as part of the restoration of lands for the [Coquille] Tribe by the Secretary in accordance with the Coquille Restoration Act” and under the “restored land exception” to IGRA.¹⁴

The Coquille Restoration Act (“CRA”) does not allow for the restoration of lands under IGRA’s restored land exception in Jackson County. The FEIS is therefor based on an unlawful fallacy rendering its ultimate conclusions, and the BIA’s anticipated record of decision transferring the Medford parcel into trust on behalf of the Coquille Indian Tribe for gaming purposes, unsupportable as a matter of law.

The proposed action should be subject to a two-part determination process. IGRA prohibits gaming from 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.”).

The Coquille’s interpretation of the interplay between IGRA and the 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

¹⁴ FEIS, Vol. II, at p. 2-5 and 2-9.

affirmatively concurred with the Secretary.¹⁵

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).¹⁶

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.

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

¹⁵ M-37023, January 18, 2009, at p. 2.

¹⁶ 25 U.S.C. § 715c(a) (omitted).

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 CRA 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 conceded 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. Prior to approval of the proposed action, the BIA should require Coquille to pursue a two-part determination.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Cliff Bentz', with a stylized flourish at the end.

Cliff Bentz
Member of Congress



Oregon

Tina Kotek, Governor

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

December 23, 2024

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

Re: Final 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 Final Environmental Impact Statement (FEIS) 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 Assistant Manager Lucas Schaffler at lucas.d.schaffler@odot.state.or.us or 541-621-0188 when the Tribe is ready to discuss the permit application process.
- II. Access management mitigation identified in the TIA will require further discussion to determine feasibility and performance. ODOT suggests convening a meeting to discuss transportation mitigation in greater detail prior to the permitting process.
- III. 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.
- IV. All pedestrian ramps along Highway 99 should be designed to meet current ADA standards.
- V. 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

Micah Horowitz, AICP
 Senior Transportation Planner

Tribal Comments

From: Meagan Davenport <mdavenport@ctclusi.org>
Sent: Tuesday, November 26, 2024 5:25 PM
To: Mercier, Bryan K <Bryan.Mercier@bia.gov>
Cc: Rick Eichstaedt <rick@rbmindianlaw.com>
Subject: [EXTERNAL] CTCLUSI Letter to BIA Re: Coquille FEIS Extension Request and Consultation
Importance: High

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

Good afternoon Mr. Mercier,
See the attached letter from CTCLUSI Tribal Council re: Letter to BIA – Coquille FEIS Extension Request and Consultation.

Please contact me at your earliest convenience to schedule a date,

Meagan Davenport
Senior Executive Assistant to
CEO Lee Ann Wander & Tribal Council
Ph: 541-888-7509
Cell: 541-294-6494
Confederated Tribes of Coos, Lower
Umpqua & Siuslaw Indians
1245 Fulton Avenue, Coos Bay, Oregon



**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

November 26, 2024

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

SENT VIA EMAIL (bryan.mercier@bia.gov)

**RE: Request for Extension of Comment Period and for Consultation
regarding Coquille Fee-to-Trust Proposal**

Dear Mr. Mercier:

This letter is submitted on behalf of the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians ("CTCLUSI" or "Tribe") regarding the Final Environmental Impact Statement ("FEIS") for the Coquille Indian Tribe's proposed 2.4-acre fee-to-trust transfer and casino project in Medford, Oregon. The Tribe received notice of the FEIS on November 22, 2024.

As you know, the FEIS consists of over 1,500 pages of information. The Tribe is diligently reviewing the information to determine how best to respond. Unfortunately, the FEIS was released in the midst of the winter holidays which makes meaningful and thorough review of the FEIS difficult. Accordingly, the Tribe requests a 30-day extension to allow for thorough review of the FEIS.

In addition, the Tribe requests an opportunity to consult with BIA regarding this proposal. To date, there has been no consultation with CTCLUSI on this proposal and the Tribe needs to better understand the decision and its implications for future gaming development in the State of Oregon.

Please contact Meagan Davenport, Senior Executive Assistant, at 541-888-7509 or at mdavenport@ctclusi.org to arrange the details for a consultation meeting.

Respectfully,

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

From: Vanessa Pence - GO \ Tribal Board Assistant <Vanessa.Pence@cowcreek-nsn.gov> **On Behalf Of** Carla Keene - GO \ Tribal Board Chairman
Sent: Tuesday, November 26, 2024 11:50 AM
To: Mercier, Bryan K <Bryan.Mercier@bia.gov>; Mogavero, Tobiah C <tobiah.mogavero@bia.gov>; FY22, BIA CoquilleCasinoEIS <CoquilleCasinoEIS@bia.gov>
Subject: [EXTERNAL] FEIS Comments Requesting Extension for Deadline

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

Good Morning,

Please find attached a letter requesting extension for FEIS Comments from the Cow Creek Band of Umpqua Tribe of Indians.

Respectfully,

Carla Keene | Tribal Chairman
Cow Creek Band of Umpqua Tribe of Indians
carla.keene@cowcreek-nsn.gov
2371 NE Stephens St., Roseburg, OR. 97470
www.cowcreek-nsn.gov
Office: (541) 672.9405 |

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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

November 25, 2024

VIA 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

bryan.mercier@bia.gov
tobiah.mogavero@bia.gov
CoquilleCasinoEIS@bia.gov

Re: FEIS Comments, Coquille Indian Tribe Fee-to-Trust and Casino Project Request
for Extension of Time for Submission of FEIS Comments

Dear Director Mercier and NEPA Coordinator Mogavero

The Cow Creek Band of Umpqua Tribe of Indians ("Cow Creek Tribe") will be submitting comments on the Final Environmental Impact Statement ("FEIS"), 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 22, 2024.

Currently the Notice of Availability provides that the deadline to submit public comments on the FEIS is December 24, 2024. The FEIS consists of over 1500 pages of information that 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 extend the deadline for comments by thirty (30) days, to January 24, 2025.

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, and Notice of Comment Extension and Second Hearing for Draft Environmental Impact Statement, dated December 20, 2022.

Public Comments are Critical to FEIS. 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 FEIS 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 FEIS is dated November 22, 2024, aimed at timing the issuance of the Record of Decision on or about to Christmas Eve. The strategic timing of the publication of the FEIS 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 FEIS 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.

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 FEIS 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 FEIS is the first substantive, up to date, final information that has been made available about the Coquille Project in seven years. The processing of this vast amount of new information requires time.

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 FEIS.

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 extend the deadline for comments by thirty (30) days, to January 24, 2025.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read "Carla Keene".

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



The Klamath Tribes

Tribal Council

August 5, 2024

The Honorable Deb Haaland
 Secretary
 U.S. Department of the Interior
 1849 C Street NW
 Washington, D.C. 20240

RE: Draft Environmental Impact Statement (DEIS) Comments, Coquille Tribe Medford Gaming Facility Project

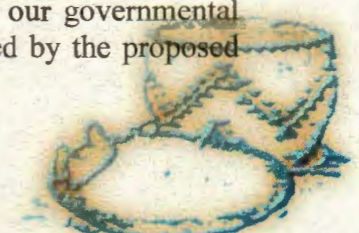
Dear Honorable Secretary Haaland:

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 5,800 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 over 22 million 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, on June 19th 1997, in an effort to improve our struggling economy, the Tribe opened Kla-Mo-Ya Casino. Klamath's Kla-Mo-Ya Casino was the Klamath Tribes first and still largest economic venture and 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. Kla-Mo-Ya Casino is the second largest tourist attraction after Crater Lake National Park.

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

¹ Pub. Law. No. 587 (Aug. 13, 1954).



gaming facility. Klamath believes the draft EIS fails to consider the full extent of the economic impacts and irreparable harm which Klamath and other surrounding tribal governments are to experience, as required by NEPA's environmental review process.

Therefore, Klamath opposes the findings of the draft EIS and the proposed trust acquisition should be denied.

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. The town of Chiloquin, one of the most economically depressed communities in Oregon and indeed the entire area of Klamath County is economically depressed, and further stress on the local economy caused by allowing this casino to move forward could be catastrophic to our tribal community.

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

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.

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 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.

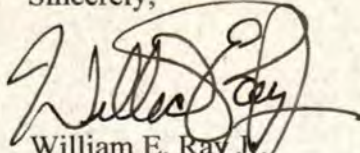
In our view, the BIA should more thoroughly analyze the data and the real-world impact that the surrounding tribes, communities, ~~and~~ businesses would endure should the project be approved.

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 me at your earliest convenience.

Thank you in advance for your attention to this important matter.

Sincerely,



William E. Ray Jr.
Tribal Chairman

cc:

Governor Tina Kotek
Jack Lehman, KTEDC
Chair Carla Keene, Cow Creek Band of Umpqua Tribe of Indians
Chair Gary George, Oregon Tribal Gaming Association
Senator Jeff Merkley
Senator Ron Wyden
Congressman Cliff Bentz

⁶ Draft EIS at 4-23.

⁷ *Id.*



The Klamath Tribes
Tribal Council
P.O. Box 436
Chiloquin, Oregon 97624

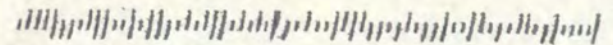


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SECRETARY MS 7328





Karuk Tribe

TRIBAL HEADQUARTERS

T4

Administrative Office

Phone: (530) 493-1600 • Fax: (530) 493-5322
64236 Second Avenue • Post Office Box 1016 • Happy Camp, CA 96039

December 2, 2024

SENT VIA U.S. MAIL AND EMAIL

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
tobiah.mogavero@bia.gov
CoquilleCasinoEIS@bia.gov

Re: FEIS Comments, Coquille Indian Tribe Fee-to-Trust and Casino Project Request for
Extension of Time for Submission of FEIS Comments

Dear Director Mercier and NEPA Coordinator Mogavero,

The Karuk Tribe is in receipt of the Notice of Availability of the Final Environmental Impact Statement ("FEIS"), assessing the environmental impacts of the Coquille Indian Tribe's ("Coquille") application for its proposed 2.4-acre fee-to-trust transfer and casino project in the City of Medford, Jackson County, Oregon ("Coquille Project"). For the reasons provided herein, the Karuk Tribe requests an extension of the deadline for comments to the FEIS on the Coquille Project of at least 30 days.

The Karuk Tribal government and community will be significantly negatively affected by the Coquille Project, and it is imperative to your trust duty to the Karuk Tribe that your office be fully informed of the veracity of the analysis in the FEIS and actual impacts to our community, our tribal government and the environment on which we depend before rendering a final decision on this project. Prior to the release of this public notice, on multiple occasions, our community invited Assistant Secretary of Indian Affairs Newland to view the site conditions on the Karuk lands to understand first-hand how the project would impact the Karuk Tribal government and its citizens. Despite commitments to honor this request, ASIA Newland never visited the Karuk lands. In light of this failure to receive first-hand knowledge from the Karuk Tribal Community, the Karuk Tribe is required to convey such information in the context of the Tribe's response to comments. Notwithstanding this need, the timing of the publication and the volume of the FEIS do not allow for a reasonable time to completely inform the federal government regarding the adequacy of the document.

The ability of the BIA to gain meaningful comments is compromised by the timing of the notice and public review period. The Notice of Availability states the deadline to submit public comments on the FEIS is December 24, 2024, imposing the burden on the public of responding to the FEIS during a period of known compromised availability due to holiday and year end obligations, as well as likely

adverse weather conditions that could impair the tribal government's ability to meet and consult with its staff. In addition, the sheer volume of the FEIS--over 1,500 pages of information -- is extraordinary and burdensome. With dated information and technical appendices to review by appropriate experts to discern the accuracy of information provided to the BIA, coordination of comments is a significant undertaking. In addition, the BIA's inconsistent position on this project over more than a decade creates a confusing and inconsistent record that requires considerable tracking and review.

The Karuk Tribe and other interested individuals and entities repeatedly have warned the BIA that much of the analysis in the previously released DEIS fails to disclose the nature and extend of the impacts from the project and includes contradictory information that could lead the BIA to an erroneous conclusion regarding the project. Public comments at this point are the last opportunity for the Karuk Tribe and the public to determine and inform the BIA if the previous errors in processing the project have been corrected. The gravity of the projected impacts of this project requires that the BIA provide an adequate and appropriate opportunity to submit meaningful comments. Allowing only thirty days for submission of comments during this late-year holiday season does not satisfy this requirement; rather, it appears to be a conscious effort to deprive the Karuk Tribe and other affected parties of a meaningful opportunity to make the BIA aware of serious flaws in the FEIS.

Thank you for your consideration.

Sincerely,



Russell Attebery, Chairman Karuk Tribe

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

¹ 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).



Tolowa Dee-ni' Nation

T5

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



December 9, 2024

VIA U.S. MAIL & E-Mail (rudy.peone@bia.gov & tobiah.mogavero@bia.gov)

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

**Re: FEIS Comments, Coquille Indian Tribe Fee-to-Trust and Casino Project
Request for Extension of Time for Submission of FEIS Comments**

Dv-laa-ha ~ Acting Director Peone and NEPA Coordinator Mogavero,

The Tolowa Dee-ni' Nation will be submitting comments on the Final Environmental Impact Statement (FEIS) regarding the Coquille Indian Tribe's proposed 2.4-acre fee-to-trust transfer and casino project in Medford, Oregon. Published in the Federal Register on November 22, 2024, the FEIS contains over 1,500 pages of data that we are reviewing. The current deadline for public comments is December 24, 2024. However, this extremely short timeline during the November and December holidays does not allow sufficient time for the Tolowa Dee-ni' Nation and other stakeholders to provide meaningful input on the FEIS. Therefore, the Tolowa Dee-ni' Nation respectfully requests a 30-day extension of the comment period to January 24, 2025.

An extension of the comment period is clearly within the authority of the Bureau of Indian Affairs (BIA), as outlined by the Council on Environmental Quality and 40 CFR § 1506.11(e). Given the sheer complexity of the Coquille Project, BIA has granted extensions in the past, recognizing the importance of thorough public involvement. The NEPA Guidebook emphasizes that public participation is critical, requiring adequate opportunities for comment, hearings, and meetings. The current timeline and timing of the publication of the FEIS has stretched our resources, especially during the holiday season when staff availability is limited or unavailable.

A cursory review of the FEIS indicates it is based on outdated and incomplete information which is extremely concerning to the Tolowa Dee-ni' Nation. The initial Scoping Report from 2015 described a much smaller project, while the current proposal includes a 111-room hotel and other amenities. This discrepancy with the foundation of the FEIS and the lack of meaningful government-to-government consultation with the Tolowa Dee-ni' Nation throughout this process highlights the need for more time to reasonably review and respond.

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

OUR HERITAGE IS WHY WE ARE STRONG

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*

To ensure meaningful public participation, as required by NEPA statutes and regulations, we respectfully ask that the deadline for comments on the FEIS be extended to January 24, 2025.

Shu' shaa nin-la,



Jeri Lynn Thompson, Chairperson
Tolowa Dee-ni' Nation

Cc: Bryan Newland, Assistant Secretary Indian Affairs. (via email: bryan_newland@ios.doi.gov)
Bureau of Indian Affairs (via email: CoquilleCasinoEIS@bia.gov)

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

OUR HERITAGE IS WHY WE ARE STRONG

Elk Valley
Rancheria,
California



2332 Howland Hill Road
Crescent City, CA 95531

Phone: 707.464.4680

Fax: 707.465.2638

www.elk-valley.com

December 16, 2024

VIA POSTAL SERVICE

The Honorable Bryan Newland
Assistant Secretary—Indian Affairs
U.S. Department of the Interior
1849 C Street, NW
Washington, D.C. 20240

Re: Request for Extension of Public Comment Period on the Final
Environmental Impact Statement for the Coquille Indian Tribe Fee-to-
Trust and Gaming Facility Project

Dear Assistant Secretary Newland:


On behalf of the Elk Valley Rancheria, California, a federally recognized Indian Tribe, I write to respectfully request a 30-day extension of the public comment period on the Final Environmental Impact Statement (FEIS) for the Coquille Indian Tribe Fee-to-Trust and Gaming Facility Project in Medford, Oregon.

The current deadline of December 23, 2024, does not allow sufficient time for our Tribe to adequately review the complex environmental, cultural, and socio-economic issues analyzed in the FEIS. The Elk Valley Rancheria requires additional time to thoroughly evaluate the potential impacts of the proposed project, particularly regarding its implications for tribal sovereignty, regional economic development, and environmental justice.

Extending the comment period will ensure that our comments, as required by the National Environmental Policy Act (NEPA), are well-informed and substantive, contributing meaningfully to the decision-making process.


We deeply appreciate your leadership in upholding the federal trust responsibility to Tribal Nations and ensuring meaningful opportunities for engagement.





We kindly request your prompt consideration of this extension request to enable us to provide thorough feedback on this critical matter.

Thank you for your attention to this request.

Sincerely,

Dale A. Miller
Chairman

cc: Tobiah Mogavero, NEPA Coordinator, BIA Northwest Region, (via email only, tobiah.mogavero@bia.gov)





The Confederated Tribes of the Grand Ronde Community of Oregon

Umpqua Molalla Rogue River Kalapuya Chasta

Tribal Attorney's Office
9615 Grand Ronde Road
Grand Ronde, Oregon 97347

Phone (503) 879-2172
1-800-422-0232 x2172
Fax (503) 879-2333

T7

December 17, 2024

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

*sent via email to:
bryan.mercier@bia.gov*

Re: Request for extension of comment period for the Coquille Indian Tribe's
Fee-to-Trust and Casino Project

Dear Mr. Mercier:

This letter is submitted on behalf of the Confederated Tribes of the Grand Ronde Community of Oregon ("Grand Ronde") regarding the recently published Final Environmental Impact Statement ("FEIS") for the Coquille Indian Tribe's proposed 2.4-acre fee-to-trust transfer and casino project in Medford, Oregon.

The FEIS is lengthy and contains a significant amount of material. Grand Ronde is reviewing the information to determining how best to respond. Due to the length and detail of the FEIS, Grand Ronde requests you extend the deadline for comments by 30 days.

Thank you for your consideration of this request.

Very truly yours,

Rob Greene
Tribal Attorney

cc: Grand Ronde Tribal Council
Bryan Newland (bryan_newland@ios.doi.gov)
Tobiah Mogavero (tobiah.mogavero@bia.gov)

From: Peone, Rudy J <Rudy.Peone@bia.gov>
Sent: Thursday, December 19, 2024 4:08 PM
To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>
Subject: Fw: [EXTERNAL] FEIS Comments - Coquille Indian Tribe Fee-to-Trust and Gaming Project

Rudy Peone
Acting Regional Director
Northwest Region
Bureau of Indian Affairs
(503)577-2925

From: Andy Mejia <andymejia@lyttonrancheria.com>
Sent: Thursday, December 19, 2024 4:06:12 PM
To: Peone, Rudy J <Rudy.Peone@bia.gov>
Subject: [EXTERNAL] FEIS Comments - Coquille Indian Tribe Fee-to-Trust and Gaming Project

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Good Afternoon Mr. Peone,

Attached to this email you will find the FEIS Comments for the Coquille Indian Tribe Fee-to-Trust and Gaming Project from Lytton Rancheria of California. If you have any questions or comments, please feel free to contact me at your convenience.

Andy Mejia
Chairperson
Lytton Rancheria of California
1500 Falling Oak Way
Windsor, CA 95492
Ph: 707-575-5917 Fax: 707-575-6974
andymejia@lyttonrancheria.com

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LYTTON RANCHERIA • Lytton Band of Pomo Indians



1500 Falling Oak Way • Windsor, California 95492

(707) 575-5917 • Fax (707) 575-6974

December 16, 2024

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

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

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

Dear Former Director Mercier, Acting Director Peone, and Regional NEPA Coordinator Mogavero:

I submit these comments on behalf of the Lytton Rancheria of California, (Lytton). Lytton is a federally recognized Indian Tribe with reservation lands in Windsor, California.

Lytton writes to provide comments on the Final Environmental Impact Statement (FEIS) regarding the Coquille Indian Tribe's off-reservation gaming project in Medford, Oregon. Coquille seeks to use the "restored lands" exception to the Indian Gaming Regulatory Act's prohibition against gaming on lands taken into trust after 1988 to develop a second Tribal casino 168 miles from Coquille's headquarters and existing casino resort in North Bend, Oregon. Lytton opposes Coquille's application to have the first 2.4 acres of nearly 45 acres of contiguous land in Medford taken into federal trust status for gaming because Coquille lacks any aboriginal, ancestral, or historical connection to Medford or the Rogue River Valley.

Further it comes as a great surprise to Lytton that Interior would entertain this project that utilizes the restored lands exception, when the Coquille Indian Tribe already possesses reservation lands and a gaming operation nearly 150 miles away from the proposed project site.

Whether through the Indian Gaming Regulatory Act or the Coquille Restoration Act, Congress never intended to allow Coquille to have land, for which it lacks any aboriginal, ancestral, or historical connection, taken into trust as “restored lands.” As Senators Ron Wyden (one of the original authors and sponsors of the Coquille Restoration Act) and Jeff Merkley have made clear, “[t]o suggest that it was the intent of Congress to allow the Coquille Indian Tribe to open a second casino in Medford requires willful disregard of the legislative history of the CRA and abuse of the restored lands exception.”¹ The FEIS attempts to sidestep this issue, claiming “[c]ompliance with the Coquille Restoration Act and IGRA is a procedural issue beyond the scope of NEPA,”² while essentially treating the Coquille’s entire health care service area as “restored lands” for gaming.³

Medford is not and never has been Coquille territory. Medford sits within the ancestral and ratified Treaty territory of other Tribal peoples. Coquille’s ancestral and Treaty territory is along the southern Oregon coast. There are no Coquille ancestral villages, burial sites, hunting or fishing areas, or sacred places in Medford or the Rogue River Valley. Nor is there any linguistic connection between the Coquille and the Takelman and Shasta speakers of the Rogue River Valley. History and territory matter, especially between Indigenous peoples and Tribal nations. Simply put, Coquille does not belong in Medford or the Rogue River Valley.

If the United States takes land into trust in Medford for Coquille, it will subvert and rewrite history. Coquille has already incorrectly asserted an ancestral and historical connection to Medford and the Rogue River Valley. Modern history teaches us that foreign tribes who enter and occupy the territory of aboriginal Tribal nations, abruptly or gradually cause the public and local and state governments to misunderstand which Indigenous people belong where. Foreign tribes eventually cause society to believe that it is they who belong in places like Medford, which displaces and causes irreparable socio-economic, historic, and cultural harm to the aboriginal Tribal nations who have always existed and belonged in those places. These Tribal nations are then displaced of their sacred sites, remains and ancestors.

Coquille threatens such irreparable inter-Tribal harm throughout southern Oregon and northern California, which is in great part why so many aboriginal and other Tribal nations and inter-Tribal organizations from those regions and beyond have all commented in opposition to Coquille’s Medford project—including the Shasta Nation, Cow Creek Band of Umpqua Band of Indians, Klamath Tribes, Confederated Tribes of the Grand Ronde, Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians, Karuk Tribe, Tolowa Dee-ni’ Nation, Elk Valley Rancheria, Shingle Springs Band of Miwok Indians, California Nations Indian Gaming Association (CNIGA), Northern California Tribal Chairpersons Association (NCTCA), and Tribal Alliance of Sovereign Nations (TASIN), and Saginaw Chippewa Indian Tribe of Michigan.

The National Environmental Policy Act requires the Bureau of Indian Affairs (BIA) to take a “hard look” at the identified impacts of Coquille’s proposed second casino, including the environmental and interrelated socio-economic, historic, and cultural impacts of the proposed action in Medford. 42 U.S.C. § 4332(A)–(C); 40 C.F.R. § 1502.16 (2020). It appears, however, that the BIA has failed

¹ December 1, 2023 Letter from Senators Wyden and Merkley to Secretary Deb Haaland.

² FEIS, Vol. I, at T8-3, T13-10, T14-6, 12, 116-1, and 137-1.

³ See e.g. FEIS Vol. II, §§ 2.3, 2.3.1, 2.7, and 2.7.2.

to take that hard look. The FIES does not in any way address Coquille’s lack of any aboriginal, ancestral, or historical connection to Medford or the Rogue River Valley. Nor does it appear from the FEIS that the BIA considered comments on the Draft Environmental Impact Statement (DEIS) from seven affected Tribal nations regarding Coquille’s lack of any aboriginal, ancestral, or historical connection to the Medford land parcel or the Rogue River Valley.⁴

Additionally, recent litigation has cast into doubt the enforceability of mitigation measures in the Final EIS. The FEIS provides that a “monitoring and enforcement program shall be adopted and summarized within the ROD where applicable for any mitigation (CEQ Regulations for Implementing NEPA, 40 CFR § 1505.2).”⁵ In the recent *Marin Audubon Society, et al., v. Federal Aviation Administration, et al.*, the United States Court of Appeals for the District of Columbia Circuit ruled that the CEQ lacks the statutory authority to issue regulations implementing the NEPA whatsoever, including (but not limited to) 40 CFR § 1505.⁶ In light of this case, the FEIS should at least be pulled back so that the BIA can re-issue a new EIS which provides additional valid enforcement mechanisms.

This project seems to continue a surprising and deeply concerning trend from the BIA and Interior to push forward favored projects that would set horrendous precedents in Indian Country and enable tribes nationwide to pursue blatant reservation shopping. Interior also seems intent on jamming forward these projects without following their own policies and procedures while also limiting opportunities for scrutiny and review. It is not lost on Lytton that this FEIS was published on the Friday before Thanksgiving and the comment period runs up until the day before Christmas Eve, times people would much rather be spending with their families, instead of reviewing thousands of pages of dense and technical environmental documents. In contrast a total of 90 days was given for the smaller DEIS.

While the Lytton Rancheria is sympathetic to the efforts of the Coquille Indian Tribe to pursue continued economic development for its people, such a project should not be advanced through the restored lands exception and should not violate the sovereignty of the other Oregon Tribes. For these reasons, we urge the BIA to opt for the FEIS’s Alternative D—No Action/No Development and deny Coquille’s application for gaming-related trust land acquisition far removed from their aboriginal homelands

Sincerely,



Andy Mejia
Chairperson
Lytton Rancheria of California

⁴ See FEIS Vol. I, Appendix, Letters: T8 (Elk Valley Rancheria); T9 (Confederated Tribes of the Grand Ronde); T10 (Karuk Tribe); T11 (Cow Creek Band of Umpqua Tribe of Indians), Letter 12 (Saginaw Chippewa Indian Tribe of Michigan) and Letter 13 (Shingle Springs Band of Miwok Indians); T13 (Cow Creek Band of Umpqua Tribe of Indians); and T17 (Shasta Nation). See also February 14, 2023 Opposition Letter from the Northern California Tribal Chairman Association (NCTCA); August 10, 2023 letter from the California Nations Indian Gaming Association (CNIGA), and November 8, 2023 letter from the Tribal Alliance of Sovereign Nations (TASIN).

⁵ FEIS, Vol. II, at 1-4.

⁶ *Marin Audubon Society, et al., v. Federal Aviation Administration, et al.*, 2024 WL 4745044 (D.C. Cir. Nov. 12, 2024).

From: Kelly Donahay <KellyD@dorsayindianlaw.com>
Sent: Friday, December 20, 2024 1:31 PM
To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>
Cc: Craig Dorsay <Craig@dorsayindianlaw.com>
Subject: [EXTERNAL] Siletz Comments on Coquille FEIS

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

Good Afternoon, Tobiah.

Please find attached a copy of the Comments of the Confederated Tribes of Siletz Indians on Coquille FEIS for Medford Gaming Site
FEIS COMMENTS, COQUILLE INDIAN TRIBE FEE-TO-TRUST AND CASINO PROJECT.

A hard copy of this letter will also be sent out to Acting Northwest Regional Director of the Bureau of Indian Affairs.

Thank you.

Kelly D Donahay
Legal Secretary
KellyD@dorsayindianlaw.com

Dorsay & Easton LLP
1737 NE Alberta St, Suite 208
Portland, OR 97211
503-790-9060

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Craig J. Dorsay
Lea Ann Easton

DORSAY & EASTON, LLP
ATTORNEYS AT LAW
1737 NE ALBERTA ST
SUITE 208
PORTLAND, OREGON 97211-5890

Kathleen Gargan
Corin La Pointe-Aitchison

December 20, 2024

**Sent by E-mail to Tobiah Mogavero, NEPA Coordinator,
Bureau of Indian Affairs, at tobiah.mogavero@bia.gov**

Acting Regional Director, Northwest Region
Bureau of Indian Affairs
United States Department of the Interior
911 NE 11th Ave.
Portland, OR 97232

Re: Comments of the Confederated Tribes of Siletz Indians on Coquille FEIS for
Medford Gaming Site
**FEIS COMMENTS, COQUILLE INDIAN TRIBE FEE-TO-TRUST AND
CASINO PROJECT**

To the Acting Northwest Regional Director of the Bureau of Indian Affairs:

My name is Craig Dorsay. I am the tribal attorney for the Confederated Tribes of Siletz Indians (“Siletz Tribe”). I am submitting comments on behalf of the Siletz Tribe on the Bureau of Indian Affairs’ November 25, 2024, Final EIS for the Coquille Indian Tribe’s Proposed Fee-to-Trust Acquisition and Casino Project in Medford Oregon. *See* 87 Federal Register 72505 (BIA), 72482 (EPA).

The Siletz Tribe previously submitted comments in support of the Coquille Indian Tribe and its proposed project on January 31, 2023, and stands behind those comments.

The purpose of the Siletz Tribe’s new comments is to counter claims that the Cow Creek Band of Umpqua Tribe of Indians (“Cow Creek”) has made or will make that the area where Coquille’s gaming project will be located is the “ancestral territory” of Cow Creek, and that Cow Creek therefore has a legal interest and standing to oppose Coquille’s proposed gaming operation. These assertions are false. Cow Creek territory does not include the Rogue Valley, and the Cow Creek Band has no legal interest in or standing to oppose this project. Because there will be no opportunity for the Siletz Tribe to respond to any false assertions that may be made by Cow Creek in any comments it submits, the Siletz Tribe is proactively addressing Cow Creek’s assertions, which have been made in the media and on various occasions.

The restored Cow Creek Band of Umpqua Tribe of Indians is according to 1979 congressional testimony a “group of persons descended considered to be members of [the Cow Creek Band] for purposes of the Cow Creek treaty.” The Cow Creek Band entered into a ratified treaty with the United States on September 19, 1853, 10 Stat. 1027, ratified on April 12, 1854.

The area ceded by Cow Creek in the treaty – their ancestral territory – did not include the Rogue River area or the location of the proposed Coquille gaming project. Most of the annual payments due under that treaty were made on behalf of Cow Creek Indians who were moved by the federal government first to the temporary encampment that later became the Grand Ronde Reservation by Executive Order and then mostly to the Siletz Coast Reservation, as confirmed by contemporaneous federal correspondence.

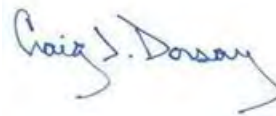
Until the advent of Coquille’s proposed ‘gaming project in Medford, Cow Creek did not assert a claim of ancestral territory to the Rogue Valley or Medford Area. For example, in a report filed by Cow Creek’s expert, Dr. Stephen Dow Beckham, on June 22, 1983 in a Court of Claims case entitled *Cow Creek Band of Umpqua Tribe of Indians v. United States*, No 53-81L, addressing Cow Creek’s “Occupation and Use of Territory in Southwest Oregon,” Cow Creek’s territory is limited to the area in and around the Cow Creek watershed. No mention is made in that report of use or occupation by Cow Creek of the Rogue Valley, except that the Rogue Rivers and Cow Creeks were hereditary enemies, were different political entities, and that the Cow Creeks took steps historically to avoid becoming embroiled in the Rogue River wars. The only overlap described between Cow Creek and Rogue River is that their languages had similar roots.

It is only now, as Cow Creek seeks to prevent the Coquille gaming project from moving forward, that Cow Creek has begun asserting a connection to the Rogue Valley and that the area is its ancestral territory. These claims have no merit and are false. The Bureau of Indian Affairs should give no credence to any arguments made by the Cow Creek Band of Umpqua Tribe of Indians that they have a legal interest of any kind in the area where the Coquille gaming operation will be located, or that they have legal standing to oppose that project based on such asserted interest.

The Siletz Tribe would be glad to answer any questions the BIA might have about the contents of this letter.

Sincerely,

DORSAY & EASTON LLP



Craig J. Dorsay
craig@dorsayindianlaw.com

cc: Siletz Tribal Council
Brenda Meade, Chair, Coquille Indian Tribe



**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

December 19, 2024

Dear Regional Director Mercier,

I write this letter as a member of the Cow Creek Band of Umpqua Tribe of Indians and as the CEO of the Tribal Government to express my profound disappointment regarding the publication of the Final Environmental Impact Statement (FEIS) for the Coquille Tribal Casino Project in Medford, Oregon.

My opposition to this project dates back to its initial application to the Bureau of Indian Affairs (BIA) in 2012.

As the first Tribe in Oregon to negotiate a compact with the state in the early 1990s, the Cow Creek Umpqua Tribe has a vested interest in maintaining the integrity of tribal-state gaming policy. I was personally involved in these negotiations as a member of the Tribal/State Compact team, representing my Tribe. This proposed project contradicts the long-standing public policy of Oregon and threatens the collective success and balance achieved by all Tribes in the region.

During the negotiation of the original compact, extensive thought and care were given to ensure decisions would not negatively impact future Tribal/state negotiations. Over the years, Oregon Tribes and the State have maintained a fair and successful gaming balance under the principle of "one Tribe, one casino, on reservation."

The BIA has committed several critical errors throughout this lengthy process, beginning with its decision to accept the Coquille Tribe's application to place land into trust under the "restored lands provision" of the Indian Gaming Regulatory Act (IGRA). This decision is flawed for the following reasons:

1. Non-Compliance with Section 292.12(a)(1): The project is located more than 170 miles from the Coquille Tribe's reservation, which is far beyond a reasonable commuting distance.
2. Non-Compliance with Section 292.12(b): The application fails to meet the historical connection requirement under IGRA. There is an abundance of documentation demonstrating that the Coquille Tribe has no historical, cultural, or linguistic ties to the Rogue Valley or Medford specifically.

The BIA should have rejected this application and instructed the Coquille Tribe to proceed under the Indian Reorganization Act's two-part determination process, which requires approval from the State's Governor. This process was deliberately avoided due to Oregon's long-standing opposition to off-reservation gaming, supported by multiple governors.

In addition to these issues, this project has faced consistent and widespread opposition from: three Oregon governors; several U.S. senators and members of Congress; local officials, and multiple affected Tribes.

Despite this, the BIA has dismissed these concerns by misinterpreting the Coquille Restoration Act (CRA). Two of the CRA's authors, Oregon Senator Ron Wyden and former Oregon Representative Peter DeFazio, have provided a legislative history that directly contradicts the BIA's interpretation.

I also have serious concerns regarding numerous mistakes, misconceptions and omissions from the FEIS. It is poor quality and it fails to provide a complete and accurate assessment of the project. Furthermore, the harmonious relationships among Oregon and Northern California Tribes, which have been cultivated over decades, are now at risk of irreparable harm due to this decision.

The potential consequences of this decision—both immediate and long-term—are far-reaching and morally wrong. I strongly urge the BIA to grant a 30-90 day extension for further review to fully evaluate the issues I've explained here, as well as the damage this decision could inflict on the region's Tribes and their future.

Thank you for your time and consideration of this critical matter.

Sincerely,

A handwritten signature in black ink that reads "Michael Rondeau". The signature is written in a cursive, flowing style.

Michael Rondeau
CEO, Tribal Government
Cow Creek Band of Umpqua Tribe of Indians

From: Vanessa Pence - GO \ Tribal Board Assistant <Vanessa.Pence@cowcreek-nsn.gov> **On Behalf Of** Carla Keene - GO \ Tribal Board Chairman
Sent: Friday, December 20, 2024 10:00 PM
To: FY22, BIA CoquilleCasinoEIS <CoquilleCasinoEIS@bia.gov>; Mercier, Bryan K <Bryan.Mercier@bia.gov>; Peone, Rudy J <Rudy.Peone@bia.gov>; Mogavero, Tobiah C <tobiah.mogavero@bia.gov>
Cc: Shelby Stoner <shelby@galandabroadman.com>; amber <amber@galandabroadman.com>; Gabe Galanda <gabe@galandabroadman.com>; Carla Keene <ckeene@cowcreek-nsn.gov>; Michael Rondeau <mrondeau@cowcreek-nsn.gov>
Subject: [EXTERNAL] FEIS Comments: Coquille Indian Tribe Fee-to-Trust and Gaming Facility Project

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Good Evening,

Please find attached the FEIS Comment Letter and attachments for the Coquille Indian Tribe Fee-to-Trust and Gaming Facility Project.

Sincerely,

Carla Keene | Tribal Chairman
Cow Creek Band of Umpqua Tribe of Indians



carla.keene@cowcreek-nsn.gov
2371 NE Stephens St., Roseburg, OR. 97470
www.cowcreek-nsn.gov
Office: (541) 672.9405 |

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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

December 20, 2024

VIA U.S. MAIL TO:

Mr. Bryan Mercier
Immediate Past Northwest Regional Director
Mr. Rudy Peone
Acting 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
Bryan.Mercier@bia.gov
Rudy.Peone@bia.gov
Tobiah.Mogavero@bia.gov

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

Dear Immediate Past Director Mercier, Acting Director Peone, and Regional NEPA Coordinator Mogavero:

The Cow Creek Band of Umpqua Tribe of Indians (“Cow Creek Tribe” or “Tribe”) submits these comments on the Final Environmental Impact Statement (“FEIS”) prepared by the Bureau of Indian Affairs (“BIA”) 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.

On February 23, 2023, the Cow Creek Tribe submitted detailed comments on the Draft Environmental Impact Statement (“DEIS”), highlighting multiple deficiencies to the DEIS and changes that needed to be made in order to ensure the resulting FEIS is compliant with NEPA. The BIA failed to sufficiently address these deficiencies; indeed, it appears it completely ignored the vast majority of the concerns outlined by the Tribe.

The FEIS claims “[s]ubstantive comments received on the Draft EIS during the comment period, including those submitted or recorded at public hearings, were addressed in the Final EIS Vol. I . . .” FEIS, Vol. II, p. 1-4. Even a cursory review of the FEIS reveals this is false. While the BIA noted that multiple nearby affected Tribal nations advocated for consultation in accordance with multiple executive orders and BIA policy, the FEIS does not actually respond to or address that subject, other than to repeatedly state the BIA “consulted with tribes pursuant to Section 106 of the NHPA.”¹ FEIS, Vol. I, Responses to Comments A2-2, T10-2, T10-8, T-13-1. The BIA’s failure to respond to the Tribe’s numerous consultation requests deprived the Cow Creek Tribe of the opportunity to provide more substantive DEIS and FEIS comments.

Likewise, in response to numerous comments from nearby affected Tribal nations about the unacceptable substitution effects on their and other gaming facilities—with whom the BIA refused to consult—the FEIS chastises and insults those Tribes by falsely claiming the BIA does not have evidence of whether those substitution effects will actually impact the provision of Tribal government services, because, according to the FEIS, “[f]or certain tribes, these profits also provide funding for distributions to tribal members.” The FEIS then asserts, “[w]ithout confidential and proprietary information specific to the revenues of each tribal casino and the amount distributed to the respective tribal governments and tribal members, the environmental justice impact on governmental and social services cannot be determined.” FEIS Vol. I, p. 3-16. Had the BIA fulfilled its fiduciary duty and consulted with the affected Tribal nations, it would have been able to engage with them on this topic and determine “the environmental justice impact on governmental and social services” (as the BIA is required to do but admits in the FEIS *it has not done*).

Lack of Meaningful Consultation. Pursuant to Executive Order 13175, the BIA has a duty to engage the Tribe in meaningful consultation and Tribal officials must be given the opportunity to provide meaningful and timely input. In 2022, the Department of the Interior recognized “its trust relationship with Federally recognized Tribes” and its commitment to “invite Tribes to consult on a government-to-government basis” which is meant to include “robust, interactive, pre-decisional, informative, and transparent consultation . . .” 512 DM 4, Section 4.4. Pursuant to the consensus-seeking model adopted by the Department, meaningful consultation is not merely the opportunity to comment but also anticipates seeking a “consensus with impacted Tribes.” *Id.* No such effort to seek consensus with the numerous affected Tribal nations who oppose the Coquille’s application has been meaningfully consulted. Indeed, many requests for consultation and consensus have either been ignored or rebuffed.

For example, following a meeting with the White House Domestic Policy Counsel during which the Cow Creek Tribe was advised to submit its questions about Coquille’s application directly to Secretary Haaland, with a promise that she would respond, the Tribe submitted its questions in writing on August 2, 2024. August 2, 2024 Letter to Secretary Haaland, provided herewith as Attachment A. To date, Secretary Haaland has not responded. Prior to that, Cow Creek, along with the Karuk Tribe, Elk Valley Rancheria, and Tolowa Dee-ni’ Nation, invited Secretary Haaland to visit their communities and consult with them directly on the negative impact “to travel to our homelands and consult with our elected leaders about how the Coquille Project would impact each of our Tribal nations and peoples.” March 5, 2024 Letter to Secretary Haaland, provided herewith as Attachment B.

¹ A statement that is itself inaccurate, as explained in the “Lack of Meaningful Consultation” section, below.

The BIA heard from multiple affected Tribal nations that the DEIS did not adequately analyze the impact on the surrounding Tribes and communities. In failing to address these concerns in the FEIS, the BIA has completely failed to reach a consensus with these Tribes; instead, it summarily dismisses their concerns in the FEIS. The BIA has failed in its duties to consult and reach a consensus and its trust responsibility to the impacted Tribes, including the Cow Creek Tribe, which will be severely negatively impacted by the agency's proposed action.

Moreover, the claim that the BIA "consulted with tribes pursuant to Section 106 of the NHPA" is false. FEIS, Vol. I, Responses to Comments A2-2, T10-2, T10-8, T-13-1. The FEIS claims NHPA "consultation letters were sent by the BIA to the Cow Creek Band ... to request information on known cultural resources in the vicinity of the alternative sites. To date, no response has been received by the BIA." FEIS Vol. I, p. 3-44 (text included in DEIS, underlined text added to FEIS). This is false. On August 13, 2015, Northwest Regional Director Stanley Speaks sent a perfunctory Section 106 NHPA request for comment to Cow Creek Chairman Daniel Courtney.² Chairman Courtney responded by letter dated September 4, 2015,³ pointing out that Director Speaks' letter did not provide sufficient information on which to comment, as required by Section 106 of the NHPA, and asking for additional information so that the Tribe could provide comments. Chairman Courtney's letter referenced the Cow Creek Tribe's numerous previous requests for the same information. Neither former Director Speaks, nor any other BIA official has ever responded to Chairman Courtney's letter dated September 4, 2015, or otherwise addressed the deficiency in the Section 106 NHPA request, which rendered substantive comments by the Cow Creek Tribe impossible. The addition of the underlined language in the FEIS is striking and begs the question of whether the BIA has properly considered correspondence and submissions throughout this process.

The Tribe submits these comments on the FEIS, in hopes that the BIA will finally recognize the severe deficiencies in the FEIS, and its supporting studies, and perform additional and updated analysis, taking into consideration the criticism and shortcomings highlighted below.

The FEIS was Promulgated Under Unlawful Regulations. The Court of Appeals for the D.C. Circuit recently issued a 2-1 decision holding that the NEPA regulations promulgated by the White House Council on Environmental Quality (CEQ) are *ultra vires* and therefore unenforceable. In *Marin Audubon Society, et al., v. Federal Aviation Administration, et al.*, 2024 WL 4745044 (D.C. Cir. Nov. 12, 2024), the Court ruled that the CEQ lacks the statutory authority to issue regulations implementing the NEPA whatsoever, including (but not limited to) 40 C.F.R. § 1505. In *Marin*, the petitioners had challenged a plan devised by the Federal Aviation Administration and National Park Service to comply with requirements under the National Parks Act for tourist flights over national parks (the Plan). The Plan's NEPA analysis determined no environmental assessment or environmental impact statement need be conducted due to the Park Service's categorical exclusion. While the petitioners challenged the use of the categorical exclusion, the Court instead determined that the CEQ regulations were *ultra vires* (acting beyond powers or authority) and thus were unlawful.

The FEIS declares it was "completed in accordance with applicable requirements, including ... the Council on Environmental Quality (CEQ) Regulations for Implementing NEPA (40 CFR

² Provided herewith as Attachment C.

³ Provided herewith as Attachment D.

Section 1500 – 1508).” FEIS, Vol. II, p. 1-3. Under *Marin*, the FEIS is therefore itself unlawful and cannot be relied on as the basis for a decision granting Coquille’s application.

Nothing in the FEIS Changes the Basis for BIA’s Previous Denial of the Application.

On May 27, 2020, John Tahsuda, PDAS-IA, denied the Coquille’s application on the basis “that the [Coquille’s] anticipated benefits do not outweigh the potential jurisdictional problems and other concerns raised by the state, county and municipal governments having regulatory jurisdiction over the Medford Site.” May 27, 2020 Denial Letter. On December 22, 2021, AS-IA Bryan Newland withdrew the denial, stating it “resulted in the Department’s cancellation of the environmental review process, which deprived the decision maker of important information critical to making a final determination, and pre-empted the [Coquille’s] effort to negotiate inter-governmental agreements with local authorities.” December 22, 2021 Denial Withdrawal Letter. AS-IA Newland remanded the application to the BIA to complete the NEPA process.

Even if the FEIS were lawful, it changes nothing about PDAS-IA Tahsuda’s analysis. Coquille’s application remains subject to 25 C.F.R. Part 151 (1982).⁴ Thus, 25 C.F.R. § 151.11(b) (1982)’s requirement that “the Secretary give greater scrutiny to the Tribe’s justification of anticipated benefits from an acquisition as the distance between the Tribe’s reservation and the land to be acquired increases, and give greater weight to the concerns raised by the state and local governments having regulatory jurisdiction over the land to be acquired in trust” remains in place. Denial Letter, p. 8. In light of the BIA’s and Coquille’s failure to update its 2012 Unmet Tribal Needs report for the FEIS, or to analyze how Coquille’s successful Tribal One construction enterprise (which did not exist at the time the Unmet Tribal Needs report was drafted) meets Coquille’s unmet needs, the FEIS does nothing to change the reasoning on which this application has already been denied once. It should therefore be denied again.

The FEIS Violates the IRA’s Privileges and Immunities Clause. The Indian Reorganization Act (“IRA”) provides,

Departments or agencies of the United States shall not promulgate any regulation or **make any decision or determination** pursuant to the [Indian Reorganization] Act of June 18, 1934 (25 U.S.C. 461 et seq., 48 Stat. 984) as amended, or any other Act of Congress, with respect to a federally recognized Indian tribe that classifies, enhances, or diminishes the privileges and immunities available to the Indian tribe relative to other federally recognized tribes by virtue of their status as Indian tribes.

25 U.S.C. § 5123(f) (emphasis added).

The purpose of this clause is to prohibit “disparate treatment between similarly situated recognized tribes.” *Koi Nation of N. Cal. v. U.S. Dep’t of the Interior*, 361 F.Supp.3d 14, 54 (2019). It applies to the Department’s decisions under the IRA, Coquille Restoration Act (“CRA”), and IGRA, as the CRA and IGRA are “other Act[s] of Congress” and “gaming activities on Indian lands under IGRA’s restored lands exception certainly are ‘privileges . . . available to the Indian tribe’ by

⁴ 25 CFR Part 151 was updated on December 12, 2023. Pursuant to 25 C.F.R. § 151.17 (2023), “[r]equests pending on January 11, 2024, will continue to be processed under the prior version of 25 CFR part 151([1982,] revised as of April 1, 2023) unless the applicant requests in writing to proceed under this part. To date, Coquille has not submitted a written request to proceed under the new regulations. Thus, the prior regulations continue to apply to this application.

virtue of a tribe's status as a recognized Indian tribe." *Id.*, at 53. A BIA decision violating the privileges and immunities clause—enhancing, for instance, the gaming privileges of one tribe relative to other tribes—is arbitrary and capricious. *See generally id.*⁵ “In administering the restored lands exception, the Secretary needs to ensure that tribes do not take advantage of the exception to expand gaming operations unduly and to the detriment of other tribes’ gaming operations.” *Redding Rancheria v. Jewell*, 776 F.3d 706, 711 (9th Cir. 2015).

The FEIS violates the IRA's privileges and immunities clause. The FEIS is replete with misstatements of fact, flawed logic, and serpentine reasoning aimed at enhancing the interests of the Coquille Indian Tribe relative to the numerous other tribes who will be negatively impacted by their Medford project and therefore stand in opposition to it. Examples include but are not limited to:

- In addressing the improperly minimized substitution effects the BIA does acknowledge the Medford project will have on other tribes,⁶ including the Cow Creek Tribe, the BIA dismisses our concerns by claiming, without reference to any data or analysis, that “[w]ith appropriate management practices, the [negatively impacted] Tribes should have the ability to streamline operations at their facilities to absorb this level of impact and remain operational.” FEIS, Vol. II, p. 4-31. It is unclear how the BIA could reach this conclusion, having refused to consult with the Cow Creek Tribe and learn the actual details of our gaming operation. Furthermore, the FEIS makes no mention of the mismanagement by the Coquille of its Mill Casino and how improved management practices there could produce substantial additional income.
- In the same vein, the FEIS recognizes the income of Coquille's Mill Casino “was further worsened with the addition of tribal gaming competition within the Mill Casino's limited local market” FEIS, Vol. II, p. 1-2. It also rejects alternative gaming sites within Coquille's existing trust lands because that “trust land shares the same market for casino patrons as The Mill Casino; [and] any patronage to a new facility would likely be taken from the existing casino” FEIS, Vol. II, § 2.7.2. Despite its own finding that other Tribal gaming operations, including the Cow Creek Tribe's Seven Feathers Casino Resort, will be negatively impacted by the predation of our gaming market by Coquille, the FEIS fails to conclude the same factor as it relates to other Tribes mitigates against granting the Coquille's application. As the Elk Valley Rancheria succinctly put it in their DEIS comment letter: “It is unclear why the Department would authorize a second casino for Coquille to inflict th[is] very type of harm on other tribes in contravention of the Government's trust responsibility.” FEIS, Vol. I, Appendix, Letter T8.
- As noted above, the FEIS added a claim that the BIA's request to the Cow Creek Tribe for Section 106 NHPA consultation was ignored. In fact, by letter dated September 4, 2015, the request was responded to with a request for adequate information on which to base comments. Thus, it is the Tribe's request for adequate information that, “[t]o date, no response [from the BIA] has been received by” the Tribe. FEIS, Vol. I, p. 3-44.

⁵ See also *Scotts Valley Band of Pomo Indians v. United States Dep't of the Interior*, No. CV 19-1544 (ABJ), 2022 WL 4598687 (D.D.C. Sept. 30, 2022) (Department decision placing one Indian tribe in a disadvantageous position as to other tribes found arbitrary and capricious.)

⁶ See “Flawed Economic Analysis section,” below.

- As also noted above, the FEIS response to comments insults and chastises the Tribe, speculating that Cow Creek uses its gaming revenues for per capita payments in an apparent attempt to undermine the Tribe’s position that Tribal government services to our members will be impacted by Coquille’s predation of our gaming market. This is untrue. The BIA has the Cow Creek’s annual audits and its gaming revenue ordinance readily available for review to confirm that the Cow Creek gaming revenue is used to support Tribal government services. The BIA’s unfounded assumption is particularly troubling when contrasted with its treatment of the *possibility* that the Coquille’s existing Mill Casino might, someday, be damaged by a tsunami. FEIS, Vol. II, p. 1-2. While such a conclusion is purely speculative,⁷ it is relied on throughout the FEIS as the basis for Coquille’s purpose and need to open a casino in Medford. This, despite the BIA taking the position, “consideration of remote, speculative, or worst-case effects” are not relevant to a determination of the reasonably foreseeable effects of the Medford project. FEIS, Vol. I, Comment Response T13-10.
- The gravity model used by Coquille’s third-party analyst to determine substitution effects on other Tribes includes the hotels at Cow Creek’s Seven Feathers Casino; the Klamath, Modoc & Yahooskin Tribes’ Kla-Mo-Ya Casino; the Coos, Lower Umpqua & Siuslaw Indians’ Three Rivers Casino; and Tolowa Dee-ni’ Nation’s Lucky 7 Casino. FEIS, Vol. II, Appendix O. However, the Coquille’s Compass Hotel is not considered because it “is already in operation today.” FEIS, Vol. II, Appendix O; *id.*, Vol. I, at Response to Comment T13-27.

IGRA’s Two-Part Determination. In response to numerous comments on the illegality of taking the Medford parcel into trust under the restored lands exception to the Indian Gaming Regulatory Act (“IGRA”), the BIA repeatedly states “compliance with the Coquille Restoration Act and IGRA [and 25 C.F.R. Part 292] is a procedural issue and is beyond the scope of NEPA.” FEIS, Vol. I, Response to Comments I2, I16-1, I37-1, T8-1, T8-3, T10-10, T13-10, 14-6. However, the legality of the underlying proposed action is at the very heart of any NEPA process. NEPA specifically states that an agency need not complete an environmental review where, as here, “the preparation of such a document would clearly and fundamentally conflict with the requirements of another provision of law.” 42 U.S.C. § 4336(a)(3).

Moreover, despite claiming compliance with the law is “beyond the scope of NEPA,” the FEIS is replete with references indicating the BIA wrongly believes it can take the Medford parcel into trust for gaming purposes under the restored lands exception to IGRA.⁸ The FEIS claims, “[i]n regard to gaming eligibility, on January 19, 2017, the Department informed the Regional Director that the Solicitor’s Office had completed a preliminary review and determined the land was eligible for gaming under a restored lands analysis if the land is acquired in trust pursuant to the Coquille Restoration Act [(CRA)].” FEIS, Vol. I, Response to Comments T8-3 and T13-10. However, the FEIS makes it clear the land is being acquired in trust pursuant to the Indian Reorganization Act

⁷ The FEIS references a tsunami in 2011 that caused damage in Coos Bay without mentioning that the Mill Casino was undamaged. FEIS Vol. II, at p. 1-2. The FEIS provides no actuarial data or analysis on the actual likelihood of tsunami occurrence or damage to the Mill Casino.

⁸ *See, e.g.*, FEIS Vol. II, § 2.3 (““Alternative A consists of the following components: (1) the transfer of approximately 2.4 acres (Tax Lot 37-1W-32C-4701; **Figure 2-6**) within the Medford Site from fee to trust status as part of the restoration of lands for the Tribe by the Secretary in accordance with the Coquille Restoration Act of 1989 (25 USC 715)...”); *Id.* at § 2.7 (Criteria for alternatives includes: “Location within the Tribe’s five-county area described in the Coquille Restoration Act of 1989.”).

(IRA), not the CRA. It cannot be both. The BIA has the authority to take land into trust for Coquille *anywhere* pursuant to the IRA. Only if that land meets the requirements of 25 C.F.R. § 292.12⁹ can it thereafter be used for gaming under the restored lands exception to IGRA.¹⁰ That the Medford parcel is within the Coquille’s service area does not render this acquisition “pursuant to the Coquille Restoration Act.”¹¹

Whether through IGRA or the CRA, Congress never intended to allow Coquille to have land, for which it lacks any aboriginal, ancestral, or historical connection, taken into trust as “restored lands.” As Senators Ron Wyden (one of the original authors and sponsors of the Coquille Restoration Act) and Jeff Merkley have made clear, “[t]o suggest that it was the intent of Congress to allow the Coquille Indian Tribe to open a second casino in Medford requires willful disregard of the legislative history of the CRA and abuse of the restored lands exception.”¹² The FEIS attempts to sidestep this issue, claiming “[c]ompliance with the Coquille Restoration Act and IGRA is a procedural issue beyond the scope of NEPA,” FEIS, Vol. I, Response to Comments T8-3, T13-10, T14-6, I2, I16-1, and I37-1, while essentially treating the Coquille’s entire health care service area as “restored lands” for gaming. *See e.g.* FEIS, Vol. II, §§ 2.3, 2.3.1, 2.7 & 2.7.2.

Medford is not and never has been Coquille territory. Medford sits within the ancestral and ratified Treaty territory of other Tribal peoples. Coquille’s ancestral and Treaty territory is along the southern Oregon coast. There are no Coquille ancestral villages, burial sites, hunting or fishing areas, or sacred places in Medford or the Rogue River Valley. Nor is there any linguistic connection between the Coquille and the Takelman and Shasta speakers of the Rogue River Valley. History and territory matter, especially between Indigenous peoples and Tribal nations. Simply put, Coquille does not belong and has never belonged in Medford or the Rogue River Valley.

If the United States takes land into trust in Medford for Coquille, it will subvert and rewrite history. Coquille has already falsely claimed an ancestral and historical connection to Medford and the Rogue River Valley. Modern history teaches us that foreign tribes who enter and occupy the territory of aboriginal Tribal nations, abruptly or gradually cause the public and local and state governments to misunderstand which Tribal people belong where. Foreign Tribes eventually cause society to believe that it is they who belong in places like Medford, which displaces and causes

⁹ DOI has developed a comprehensive set of regulations, 25 C.F.R. Part 292, for determining whether land taken into trust pursuant to the IRA is eligible for gaming. Because the acquisition of the Medford Parcel is pursuant to the Secretary’s authority under the IRA, and not the CRA, the only way for it to qualify as “restored lands” is for the Coquille Indian Tribe to meet the criteria found in 25 C.F.R. § 292.12; criteria the Tribe simply cannot, and does not even attempt to, meet. As such, the only way the Medford Parcel can be used for gaming is through a “two-part determination” under 25 C.F.R. § 292.13, whereby, (1) after consultation with other affected Indian Tribes and state and local officials, the Secretary determines that gaming on the parcel is in the Tribe’s best interest and (2) the Governor of the State of Oregon concurs with the Secretary’s determination.

¹⁰ For a full survey and legal analysis of this issue, please see the March 24, 2023 letter from Cow Creek General Counsel Anthony Broadman to AS-IA Bryan Newland, provided herewith as Attachment E.

¹¹ DOI 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.**” *Gaming on Trust Lands Acquired After October 17, 1986*, 73 Fed. Reg. 29354, 29365 (May 20, 2008) (emphasis added).

¹² December 1, 2023 Letter from Senators Wyden and Merkley to Secretary Deb Haaland, provided herewith as Attachment F.

irreparable socio-economic, historic, and cultural harm to the aboriginal Indigenous peoples and Tribal nations who have always existed and belonged in those places.

Coquille threatens such irreparable inter-Tribal harm throughout southern Oregon and northern California, which is in great part why so many aboriginal and other Tribal nations and inter-Tribal organizations from those regions and beyond have all commented in opposition to Coquille's Medford project. The opposition includes the Shasta Nation; Cow Creek Band of Umpqua Band of Indians; Klamath Tribes; Confederated Tribes of the Grand Ronde; Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians; Karuk Tribe; Tolowa Dee-ni' Nation; Elk Valley Rancheria; Shingle Springs Band of Miwok Indians; California Nations Indian Gaming Association ("CNIGA"), Northern California Tribal Chairpersons Association ("NCTCA"); and Tribal Alliance of Sovereign Nations ("TASIN"); and Saginaw Chippewa Indian Tribe of Michigan.

NEPA requires the BIA to take a "hard look" at the identified impacts of Coquille's proposed second casino, including the environmental and interrelated socio-economic, historic, and cultural impacts of the proposed action in Medford. 42 U.S.C. § 4332(A)-(C); 40 C.F.R. § 1502.16 (2020). It appears, however, that the BIA has failed to take that hard look. The FEIS does not in any way address Coquille's lack of any aboriginal, ancestral, or historical connection to Medford or the Rogue River Valley. Nor does it appear from the FEIS that the BIA effectively considered comments on the DEIS from seven affected Tribal nations regarding Coquille's lack of any aboriginal, ancestral, or historical connection to the Medford land parcel or the Rogue River Valley.¹³

Insufficient Scope. The Notice of Intent and the Scoping Report, published in 2015, are insufficient and fail to recognize the full scope of the proposed action. The proposed action, as initially contemplated, included a 2.4-acre transfer of land, converting a bowling alley to a gaming facility. In the last nine years, the scope of the proposed action increased substantially, the proposed action now includes a newly constructed 111-room hotel; further, the gaming facility will exist as a part of a sprawling 45-acre development. 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). The increased scope is acknowledged in Section 2.0 (Alternative) the FEIS, where it is described as a 7.24 acre site adjacent to the Coquille Tribe's Compass Hotel. FEIS, Vol. II, § 2.2.1.¹⁴ However, the FEIS fails to incorporate the increased scope throughout other parts of its analysis, claiming, for instance, that consideration of the Compass Hotel is unnecessary because the hotel was "developed on a standalone, independent basis and is already in operation today." FEIS, Vol. I, Response to Comment T13-27. By acknowledging, but failing to analyze, the increased scope of the proposed action, the FEIS has failed to take the requisite hard look at the proposed action.

¹³ See FEIS, Vol. I, Appendix, Letters: T8 (Elk Valley Rancheria); T9 (Confederated Tribes of the Grand Ronde); T10 (Karuk Tribe); T11 (Cow Creek Band of Umpqua Tribe of Indians); Letter 12 (Saginaw Chippewa Indian Tribe of Michigan); Letter 13 (Shingle Springs Band of Miwok Indians); T13 (Cow Creek Band of Umpqua Tribe of Indians); and T17 (Shasta Nation); see also February 14, 2023 Opposition Letter from NCTCA; August 10, 2023 letter from CNIGA; and November 8, 2023 letter from TASIN, provided herewith as Attachments G-I.

¹⁴ "The site is approximately 7.24 acres and consists of nine tax lots . . . currently owned by the Tribe and a portion of another tax lot . . . that is currently leased by the Tribe. . . . The adjacent parcels to the northwest, northeast, southeast and east consist of commercial and residential uses, including the recently constructed Compass Hotel (also known as the Cedars) that began operation in the summer of 2022." FEIS, Vol. II, p. 2-1.

Outdated Materials. Despite claiming “the analysis was reviewed and updated where warranted to reflect the most recently available information as needed to provide ‘full and fair discussion of significant environmental impacts’ as required by NEPA (40 CFR 1502.1),” FEIS, Vol. I, p. 3-2, the FEIS *still* relies on outdated materials. The FEIS relies on several documents that are eight to nine years old, including the Coquille’s Unmet Needs Analysis (2013/2014), Noise Output Files (2015), Environmental Site Assessments (2012), Hazardous Materials Reports (2015), and Air Quality Output Tables (2013-16 data). FEIS, Vol II, at p. 4-30; DEIS, Appendices J-N; FEIS, Vol. II, Appendix S. The environmental landscape and gaming industry has shifted significantly in recent years, most notably due to the shockwaves felt throughout the world from the COVID-19 pandemic. Moreover, as discussed in more detail below, in the past few years there have been significant changes to the scope of the proposed action, necessitating updated studies and analyses in order to understand the full impact of the proposed action.

The Tribe raised these concerns when submitting comments on the DEIS; however, the BIA failed to update any of these studies. While FEIS Appendix S purports to be an “update,” it is based on the same underlying data from 2013-16 on which DEIS Appendix N was based. These outdated documents, which are relied upon for the conclusions drawn in the FEIS, must be updated. Courts have held that relying on stale data during an environmental impact analysis does not satisfy the “hard look” required under NEPA. *N. Plains Res. 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). In failing to update any of the outdated and foundational studies supporting the conclusions contained in the FEIS, the BIA failed to take the requisite hard look at the proposed action.

Insufficient Purpose and Need. The purpose and need outlined in the FEIS are insufficiently broad and fail to take into consideration the current status of Coquille’s financial resources. To establish the purpose and need, the FEIS relies primarily upon the Unmet Tribal Needs Report, which was drafted in 2013 and last updated in 2014. FEIS, Vol II, p. 4-30. As noted in detail in the Cow Creek’s DEIS comment letter, since the Unmet Tribal Needs Report was last updated, Coquille has greatly expanded its construction business, Tribal One, which has been awarded several multimillion-dollar contracts, with numerous federal agencies, including the U.S. Army Corp of Engineers, United States Department of Agriculture and the BIA, necessitating an update to the Unmet Tribal Needs Report. In the FEIS, the BIA failed to update the Unmet Tribal Needs Report, did not even mention Tribal One, and therefore failed to adequately define the purpose and need of the proposed action.

Lack of Analysis on Connected Actions. The FEIS fails to incorporate any analysis of connected actions, including a hotel that has already been constructed on the site of the proposed action. When determining the scope of a proposed action, the BIA must include the consideration of connected actions or those actions that are closely related. 40 C.F.R. § 1501.9(e)(1). This includes actions that are “interdependent parts of a larger action.” *Id.*

The Notice of Intent, dated January 15, 2015, described the proposed action as “2.4 acres of land” where Coquille would “renovate an existing bowling alley to convert it into a gaming facility.” There was no mention of a hotel, a golf course, or the many other amenities Coquille now clearly intends to add to this project after the parcel is transferred into trust. After most of the studies that

form the basis of the FEIS were completed, the Coquille constructed a 110-room hotel at the site of the proposed action. Construction on the hotel began in 2021 and was completed in 2022. FEIS, Vol. II, p. 2-1.

The FEIS fails to adequately analyze the impact of the hotel. The FEIS acknowledges the existence of the hotel, noting “the adjacent hotel would be available to serve patrons” of the casino. FEIS, Vol. II, p. 2-28. However, with one exception noted below, the hotel is not mentioned in any of the underlying studies; which makes sense, as most of the studies were completed before the Coquille even contemplated construction of the hotel. Most notably, any mention of Coquille’s hotel is missing from the FEIS Draft Socioeconomic Impact Report. FEIS, Vol. II, Appendix O. While the hotels at Cow Creek’s Seven Feathers Casino; Klamath, Modoc & Yahooskin Tribes’ Kla-Mo-Ya Casino; the Coos, Lower Umpqua & Siuslaw Indians’ Three Rivers Casino; and Tolowa Dee-ni’ Nation’s Lucky 7 Casino are all factored into the 2023 Draft Substitution Effects Analysis provided with the FEIS, the Coquille’s Compass Hotel is not considered because it “is already in operation today.” FEIS, Vol. II, Appendix O; *id.*, Vol. I, Response to Comment T13-27.

The DEIS recognized the increased impact that will be caused by the Compass Hotel in a two-page 2022 “Hotel Memorandum” appended to the Traffic Impact Analysis. The Hotel Memorandum “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.” DEIS Appendix H (Hotel Memorandum 2022). However, this is the only study that was updated to include analysis of the hotel. As noted by an independent economist, 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.” FEIS, Vol. I, Attachments, Letter T13, Attachment B, pp. 2-3. Further, while the FEIS acknowledges the scope of the proposed action has increased, now describing the site as consisting of “7.24 acres,” FEIS, Vol. II, p. i, the actual development is likely to be much larger, considering the 45 acres the Coquille have acquired in the surrounding area.

By acknowledging the additional impact of the Coquille’s newly constructed hotel will have on traffic, but failing to incorporate analysis of the hotel into other aspects of the FEIS and failing to consider the large-scale development likely planned at the site of the proposed action, the BIA has failed to consider a connected action and has failed to take the requisite hard look at the proposed action.

Lack of Analysis of Reasonably Foreseeable Developments and Cumulative Effects. The FEIS fails to analyze the impacts of reasonably foreseeable actions related to the proposed action, it fails to include analysis of the impact of the hotel (which has already been constructed, and it fails to recognize the Coquille’s future plans for development of the site. The BIA must include in its analysis effects or impacts that are “reasonably foreseeable,” including effects that are “cultural, economic, social, or health, whether direct, indirect, or cumulative.” 40 C.F.R. § 1508.1(g). The BIA was required to describe the affected environment, which includes “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 C.F.R. § 1502.15. The BIA failed to fully incorporate analysis of the hotel, which has already been constructed on the site of the proposed action, and it failed to acknowledge the fact that the Coquille

have acquired 45 acres in and around the site of the proposed action, in preparation for a large-scale development.

NEPA’S Hard Look Requirement. The BIA failed to take the requisite hard look at the proposed action. The BIA is required to take a hard look at the environmental consequences of the proposed action. *Nat. Res. Def. Council v. Morton*, 458 F.2d 827, 838 (D.C. Cir. 1972); *Pit River Tribe v. U.S. Forest Serv.*, 469 F.3d 768, 781 (9th Cir. 2006). The FEIS fails to fulfill the hard look requirement. Most notably, it relies on outdated and inaccurate information. A fact that has been pointed out to the BIA on numerous occasions. However, the BIA continues to rely on studies that were drafted a decade ago, including the Coquille’s Unmet Needs Analysis (2013/2014), Noise Output Files (2015), Environmental Site Assessments (2012), Hazardous Materials Reports (2015), and Air Quality Output Tables (2013-16 data). FEIS, Vol II, p. 4-30; DEIS, Appendices J-N; FEIS, Vol. II, Appendix S. All of these errors—the outdated materials, the insufficient scope, the lack of analysis of connected actions, the insufficient alternatives, and the claim of having performed consultation it has not performed—demonstrate that the BIA has not taken the requisite hard look at the proposed action. Further study of the proposed action is required before the BIA issues a decision on the application.

Insufficient Alternatives. The BIA failed to consider non-gaming alternatives to the proposed action. The BIA is required to “evaluate reasonable alternatives.” 40 C.F.R. § 1502.14(a). In the FEIS, the BIA focused too narrowly on gaming alternatives. Other than the proposed action, the only alternatives analyzed by the FEIS are a casino in Phoenix, Oregon, an expansion of the Coquille’s existing Mill Casino, and “no action.” FEIS, Vol. II, §§ ES.3 & 2. The broad purpose listed in the FEIS is “to facilitate tribal self-sufficiency, self-determination, and economic development” FEIS Vol. II, §§ ES.2 & 1.2. This purpose could be accomplished in many ways, including ongoing expansion of Coquille’s extremely successful construction venture, Tribal One. In fact, if the Coquille were to pursue a non-gaming alternative, it would address and/or avoid many of the negative impacts of the proposed action. 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. As discussed above, Coquille itself has already successfully expanded into construction; though, the outdated studies in the FEIS fail to incorporate this into the analysis. The FEIS should include an analysis of non-gaming alternatives.

Underestimates the Socioeconomic Impact on the Cow Creek Tribe. While acknowledging “[a]n adverse economic, fiscal, or social impact would occur if the effect of the project were to negatively alter the ability of governments to perform at existing levels or alter the ability of people to obtain public health and safety services,” FEIS Vol. II, p. 4-18, the FEIS dismisses the impacts to the Cow Creek Tribe as primarily economic, citing to an inapposite holding from *Citizens for a Better Way, et al. v. United States Department of the Interior*, No. 2:12-CV-3021-TLN-AC, 2015 WL 5648925 (E.D. Cal., 2015). FEIS Vol. II, p. 4-23. As we pointed out in our DEIS comment letter, 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 Ninth 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. The *Ashley Creek* decision draws a distinction between "purely economic interest" and an "economic concern that is . . . tethered to the environment." *Id.* at 943.

"The environment," in this context, is 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 (i) of this section.)" 40 C.F.R. § 1508.1(r). Paragraph (i) of this section, in pertinent part, reads:

(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 C.F.R. § 1508.1(i)(4) (emphasis added).

The updated Socioeconomic Impact Analysis provided with the FEIS goes to great lengths to minimize and obfuscate the true substitution effects the Medford casino would have on Cow Creek's economic survival. FEIS, Vol. II, Appendix O. The analysis is now broken down into three phases. Yet, there is no reason to believe Coquille intends to follow a three-phase process in implementing gaming in Medford. To the contrary, the FEIS admits that there is only a "potential for phased gaming operations," not that it is Coquille's actual plan. FEIS, Vol. I, at pp. 3-10 & 3-15. As detailed below, the analysis improperly manipulates data and inputs for its gravity model in its attempt to minimize the true substitution effects. Even with those manipulations, the analysis determines the Cow Creek will suffer a 21.3% substitution effect once the Medford casino is fully operational. FEIS, Vol. II, Appendix O, at p. 32. The conclusion that it will take 16.1 years for the Cow Creek's facility to recover from these substitution effects remains unchanged. DEIS Appendix E, Impact Study for the Coquille Development Project – August 2019, p. 89.

The gaming facility is our primary source of governmental revenue. A reduction of that magnitude will devastate all of the programs provided by the Tribe. The socioeconomic impact to the Cow Creek cannot be understated, these are the funds that are used to provide educational opportunities to our children, to provide health care and living assistance to our elders, to provide social services to all of our members. It will impact the Cow Creek's ability to support local governments and businesses. It will impact our ability to providing funding to programs aimed at protecting salmon, lamprey, and other culturally relevant species. The Cow Creek's members need and depend upon several of the programs run by the Tribe; the proposed action will decimate the Cow Creek's public assistance, environmental, and other programs. The impacts go so far beyond merely economic impacts, and the FEIS fails to take into consideration the social, cultural, and health impacts to the Cow Creek Tribe and its members.

To add insult to injury, the FEIS dismisses the Cow Creek’s concerns entirely, insinuating that the Tribe uses its gaming revenue for per capita payments, rather than governmental services. The Cow Creek has asked numerous times for the BIA to consult with the Tribe on this application; a request that has been summarily denied and dismissed. The FEIS claims that “[w]ithout confidential and proprietary information specific to the revenues of each tribal casino and the amount distributed to the respective tribal governments and tribal members, the environmental justice impact on governmental and social services cannot be determined.” FEIS, Vol. I, p. 3-16. Consultation with the Tribe would have resulted in the BIA having access to the very confidential and proprietary information the FEIS indicates is missing from the analysis.

Flawed Economic Analysis. The economic analysis relied on in the FEIS is flawed, as it underestimates the level of cannibalization of other Tribal gaming operations’ revenue and makes conclusions that are speculative, at best. The Cow Creek Tribe commissioned an independent economic analysis of the BIA’s conclusions and anticipated financial impact of the proposed action on the Cow Creek Tribe as set forth in the DEIS. The report highlighted many errors in the BIA’s analysis. We informed the BIA of these errors and provided the BIA with the underlying report. FEIS, Vol. I, Appendix, Comment Letter T13, Attachments A & B. However, rather than adequately address those errors, the FEIS dismisses them entirely and relies on a draft “updated” analysis by Coquille’s third-party consultant, Global Market Advisors (“GMA”), that suffers from the same fatal flaws as the previous analysis. FEIS, Vol. I, Response to Comment T13-27; *id.*, Vol. II, Appendix O.

The brevity of the comment period on the FEIS, which multiple Tribes and government actors have asked to extend, did not provide adequate time to do a complete analysis. However, as detailed in the letter dated December 18, 2024, from Meister Economic Consulting, and Pyramid Associates, LLC, it is clear **“the competitive effects conclusions of the FEIS are erroneous as they underestimate the true cannibalization by the Proposed Medford Casino.”**¹⁵

- *The FEIS competitive effects analysis fails to account for all relevant factors.* GMA failed to properly incorporate non-gaming amenities, such as a hotel, food and beverage offerings, spa, entertainment venues, retail outlets, a golf course, etc., in its gravity model. Instead, GMA relied on an opaque, subjective, and qualitative “attraction factor” that does not properly account for non-gaming amenities in GMA’s gravity model.
- *The FEIS competitive effects analysis fails to capture proper sizing of Seven Feathers Casino Resort.* GMA includes the wrong number of Class III slot machines at Seven Feathers Casino Resort, thereby underestimating Coquille’s “competitive advantage” and injecting yet another significant source of error into its analysis.
- *The FEIS competitive effects analysis fails to properly account for the contribution of the existing hotel to the proposed Medford casino’s cannibalization of gaming revenue.* GMA fails to incorporate in any way the 111-room Compass by Margaritaville Hotel owned by the Coquille Indian Tribe directly adjacent to the site of the Proposed Medford Casino, and which will be used by the Proposed Medford Casino for their casino patrons, dismissing its impact because it is “already in operation.” FEIS, Vol. I, Response to Comment T13-27. It

¹⁵ Attachment J, p. 1.

is disingenuous for GMA to pretend that the hotel will not be marketed in conjunction with the casino to enhance its attractiveness to potential casino patrons. Thus, a comprehensive and accurate gravity model *must* include the hotel. The hotel's omission from GMA's gravity model is another reason why GMA underestimates the competitive impact of the proposed Medford Casino's cannibalization of gaming and non-gaming revenues at Seven Feathers Casino Resort.

- *The FEIS competitive effects analysis relies on irrelevant data.* In its revised analysis in Appendix O, GMA incorporates into its gravity model players club data from The Mill Casino, Hotel & RV Park, the Coquille Tribe's existing casino elsewhere in the State of Oregon, possibly to compensate for the fact that GMA did not in its original analysis in DEIS Appendix E include any actual market data, such as players club data, for any of the tribal casinos, that will be negatively affected by the Proposed Medford Casino. FEIS, Vol. II, Appendix O, p. 30. However, The Mill Casino is not located in or competing in the relevant market area, as it is 169 miles and 3 hours from the proposed Medford casino site, which would place it outside the designated market area of even a large resort casino with a full array of non-gaming amenities. The Mill Casino data is not just irrelevant to measuring the impact of the proposed Medford casino on Seven Feathers Casino Resort, it generates an additional source of error and inaccuracy with regard to measuring that impact.
- *The FEIS competitive effects analysis underestimates total competitive impact given it erroneously focuses only on local market gaming revenue, ignoring outer market revenue.* Outer market revenue includes revenue from drive-through and pass-by traffic customers who are likely to stay overnight at the hotel and spend money on food and beverages, unless intercepted by another gaming facility. GMA dismisses and excludes this well-understood category of revenue from its gravity model, instead analyzing only local market gaming revenue. FEIS, Vol. II, Appendix O, p. 30.
- *The FEIS competitive effects analysis fails to account for non-gaming revenue losses.* Seven Feathers Casino Resort stands to lose approximately 52.1% of its total annual non-gaming revenues (i.e., food and beverage, hotel, retail, and other) to the Proposed Medford Casino if it were to be opened. However, the financial statements show that promotional allowances are only about 4% of gross non-gaming revenue (only food and beverage revenue). GMA claimed that "projected losses are overstated due to the fact that a large portion of food and beverage revenue at Seven Feathers Casino Resort would likely stem from comped revenue." GMA was merely assuming that a large percentage of food and beverage revenue was comped, and they are incorrect. Further, GMA did not address other lost non-gaming revenue, which was not comped at all. Thus, significant non-gaming revenue losses will be incurred, and GMA still does not even attempt to compute those losses.
- *Without explanation, the FEIS competitive effects analysis presents different results than the DEIS competitive effects analysis.* GMA's estimates of gaming revenue that will be generated by the Medford casino increased from \$32.2 million in its 2016 report, DEIS, Appendix E, pp. 87-8, to \$49.3 in its 2023 report. FEIS, Vol. II, Appendix O, pp. 2-3. GMA does not offer any explanation for these differences, although they use essentially the same model with the same assumptions in both studies (changing the years of the model would not explain the vast majority of the differences). Despite increasing its estimate of the

substitution effect on Seven Feathers Casino Resort and the market as a whole, GMA's model continues to underestimate the substitution effect on Seven Feathers Casino Resort.

- *The FEIS competitive effects analysis significantly underestimates detrimental economic impact to Seven Feathers Casino Resort and the Cow Creek Tribe.* While GMA does not provide all the details, data, and underlying assumptions for its competitive effects analysis, there is enough set forth in FEIS Vol. II, Appendix O from which one can easily identify several reasons why the detrimental economic impact on the Seven Feathers Casino Resort and the Cow Creek will be more severe than what is estimated in the FEIS. For example, and as set forth above and in more detail in Attachment J, GMA's model includes more Seven Feathers gaming machines in the model than the Seven Feathers Casino actually has on the floor, fails to incorporate the Compass by Margaritaville Hotel, and excludes Seven Feathers players club data. **When all relevant factors are included, it becomes clear Seven Feathers Casino Resort will experience at least a 28.5% loss of total annual gaming revenues and 52.1% loss in total annual non-gaming revenues.**¹⁶
- *The FEIS erroneously claims detrimental economic impact to Seven Feathers Casino Resort and the Cow Creek Tribe is acceptable and recoverable.* The FEIS erroneously and dismissively claims “[a] typical properly managed facility should have the ability to streamline operations to absorb the magnitude of impacts described in Table 4.7-6 and remain operational.” FEIS Vol. I, p. 4-23. There is no way that the FEIS can definitively draw this conclusion without data from the affected casinos, which could have been included had the BIA consulted with the Cow Creek as required. The FEIS moreover claims “[e]stimated substitution effects are anticipated to diminish after the first year of project operations because local residents will have experienced the casino and will gradually return to more typical and more diverse spending patterns.” *Id.* This conclusion is purely speculative. It is not supported by any data or analyses in the main text of the FEIS, nor is this conclusion made or supported at all in studies completed by GMA in Appendices E or O. The FEIS claims “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.” *Id.* This claim is speculative and unsupported by data. Moreover, this claim mistakenly equates growth in a market with a diminution of substitution effects. The FEIS relies on the DEIS's suggestion that a revenue loss is acceptable because Seven Feathers Casino Resort's gaming revenue will allegedly recover to the 2023, pre-Medford Casino level in 16.1 years (by approximately 2040). DEIS, p. 4-22; *Id.*, Appendix E, p. 67. It is impossible to verify this claim, but even if true, 16.1 years is an extremely long time until full 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.
- *The FEIS confirms that the proposed Medford casino will yield only a small net economic benefit to the region because it will largely cannibalize existing casinos' market.* Despite all its aforementioned shortcomings, the FEIS still admits that the Proposed Medford Casino will grow the existing gaming market by only a small amount, 24.8%. FEIS, Vol. II, p. 4-22; *id.*, Vol. II, Appendix O, p. 3. This means that **the vast majority of the proposed**

¹⁶ This will result in a direct loss of at least a 12.3% decline in total revenue for the Tribal government to fund essential public services, such as healthcare and educational services.

Medford Casino’s gross gaming revenues, 75.2%, will be cannibalized from existing gaming facilities in the market area, of which a large proportion will be cannibalized from Seven Feathers Casino Resort. In other words, 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 in the proposed casino’s market area.

Accordingly, the FEIS, and the underlying GMA studies supporting the conclusions in the FEIS, are fundamentally flawed and do not include analysis of the full scope of the impacts that will be caused by the proposed action.

Underestimates Impact on Crime. The FEIS underestimates the impact that the proposed action will have on crime. The FEIS 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.” FEIS, Vol. II, at p. 4-29. However, the study relied upon by the FEIS, provided in DEIS 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 calls annually.¹⁷ A casino in Medford will significantly increase the rate of crime.

Underestimates Impact on Biological and Cultural Resources. The DEIS contained numerous factual errors, the end result of which was to underestimate the impact of the proposed action on biological and cultural resources. While it appears the factual errors have been corrected in the FEIS, it does not appear the analysis was updated to reflect the corrections, resulting in the same underestimation of impact on biological and cultural resources from which the DEIS suffered.

First, the DEIS listed Bear Creek as a “potential” anadromous fish bearing stream, which “may contain habitat for federally listed fish species, Chinook salmon, coho salmon, and green sturgeon.” DEIS, § 3.5.2. This was an error, as Bear Creek is a well-known anadromous fish bearing stream. Moreover, it is well documented that the stream is home to the Southern Oregon Northern California Coast (“SONCC”) Coho, a species listed under the Endangered Species Act and is a stream that has an Essential Salmonid Habitat (“ESH”) designation. The FEIS corrects the factual error, but not the analysis. FEIS, Vol. II, p. 3-28. In fact, the FEIS continues to inaccurately minimize the significance of Bear Creek’s correct classification, noting that only 0.10 of the 7.35 acres of which the Medford site is comprised are “vegetated ditches (upland swales) that convey stormwater.” *Id.* Stormwater collects in the ditches from throughout the full 7.35 acres. Bear Creek is adjacent to the Medford site and is 800 feet from the Phoenix site. The acreage comprised of ditches is irrelevant, as the FEIS 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.

Second, the FEIS fails to consider or analyze the impacts of the September 2020 Alameda Fire, which tore through Bear Creek just upstream of the proposed project. The fire burned through

¹⁷ 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).

the creek and riparian area from Ashland to north Phoenix, including large trees that had provided shade to cool stream temperatures in the summer months. These environmental impacts to Bear Creek from the Alameda Fire were never analyzed as part of the NEPA process and are not addressed in the FEIS. Bear Creek is already a significantly impacted urban stream experiencing issues with temperature, bacteria, and sedimentation. The runoff from additional impervious surface area to ditches in the project site that drain directly to Bear Creek have the potential to exacerbate current water quality and habitat issues as a result of the project and the Alameda Fire, a fact on which the FEIS is silent.

Third, the DEIS listed the wrong Evolutionary Significant Unit (“ESU”), the Oregon Coast Coho, as a species that may be impacted. DEIS, § 3.5.2. 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.¹⁸ While the correct ESU is listed in the FEIS, the analysis and conclusions remain the same, indicating that no corrected analysis (based on having previously identified the wrong species) actually occurred.

Fourth, the DEIS stated that the Critical Habitat is located approximately 4.5 miles north of the Medford Site. DEIS, § 3.5.2. This is not true. Bear Creek is considered critical habitat for the SONCC Coho. As the Tribe pointed out in its DEIS Comment Letter, 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).

See supra, note 17. The FEIS cut and pasted the language from the Tribe’s DEIS Comment Letter, correcting the factual error in the DEIS. However, as with the classification of Bear Creek and correction of the ESU, the analysis remains unchanged, revealing a failure to actually incorporate these corrections into the FEIS’s conclusions.

Finally, the Cow Creek Tribe considers both the Bear Creek and the Coho to be cultural resources. Culturally, they are very important to the Tribe. Bear Creek is home to some of the Cow Creek people’s first foods, including the Coho. Salmon are particularly important to the Cow Creek people. The Cow Creek Tribe holds an annual salmon ceremony, honoring 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. Any impacts to salmon should be considered impacts to cultural resources, as our natural resources are cultural resources. This issue was raised in the Cow Creek’s response to the DEIS; however, it was not addressed in the FEIS.

Outdated and Incomplete Environmental Site Assessment. The FEIS relies on an outdated and incomplete Environmental Site Assessment (“ESA”). DEIS, Appendix L. As outlined

¹⁸ 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 20, 2024.

in previous correspondence from the Tribe, agricultural use of the general location of the proposed action historically employed harmful legacy pesticides. The Cow Creek has repeatedly notified the BIA of these findings; yet the BIA failed to obtain an updated ESA when the scope of the project grew, instead relying on an outdated 2012 ESA with a supplemental investigation on the same reduced acreage performed in 2015. FEIS, Vol. II, § 3.12.2. At the time the ESA was performed, the proposed action encompassed only a 2.4 acre site. Soil samples for the ESA were taken only from the 2.4 acre site. *Id.* The proposed action now composes a 7.24 acre site. FEIS, Vol. II, § 2.2. Further environmental analysis of the additional 4.84 acres must be done. The ESA must be updated to study the entire site of the proposed action, with soil samples analyzed from throughout the site.

Thank you for your consideration. We sincerely hope that the BIA takes these substantive comments into consideration and takes the actions necessary to ensure the BIA analyzes the full impact of the proposed action and takes the requisite hard look that is mandated by federal law.

Sincerely,



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

Enclosures:

- Attachment A August 2, 2024 Letter from Chairman Keene to Secretary Haaland
- Attachment B March 5, 2024 Letter from Chairman Keene, Karuk Tribe Chairman Attebery, Elk Valley Rancheria Chair Miller, and Tolowa Dee-ni' Nation Vice Chair Sullivan
- Attachment C August 13, 2014 Letter from NW Regional Director Speaks to former Cow Creek Chairman Courtney
- Attachment D September 4, 2015 Letter from Chairman Courtney to Director Speaks
- Attachment E March 24, 2023 Letter from Cow Creek General Counsel to AS-IA Newland
- Attachment F December 1, 2023 Letter from Senators Wyden and Merkley to Secretary Haaland
- Attachment G February 14, 2023 Opposition Letter from NCTCA
- Attachment H August 10, 2023 Opposition Letter from CNIGA
- Attachment I November 8, 2023 Opposition Letter from TASIN
- Attachment J December 18, 2024 Letter from Meister and Pyramid

ATTACHMENT A



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

August 2, 2024

VIA EMAIL

Secretary Deb Haaland
United States Department of the Interior
1849 C Street, NW
Washington, D.C. 20240

Dear Secretary Haaland:

The Cow Creek Band of Umpqua Tribe of Indians is among the dozens of Tribal nations and other governments who oppose the Coquille Indian Tribe's ("Coquille") pending application to take land into trust for gaming purposes in Medford, Oregon, beyond their ancestral homelands and 175 miles away from their Tribal headquarters in North Bend (the "Medford Application"). In overwhelmingly bipartisan fashion, the Oregon and California Congressional Delegations, as well as the current Governor of Oregon and three of her predecessors, also oppose the Medford Application. We have been consistently troubled by the Department's lack of responsiveness to the concerns we have posed to you and Assistant Secretary – Indian Affairs Bryan Newland. The White House Domestic Policy Council advised us that this is out of their jurisdiction and to pose our "questions on gaming matters" to you for response.

1. Has Coquille, pursuant to 25 CFR § 151.17(a), submitted a written request to apply the new Part 151 regulations to the Medford Application?
2. Is the Department still considering the Medford Application under 25 CFR § 292.11(a) when it is well established through the Congressional record and statements of the Coquille Restoration Act's authors that it was not intended to authorize the acquisition of restored lands for gaming purposes beyond the initial 1,000 acres located in Coos and Curry Counties?
3. Will the Department require that Coquille close down its Mill Casino, in North Bend, Oregon, if it grants the Medford Application?
4. What is the Department's policy and procedure for relying on 25 CFR § 1.2 (Apr. 12, 1960) to waive the Part 151 or Part 292 regulatory requirements for a particular application? We are aware that the Department, in unprecedented fashion, very recently waived the Part 292 requirements for the Redding Rancheria project in northern California.

5. In his July 1, 2024 letter to Redding Rancheria Chairman Potter, finding the Strawberry Fields property eligible for gaming, AS-IA Newland refers to “Congress’ broad restorative justice intent” in promulgating the restored lands exception to IGRA’s gaming prohibition. Restorative justice is a holistic venture, which seeks to repair the harm done to victims in a particular situation. In Oregon, as in California, numerous tribes were terminated by the Western Oregon Tribal Termination Act of 1954. Where in IGRA is “Congress’ broad restorative justice intent” expressed? How would it serve the goal of restorative justice for the Department to use the restored lands exception to permit Coquille to game on land in Medford, Oregon when doing so would harm numerous other tribes that also suffered the harms of colonization and termination?
6. On February 16, 2024, the Bureau of Indian Affairs asked Coquille to identify any “relevant historical injustices” associated with the Medford Application. Where in IGRA does Congress express any intent regarding “historical injustices”? As a Tribal nations negatively implicated by the Medford Application, according to the Draft Environmental Impact Statement, does the federal government intend to consult with us about the historical injustices suffered by the Cow Creek Umpqua People?
7. We understand the Department is readying multiple off-reservation gaming decisions for issuance immediately before the Labor Day weekend, much like it did with two decisions in California on Friday, July 5, 2024. Clandestine federal decision-making is an affront to Tribal sovereignty and our nation-to-nation relationship. Does the Department plan to issue a decision on the Medford Application immediately before the Labor Day weekend?

We look forward to your responses to our questions.

Very truly yours,



Carla Keene, Chair
Cow Creek Band of Umpqua Tribe of Indians

Cc: Morgan Rodman, Senior Policy Advisor for Native Affairs
White House Domestic Policy Council
Laura Daniel-Davis, Acting Deputy Secretary
Sarah Greenberger, Associate Deputy Secretary
Bryan Newland, Assistant Secretary – Indian Affairs
Kathryn Isom-Clause, Deputy Assistant Secretary – Indian Affairs
Wizipan Garriott, Principal Deputy Assistant Secretary – Indian Affairs
Paula Hart, Director, Office of Indian Gaming
U.S. Department of Interior
U.S. Senator Ron Wyden
U.S. Senator Jeff Merkley
U.S. Representative Cliff Bentz
Oregon Governor Tina Kotek

ATTACHMENT B



March 5, 2024

VIA EMAIL

Secretary Deb Haaland
United States Department of the Interior
1849 C Street, NW
Washington, D.C. 20240

Dear Secretary Haaland,

We understand the Interior Department continues to engage in the environmental review process for the Coquille Indian Tribe's Fee-to-Trust and Gaming Facility Project ("Coquille Project"), despite unprecedented Tribal, inter-Tribal, Congressional, gubernatorial, and local government opposition to the project. To the extent you have not yet reached the conclusion that the Coquille Project, if approved, would violate the substance and intent of the Indian Gaming Regulatory Act, and would cause irreparable harm to regional Tribal communities, we invite you to travel to our homelands and consult with our elected leaders about how the Coquille Project would impact each of our Tribal nations and peoples.

It is important to us that you personally witness our Tribal communities to fully understand those impacts in person before you reach your decision. Your visit is also consistent with the Department's stated commitment to meaningfully consult with affected Tribal nations in advance of policy decisions of Tribal implication, as well as the Biden administration's promise "to protect the ability of every Native person here in the United States to lead safe, healthy, and fulfilling lives in their homelands." We believe your visit could be accomplished over a couple of days in northern California and southern Oregon.

If you would, please formally respond to this invitation at your earliest convenience. Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink that reads "Russell 'Buster' Attebery".

Russell "Buster" Attebery, Chair
Karuk Tribe



Carla Keene, Chair
Cow Creek Band of Umpqua Tribe of Indians



Dale Miller, Chair
Elk Valley Rancheria



Scott Sullivan, Vice Chair
Tolowa Dee-ni' Nation

Cc: Laura Daniel-Davis, Acting Deputy Secretary
Sarah Greenberger, Associate Deputy Secretary
Bryan Newland, Assistant Secretary – Indian Affairs
Paula Hart, Director, Office of Indian Gaming

ATTACHMENT C



United States Department of the Interior
Bureau of Indian Affairs
Northwest Regional Office
911 NE 11th Avenue
Portland, Oregon 97232-4169

RECEIVED

AUG 20 2015

COW CREEK LEGAL DEPT.

AUG 13 2015

In Reply Refer To:
Environmental and Cultural Resources

The Honorable Daniel Courtney
Cow Creek Band of Umpqua Tribe of Indians
2371 NE Stephens Street, Suite 100
Roseburg, Oregon 97470-1399

Dear Chairman Courtney:

Under the provisions of Section 106 of the National Historic Preservation Act (NHPA), as amended, the Bureau of Indian Affairs (BIA) is extending an invitation for comments to the Cow Creek Band of Umpqua Tribe of Indians (Tribe) concerning a proposed fee-to-trust transfer of lands and gaming facility project for the Coquille Indian Tribe. The proposed action would transfer approximately 2.4 acres of land from fee to trust status, upon which the Coquille Indian Tribe would renovate an existing bowling alley to convert it into a gaming facility. Adjacent fee land would be used for parking. The subject parcel is located in the City of Medford, Jackson County, Oregon, adjacent to the northeastern boundary of Highway 99, between Charlotte Ann Lane and Lowry Lane.

If your Tribe has any knowledge of, or concerns about historic properties with which you ascribe religious or cultural importance in relation to this proposed federal undertaking, we would like to include such comments in our initiation of Section 106 consultation with the State Historic Preservation Office (SHPO). Please be advised that the BIA understands the sensitive nature of such information and that it is to be used only to meet the requirements under Section 101(d)(6)(B) of the NHPA, thereby affording tribes the opportunity to comment on proposed actions that may have the potential to affect historic properties.

If you have any questions or require additional information, please contact Dan Hall, Acting Regional Archeologist, at (916) 978-6041

Sincerely,


Northwest Regional Director

cc: Regional Environmental Protection Specialist
Chairperson, Coquille Indian Tribe

ATTACHMENT D



**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

September 4, 2015

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

VIA E-MAIL AND U.S. CERTIFIED MAIL

Re: Section 106 Consultation

Dear Director Speaks:

We with the Cow Creek Band of Umpqua Tribe of Indians (“Cow Creek Band”) received your August 13, 2015 letter, inviting the Cow Creek Band to submit its “concerns about historic properties with which you ascribe religious or cultural importance in relation to this proposed federal undertaking.” However, the letter provides only a one-paragraph description of the “proposed federal undertaking,” providing:

The proposed action would transfer approximately 2.4 acres of land from fee to trust status, upon which the Coquille Indian Tribe would renovate an existing bowling alley to convert it into a gaming facility. Adjacent fee land would be used for parking. The subject parcel is located in the City of Medford, Jackson County, Oregon, adjacent to the northeastern boundary of Highway 99, between Charlotte Ann Lane and Lowry Lane.

We will be pleased to provide the information the BIA seeks but the information contained in the August 13, 2015 letter does not tell us enough to do so, or to meaningfully consult with the BIA as required by Section 106 of the National Historic Preservation Act (NHPA). As we have reiterated throughout the NEPA process, the public needs more information in order to effectively comment on the proposed action. The same holds true for the “proposed federal undertaking.”

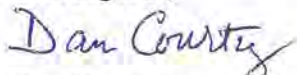
As outlined in the Advisory Council on Historic Preservation’s Handbook on Consultation with Indian Tribes in the Section 106 Review Process, Executive Order 13175 requires federal agencies to engage in “meaningful and timely” consultation with tribes. To comply with Executive Order 13175, the Department of the Interior’s enacted

its Policy on Consultation with Indian Tribes; the policy recognizes that “[c]onsultation is built upon government-to-government exchange of information and promotes enhanced communication that emphasizes trust, respect, and shared responsibility.”

The Bureau of Indian Affairs also enacted a Government-to-Government Consultation Policy, which recognizes the importance of providing a tribe with information, early in the consultation process, in order to allow the tribe to provide a meaningful contribution. The Policy sets out a step-by-step consultation process. During the first step of the consultation process, the policy states that an agency “should put together a brief information packet consisting of a description of the proposal, an initial list of issues and impacts, maps, drawings, and any other material or references that can help the interested tribes to understand what is being proposed. At this stage, the purpose of the information is to enable participants to make an intelligent contribution.” *See also Quechan Tribe of the Fort Yuma Indian Reservation v. U.S. Dep’t of the Interior*, 755 F.Supp.2d 1104, 1119 (S.D. Cal. 2010).

Here, the Cow Creek Band has repeatedly requested that the BIA provide it with more detailed information regarding the proposed action. Our request now extends to the BIA’s Section 106 process and the proposed federal undertaking; we need threshold information from the BIA—i.e., a brief information packet consisting of a description of the proposal, an initial list of issues and impacts, maps, drawings, and any other material or references that can help us understand what is being proposed—in order to allow us to make an intelligent contribution and to otherwise meaningful consult under the NHPA. Accordingly, please provide us with any or all such information regarding the proposed action. After we have received and reviewed that information, we will work with the BIA to determine any cultural and historical concerns. If you have any additional questions, please do not hesitate to contact us.

Best regards,



Dan Courtney

Chairman

Cow Creek Band of Umpqua Tribe of Indians

ATTACHMENT E



COW CREEK BAND OF UMPQUA TRIBE OF INDIANS

2371 NE Stephens Street Suite 100

Roseburg, OR 97470

Phone: 541-677-5586

Fax: 541-677-5527

March 24, 2023

VIA EMAIL

Bryan Newland
Assistant Secretary for Indian Affairs
U.S. Department of the Interior
1849 C Street NW
Washington, D.C. 20240

Dear Assistant Secretary Newland:

Thank you for taking the time to meet with the Cow Creek Band of Umpqua Indians (“Cow Creek Tribe”) on Monday, February 27. As requested, we write with a detailed analysis on the Coquille Indian Tribe’s (“Coquille”) application to transfer fee land in Medford, Oregon (the “Medford Parcel”) into trust for gaming purposes. As we discussed, Coquille asserts a novel and unsupportable reading of its restoration act to argue the Medford Parcel should be treated as “restored lands,” which we ask you to reject. Given the Medford Parcel does not meet the requirements of any statutory exception to IGRA’s prohibition against gaming on lands not already in trust in 1988, and the fact that Coquille is already gaming on restored lands in Coos County, Oregon, Coquille’s application must be subjected to a Two-Part Determination.

A. IGRA and its Exceptions to Gaming on Land Acquired after October 17, 1988.

As you know, Congress passed the Indian Gaming Regulatory Act (“IGRA”) in 1988 for the purposes of, among other things, regulating a growing Indian gaming industry sanctioned by the U.S. Supreme Court’s holding in *California v. Cabazon Band of Indians*.¹ IGRA prohibits gaming on “lands acquired by the Secretary [of the Interior] in trust for the benefit of an Indian tribe after October 17, 1988, unless” one of the statutory exceptions applies.² The statutory exceptions are: 1) “Settlement of Land”,³ 2) “Initial Reservation”,⁴ and 3) “Restored Lands.”⁵

The Restored Lands Exception can be met in one of two ways. If the tribe was restored by Congressional Act, it must show that either:

¹ 480 U.S. 202 (1987).

² 25 U.S.C. § 2719(a).

³ 25 U.S.C. § 2719(b)(1)(B)(i) and 25 C.F.R. § 292.5.

⁴ 25 U.S.C. § 2719(b)(1)(B)(ii) and 25 C.F.R. § 292.6.

⁵ 25 U.S.C. § 2719(b)(1)(B)(iii) and 25 C.F.R. §§ 292.7-.12.

1) The legislation 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; or

(2) If the legislation does not provide a specific geographic area for the restoration of lands [or the land is outside the specific geographic area], the tribe must meet the requirements of §292.12.⁶

Section 292.12 requires the tribe to demonstrate modern, significant historical, and temporal connections to the subject land.⁷ For clarity, we refer to these two categories for restored lands as “Statute-Based Restored Lands” and “Connection-Based Restored Lands.”

If none of the three exceptions apply, the land may still be used for gaming purposes, but only under a “Two-Part Determination,” whereby the Secretary,

after consultation with the Indian tribe and appropriate State and local officials, including officials of other nearby Indian tribes, determines that a gaming establishment on newly acquired lands would be in the best interest of the Indian tribe and its members, and would not be detrimental to the surrounding community, but only if the Governor of the State in which the gaming activity is to be conducted concurs in the Secretary’s determination . . .⁸

Nothing in IGRA or its regulations changes the process by which Indian tribes, generally pursuant to the Indian Reorganization Act (“IRA”) and its regulations,⁹ apply to the Department to have land taken into trust. When not specified in some other legislation, such as a restoration act, land must be taken into trust for the benefit of an Indian tribe pursuant to the IRA. Whether that land, once taken into trust (after October 17, 1988), is eligible for gaming is determined pursuant to IGRA and its exceptions, as outlined above.

“The [restored lands] exception was not intended to give restored tribes an open-ended license to game on newly acquired lands. Rather, its purpose was to promote parity between established tribes, which had substantial land holdings at the time of IGRA’s passage, and restored tribes, which did not.”¹⁰ As one court put it, 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.”¹¹

Though its application to transfer the Medford Parcel into trust was made explicitly “pursuant to the IRA,” Coquille subsequently changed its position. Coquille now asserts the legal fiction that the

⁶ 25 C.F.R. § 292.11.

⁷ 25 C.F.R. § 292.12.

⁸ 25 U.S.C. § 2719(b)(1)(A) and 25 C.F.R. §§ 292.13-.18.

⁹ 25 U.S.C. § 461, et. Seq. and 25 C.F.R. Part 151.

¹⁰ *Redding Rancheria v. Jewell*, 776 F.3d 706, 711 (9th Cir. 2015).

¹¹ *Grand Traverse Band of Ottawa and Chippewa Indians v. U.S Atty for the W.D. Mich.*, 198 F. Supp. 2d, 920, 935 (W.D. Mich. 2002).

Statute-Based Restored Lands Exception applies, based on an unsupportable reading of the Coquille Restoration Act (“CRA”).

The Cow Creek Tribe respectfully requests you reject Coquille’s contorted reading of the CRA and subject its application to take the Medford Parcel into trust to a Two-Part Determination, as intended by Congress.

B. Coquille is Already Gaming on Restored Lands.

Coquille is a “restored tribe.” Though affirmed by Treaties in 1851 and 1855, their recognition by and trust relationship with the federal government was terminated in 1954. In 1989 – just eight months after passing IGRA – Congress passed the CRA, restoring Coquille’s trust relationship with the federal government, including all rights and services appurtenant thereto, and providing for the creation of a Coquille reservation.

The CRA states, in pertinent part,

SEC. 3. 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 Act shall be applicable to the [Coquille Indian] Tribe and its Members.¹²

...

(e) INDIAN REORGANIZATION ACT APPLICABILITY. – The Act of June 18, 1934 (48 Stat. 984), as amended, shall be applicable to the Tribe and its Members.¹³

SEC. 5. 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: ... 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, 1934.¹⁴

The “‘service area’ means the area composed of Coos, Curry, Douglas, Jackson, and Lane Counties in the State of Oregon.”¹⁵

Pursuant to the CRA, Coquille acquired extensive acreage in Coos County and established their reservation in the early 1990s. That land, in Coos County, qualified as Statute-Based Restored Lands. Coquille negotiated a gaming compact with then-Oregon Governor Barbara Roberts, in 1995, and

¹² 25 U.S.C. § 715a(a) (omitted).

¹³ 25 U.S.C. § 715a(e) (omitted).

¹⁴ 25 U.S.C. § 715c(a) (omitted).

¹⁵ 25 U.S.C. § 715(5) (omitted).

subsequently opened The Mill Casino, a class III gaming facility in North Bend, Coos County, Oregon. The Mill Casino is still in operation and successful. (Thus, Coquille has already benefitted from the Restored Lands Exception. Further expansion of Coquille’s gaming portfolio is exactly the sort of “open-ended license to game on newly acquired lands” IGRA sought to prohibit.¹⁶)

In 2012, Coquille purchased a 2.42-acre parcel in Medford, Jackson County, Oregon, and petitioned the Department to take the land into trust on their behalf. Coquille’s stated intention is to open a class II gaming facility on the parcel. Coquille has since purchased or leased multiple other parcels around the initial 2.42-acre parcel, built a one-hundred-plus room “Margaritaville Hotel,” and evinced an intention to develop an extensive gaming, golf, and recreational facility.

C. Coquille Asserts the Language in the CRA Permits it to Circumvent the IRA and IGRA’s Two-Part Determination for the Medford Parcel.

Coquille originally submitted its application to take the Medford Parcel into trust “pursuant to the IRA.”¹⁷ When the BIA asked Coquille to provide documentation showing it qualifies for the Connection-Based Restored Lands Exception, Coquille, likely because it realized it could not do so,¹⁸ changed its legal theory. On January 23, 2013, Coquille attorney, Brett Kenney, wrote to the Office of Indian Gaming (“OIG”) to request an opinion that the Medford Parcel qualifies as “restored lands” under IGRA. While continuing to emphasize that its application was made pursuant to the IRA,¹⁹ Coquille then abandoned the IRA entirely and asserted the legal fallacy it now relies on: that the CRA’s language alone qualifies the Medford Parcel as Statute-Based Restored Lands. A plain reading of the CRA and a review of its legislative history belie this fallacy, which you should now reject.

According to 25 C.F.R. Part 292, the Restored Lands Exception applies when a tribe (a) was at one time recognized; (b) subsequently lost its recognition; (c) had its recognition restored; and (d) “[t]he

¹⁶ *Redding Rancheria v. Jewell*, 776 F.3d 706, 711 (9th Cir. 2015).

¹⁷ See Letter from Brenda Meade, Chairperson of the Coquille Indian Tribe, to Regional Director Stan Speaks (November 2, 2012) (the letter “requests the United States to accept title to approximately 2.4 acres of land and improvements (the ‘Subject Property’) to be held in trust for the Tribe . . . **The Tribe makes this request under the provisions of the Indian Reorganization Act...**”) (emphasis added). Moreover, in prior Interior Board of Indian Appeals briefing that we have shared with your office, Coquille admitted that its acreage in Medford, for example, “**is expressly subject to the normal IRA and 25 C.F.R. Part 151 process.**” Brief of Intervener, *Confederated Tribes of Coos v. Portland Area Director*, Nos. IBIA 94 168 A, IBIA 94 169 A, at 13 (Oct. 27, 1994) (emphasis added).

¹⁸ Coquille cannot meet the Connection-Based Restored Lands exception for two reasons. First, 25 C.F.R. § 292.12(b) requires a demonstration of “significant historical connection to the land,” which Coquille does not have. Second, pursuant to 25 C.F.R. § 292.12(c), in order to establish requisite temporal connection to the land, it (1) must “be included in the tribe’s first request for newly acquired lands since the tribe was restored to Federal recognition; or (2) [t]he tribe submitted an application to take the land into trust within 25 years after the tribe was restored to Federal recognition and the tribe *is not gaming on other lands.*” (emphasis added.) Coquille’s request to take the Medford Parcel into trust is not its first such application. Moreover, while it was submitted within 25 years of Coquille’s restoration, the Coquille is already “gaming on other lands” in Coos Bay and evinces no intention to close its successful Mill Casino. Indeed, expansion of the Mill Casino was one of the alternatives considered in the Draft Environmental Impact Statement issued in November 2022.

¹⁹ Letter from Brett Kenney, Tribal Attorney for the Coquille Indian Tribe, to Paula Hart, Office of Indian Gaming, and Stan Speaks, Regional Director of the Bureau of Indian Affairs (January 23, 2013) (“By this letter, the Coquille Indian Tribe (the ‘Tribe’) requests an opinion that certain lands described below (the ‘Coquille Parcel’) will qualify as ‘restored lands’ eligible for gaming purposes . . . As summarized below, the Restoration Act decisively resolves all questions regarding the Tribe’s eligibility for the fee-to-trust process . . . The Restoration Act clearly states that the IRA applies to the Tribe . . .”).

newly acquired lands meet the criteria of ‘restored lands’ in § 292.11.”²⁰ Conditions (a) through (c) are met by Coquille. Condition (d) is not.

Section 292.11 describes the two kinds of Restored Lands: Statute-based and Connections-Based. For Statute-Based Restored Lands, the regulations say that if a tribe was restored by a Congressional enactment of legislation restoring the government-to-government relationship between the United States and the tribe, “the tribe must show” the legislation restoring it (not some other legislation) “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.”²¹ Coquille’s legal fallacy is that the CRA itself, and independently of the IRA, “requires or authorizes the Secretary to take [the Medford Parcel] into trust.” It does not.

i. The CRA is Clear and Unambiguous.

The CRA is unambiguous. First, Section 3 extends application of the IRA to Coquille in two separate clauses.²² Second, Section 5(a) of the CRA “specifies a geographic area” of Coos and Curry counties, where land acquisitions taken into trust for Coquille satisfy the Statute-Based Restored Lands exception.²³ While the first clause of Section 5(a) of the CRA requires the Secretary to “accept any real property located in Coos and Curry Counties not to exceed one thousand acres for the benefit of the [Coquille Indian] Tribe,” the Medford Parcel is not located in either Coos or Curry Counties and is therefore not subject to this clause. Instead, the Medford Parcel is subject to the next clause of Section 5(a) of the CRA, which clarifies: “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)].**”²⁴

Therefore, by the plain text of the CRA, it is the IRA—not the CRA—that “authorizes the Secretary” to acquire trust acreage in Jackson County, where Medford is located. The Secretary “may” do so, and if she does, she may do so “pursuant to” the IRA under the authority thereby granted to her by Congress. The opposite must also be true: without the IRA, the CRA does not independently authorize the Secretary to take the Medford Parcel into trust. This distinction makes clear that it is the IRA that provides the Secretary her authority regarding the Medford Parcel and not the CRA. Language clarifying that the authority to take these lands into trust was derived from the IRA would be meaningless if the CRA itself gave this authorization.

ii. The CRA’s Legislative History is Inconsistent with Coquille’s Position.

As the U.S. Supreme Court explains: “in interpreting a statute a court should always turn first to one, cardinal canon before all others. We have stated time and again that courts must presume that a legislature says in a statute what it means and means in a statute what it says there. When the words of a statute are unambiguous, then, this first canon is also the last: ‘judicial inquiry is complete.’”²⁵ Only

²⁰ 25 C.F.R. § 292.7.

²¹ 25 C.F.R. § 292.11(a).

²² CRA SEC. 3(a) and (e); 25 U.S.C. § 715a(a) and (e) (omitted).

²³ 25 U.S.C. § 715c(a) (omitted).

²⁴ 25 U.S.C. § 715c(a) (omitted) (emphasis added).

²⁵ *Connecticut Nat. Bank v. Germain*, 503 U.S. 249, 253–54 (1992)(quoting, *Rubin v. United States*, 449 U.S. 424, 430 (1981) (citations omitted).

“[w]here [statutory] language is not dispositive, [do courts] look to the congressional intent revealed in the history and purposes of the statutory scheme.”²⁶ Here, the CRA’s language is dispositive. Moreover, were it not, a review of the legislative history confirms Congress’ intent: Coquille was provided Statute-Based Restored Lands in Coos and Curry County, but not precluded from seeking transfer of additional land into trust in Jackson County – just like any other tribe, restored or otherwise – pursuant to the IRA.

Many of the same legislators who passed IGRA in 1988 remained in Congress for amendment and passage of the CRA in June 1989. While Congress had been passing restoration legislation since the 1970s, the CRA was the first restoration legislation to be introduced after the passage of IGRA. The legislators were aware of the tensions IGRA created between tribes who already had land in trust in 1988 and those who did not but could in the future. They took their task of balancing those interests seriously, as evidenced by the CRA’s legislative history.

The original text of H.R. 881, which eventually became the CRA, provided in Section 5 that: “The Secretary shall accept real property in the service area for the benefit of the tribe if conveyed or otherwise transferred to the Secretary . . .”²⁷ The bill was amended in the House Resources Committee by deleting the original Section 5 language that appears above. The text that was eventually enacted reads in pertinent part as follows:

The Secretary shall accept any real property located in Coos and Curry Counties not to exceed one thousand acres . . . The Secretary may accept any additional acreage in the Tribe’s service area pursuant to his authority under [the IRA].²⁸

In adopting this change, the House Resources Committee made clear that any land within Coquille’s service area but beyond Coos and Curry Counties would be acquired pursuant to the Secretary’s authority under the IRA.²⁹ The Senate Select Committee on Indian Affairs also specified the purpose of the bill “to provide for the transfer of certain lands within Coos and Curry Counties to the Secretary of the Interior in trust for the benefit for the Coquille Tribe.”³⁰ The Select Committee also noted “[t]he Coquille Tribe today has approximately 550 members, most of whom remain in the Coos Bay area of Oregon,” and that local support for passage of the CRA included county, municipal, and church group support originating in Coos and Curry Counties.³¹

Sponsors of the CRA, Senator Wyden and Representative DeFazio, specifically stated to Secretary Jewell on January 25, 2016:

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

²⁶ *Confederated Salish & Kootenai Tribes v. U.S. ex rel. Norton*, 343 F.3d 1193, 1196 (9th Cir. 2003).

²⁷ Coquille Restoration Act, § 5(a) (as introduced) (emphasis added).

²⁸ 103 Stat 91, § 5(a) (emphasis added).

²⁹ H.R. Rept. No. 101-61, at 4.

³⁰ S. Rept. No. 101-50, at 1.

³¹ *Id.*, at 4.

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).” **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.**³²

In sum, the CRA authors and legislative history all reject Coquille’s current interpretation of the legislation. Courts “ordinarily will not assume that Congress intended “to enact statutory language that it has earlier discarded in favor of other language.””³³ The CRA does not provide additional authority to the Secretary to take non-Coos/Curry County land into trust; only the IRA does that. The language was intended to ensure that Coquille could continue to use the IRA for discretionary acquisitions beyond its mandatory 1,000 acres. And as you know, IRA discretionary acquisitions are not eligible for the Statute-Based Restored Lands Exception; a Two-Part Determination is instead required.

iii. The Purported Redundancies in the CRA do not Render it Ambiguous.

In its January 23, 2013, letter to OIG, Coquille points to two sections of the CRA that “definitively resolve any question of the Tribe’s eligibility for IRA treatment in general, and particularly the provisions for trust land acquisition.”³⁴ There are actually three sections of the CRA that do so,³⁵ and the fact that the IRA is referenced and invoked multiple times does not create a redundancy. Moreover, though canons of construction disfavor readings of a statute that result in surplusage or redundancies, “[s]urplusage does not always produce ambiguity and our preference for avoiding surplusage constructions is not absolute.”³⁶ “For one thing, canons are not mandatory rules. They are guides that “need not be conclusive.” They are designed to help judges determine the Legislature’s intent as embodied in particular statutory language. And other circumstances evidencing congressional intent can overcome their force.”³⁷ Where “rigorous application of the canon does not seem a particularly useful guide to a fair construction of the statute,” it should not be applied.³⁸ This is particularly true where a statute “contains more than a few examples of inartful drafting.”³⁹

The CRA, as a whole, “contains more than a few examples of inartful drafting,” an unfortunate hallmark of the ad hoc nature of Indian restoration legislation. Nevertheless, when considered in the

³² Letter from Ron Wyden, U.S. Senator, Peter DeFazio, U.S. Representative to Sally Jewell, Secretary of Interior (Jan. 25, 2016) (bracketing and underlining emphasis in original; bold emphasis added).

³³ *Chickasaw Nation v. United States*, 534 U.S. 84, 93 (2001) (quoting *INS v. Cardoza-Fonseca*, 480 U.S. 421, 443, 107 S.Ct. 1207, 94 L.Ed.2d 434 (1987)).

³⁴ January 23, 2013, letter from Brett Kenney, Coquille Tribal Attorney, to Office of Indian Gaming, at p. 2.

³⁵ Sec. 3(a) extends “all laws of general application” to Coquille; Sec. 3(e) specifically extends the IRA to Coquille; and Sec. 5(a) clarifies that the IRA, not the CRA, is the authority for taking land into trust in Jackson, Curry, and Lane Counties. 25 U.S.C. §§ 715a(a) and (e), and 715c(a) (all omitted).

³⁶ *Lamie v. U.S. Trustee*, 540 U.S. 526, 536 (2004).

³⁷ *Chickasaw Nation v. United States*, 534 U.S. 84, 94 (2001)(citation omitted).

³⁸ *King v. Burwell*, 576 U.S. 473, 491 (2015).

³⁹ *Id.*

full context of the statute, what may appear to be redundancies at first glance, do not render it ambiguous. After all, the CRA does much more than provide for restored lands in Coos and Curry counties. The CRA also provides for the restoration of the tribe to federal recognition, makes federal laws of general applicability to Indian tribes applicable to Coquille (notably, the IRA's provision of Secretarial authority to take lands into trust for Indian tribes is only a small part of what that statute provides), extends federal benefits and services to tribal members, calls for the compilation of a tribal roll and development of an economic development plan, and creates an interim tribal council to govern the tribe until a tribal constitution is adopted.

Given the broad overarching goals of the CRA, it is unsurprising that it both makes "all laws and regulations of general application to Indians" applicable to the Coquille "Tribe and its Members," and specifically invokes two such general application laws: the IRA and the Indian Tribal Government Tax Status Act.⁴⁰ While inartful, these clauses do not create ambiguity.

iv. Whether or not Indian Land has Reservation Status is Irrelevant to this Inquiry.

The fact that, pursuant to Section 5(b) of the CRA, land taken into trust within Coquille's service area "shall be a part of" Coquille's reservation is irrelevant to this inquiry. It does not, as Coquille argues, "bolster" its contorted reading of the CRA.⁴¹ This argument, which conflates the "Initial Reservation" and "Restored Lands" exceptions, is a red herring.

As Coquille pointed out in its January 23, 2013, letter to OIG, "IGRA does not require lands to be 'reservation' status to qualify for gaming."⁴² In fact, IGRA makes no distinction between reservation land and trust land. Both are included in the statute's definition of "Indian lands"⁴³ and IGRA regulates "gaming on Indian lands."⁴⁴ Land taken into trust for the benefit of a tribe after October 17, 1988, is ineligible for gaming, whether it be reservation or simply held in trust, unless an exception applies or a successful Two-Part Determination occurs.

Because the status of land as "reservation" or simply held in trust for the benefit of a tribe is irrelevant to whether or not that land is eligible for gaming under IGRA, Section 5(b) of the CRA must have been included for another purpose. Reading the statute as a whole, the purpose becomes clear: it is meant to guarantee that tribal members residing in the service area will be eligible for federal services that are only available to individual Indians who are "living on a reservation." While this reveals another potential redundancy in relation to benefits and services available to Coquille tribal members, it does not create ambiguity.⁴⁵

⁴⁰ 25 U.S.C. §§ 715a(a), (c), and (e) (all omitted). The Indian Tribal Government Tax Status Act, like the IRA, is a statute of general application to Indian tribes. "General rule.--An Indian tribal government shall be treated as a State—" for certain purposes. 26 U.S.C. § 7871.

⁴¹ January 23, 2013, letter from Brett Kenney, Coquille Tribal Attorney, to Office of Indian Gaming, at p. 3.

⁴² *Id.*

⁴³ 25 U.S.C. §2703(4).

⁴⁴ 25 U.S.C. §2702(3).

⁴⁵ The CRA, in restoring Coquille to federal recognition, extends "federal benefits and services" to its Members. Such benefits are generally available for Indian individuals "living on a reservation," thus the CRA defines "reservation" as "those lands subsequently acquired and held in trust by the Secretary of the benefit of the tribe" (without specifying the authority under

v. Even if the CRA were Ambiguous, the Indian Canons of Construction Would Not Apply.

Given the clarity of the CRA itself, and the legislative history rejecting Coquille's strained reading of it, there is no ambiguity and the Indian canons of construction do not apply. It is a "settled principle of statutory construction" that the first step of the inquiry is to "determine whether the statutory text is plain and unambiguous. If it is, we must apply the statute according to its terms."⁴⁶ "The canon of construction regarding the resolution of ambiguities in favor of Indians, however, does not permit reliance on ambiguities that do not exist; nor does it permit disregard of the clearly expressed intent of Congress."⁴⁷

Moreover, if the CRA were ambiguous, the Indian canons of construction would still be inapplicable because of the Federal Government's trust obligations to all federally recognized tribes. "The canons of construction applicable in Indian law are rooted in the unique trust relationship between the United States and the Indians."⁴⁸ Where, as here, the Department's decision has the potential to negatively affect the interests of other tribes to which it owes trust obligations, the Indian canons do not apply.

This is because all tribal interests are not aligned. An interpretation of the restored lands exception that would benefit this particular tribe, by allowing unlimited use of restored land for gaming purposes, would not necessarily benefit other tribes also engaged in gaming. It might well work to their disadvantage.

The canon should not apply in such circumstances. The canon has been applied only when there is a choice between interpretations that would favor Indians on the one hand and state or private actors on the other. ... This court has explained that the [Indian canon] does not apply when tribal interests are adverse because "[t]he government owes the same trust duty to all tribes." *Confederated Tribes of Chehalis Indian Reservation v. Washington*, 96 F.3d 334, 340 (9th Cir.1996). It cannot favor one tribe over another.⁴⁹

Thus, even if the CRA *were* ambiguous, and the legislative history didn't sufficiently address the clear legislative intent, the Indian canons of construction would not apply in this instance.

vi. Adopting Coquille's Interpretation of the CRA Would Violate the IRA's Privileges and Immunities Clause.

Congress amended the IRA in 1994 to add:

which the lands are taken into trust or the counties in which such land must be located), Sec. 2(7); 25 U.S.C. § 715(7) (omitted), specifies that Coquille Members living in the service area "shall be deemed to be residing on a reservation," Sec. 3(c); 25 U.S.C. 715a(c) (omitted), and repeats that lands taken into trust for the Tribe "shall be part of its reservation," Sec. 5(b); 25 U.S.C. § 715c(b) (omitted).

⁴⁶ *Carcieri v. Salazar*, 555 U.S. 379, 387 (2009).

⁴⁷ *South Carolina v. Catawba Indian Tribe, Inc.*, 476 U.S. 498, 506 and FN 16 (1986)(emphasis added).

⁴⁸ *Oneida Cnty., N.Y. v. Oneida Indian Nation of New York State*, 470 U.S. 226, 247 (1985).

⁴⁹ *Redding Rancheria v. Jewell*, 776 F.3d 706, 713 (9th Cir. 2015).

(f) Privileges and immunities of Indian tribes; prohibition on new regulations

Departments or agencies of the United States shall not promulgate any regulation or **make any decision or determination** pursuant to the [Indian Reorganization] Act of June 18, 1934 (25 U.S.C. 461 et seq., 48 Stat. 984) as amended, or any other Act of Congress, with respect to a federally recognized Indian tribe that classifies, enhances, or diminishes the privileges and immunities available to the Indian tribe relative to other federally recognized tribes by virtue of their status as Indian tribes.⁵⁰

The purpose of the clause is to prohibit “disparate treatment between similarly situated recognized tribes.”⁵¹ It applies to the Department’s decisions under both the IRA and IGRA, as IGRA is an “other Act of Congress” and “gaming activities on Indian lands under IGRA’s restored lands exception certainly are ‘privileges . . . available to the Indian tribe’ by virtue of a tribe’s status as a recognized Indian tribe.”⁵² A Department decision that violates the privileges and immunities clause—enhancing, for instance, the gaming privileges of one tribe relative to other tribes—is arbitrary and capricious.⁵³

“In administering the restored lands exception, the Secretary needs to ensure that tribes do not take advantage of the exception to expand gaming operations unduly and to the detriment of other tribes’ gaming operations.”⁵⁴ Treating the Medford Parcel as Statute-Based Restored Lands would constitute a “decision or determination” that enhances Coquille’s gaming privileges relative to Cow Creek, Klamath Tribes, Karuk Tribe and all other affected tribes, would run afoul of the IRA’s privileges and immunities clause, and would be arbitrary and capricious.

D. No Restoration Act Has Been Interpreted in the way Coquille asks the CRA be Interpreted.

A number of restored tribes throughout the United States have language in their restoration acts similar to the “lands to be taken into trust” section of the CRA. Should you accept Coquille’s legal fallacy that its CRA, alone, qualifies the Medford Parcel for the Statute-Based Restored Lands Exception, the proliferation of off-reservation gaming across the country will be swift, inexorable, and entirely outside of the legislative scheme instituted by Congress. Courts have rejected such readings of similar restoration acts and will, we believe and if it should come to that, reject Coquille’s as well.

i. The Ponca Tribe’s Restoration Act does not Qualify Lands Outside of Geographic Area as Statute-Based Restored Lands.

Most recently, the 8th Circuit determined that the Ponca Tribe of Nebraska’s similar restoration act language, because it specifically invokes the IRA for such parcels, neither permits, requires, nor

⁵⁰ 25 U.S.C. §5123(f) (emphasis added).

⁵¹ *Koi Nation of Northern California v. United States Department of the Interior*, 361 F.Supp.3d 14, 54 (2019).

⁵² *Id.*, at 53.

⁵³ *Id.*, generally; see also *Scotts Valley Band of Pomo Indians v. United States Dep’t of the Interior*, No. CV 19-1544 (ABJ), 2022 WL 4598687 (D.D.C. Sept. 30, 2022) (Department decision placing one Indian tribe in a disadvantageous position as to other tribes found arbitrary and capricious.)

⁵⁴ *Redding Rancheria*, at 711.

precludes the Department from taking land into trust for gaming purposes outside of the specific geographic area. The Ponca Restoration Act of 1990 (“PRA”) states: “The Secretary shall accept not more than 1,500 acres of any real property located in Knox or Boyd Counties, Nebraska, that is transferred to the Secretary for the benefit of the Tribe . . . The Secretary may accept any additional acreage in Knox or Boyd Counties pursuant to his authority under the [IRA].”⁵⁵

The Ponca Tribe purchased a parcel of land in Carter Lake, Iowa in 1999, which was subsequently transferred into trust by the Department for non-gaming purposes. In 2007, the Ponca Tribe sought an opinion from the NIGC that the parcel was eligible for gaming under the Restored Lands Exception. (The Ponca Tribe’s factual situation is quite different and involves a purported agreement between the Ponca Tribe, the State of Iowa, and the Department. That distinction is not explored here and does not change the legal analysis as it applies to Coquille’s position.)

In 2007, the parameters of Restored Lands Exception were based on IGRA, common law, and a Department “Checklist for Gaming Acquisitions.” The comprehensive regulatory framework now found at 25 C.F.R. Part 292 did not become effective until June 19, 2008, and has never been applied to the Ponca Tribe’s Carter Lake parcel. Applying common law (a similar test to what we now call Connection-Based Restored Lands under Part 292), the NIGC determined that the Carter Lake parcel met the requirements of the Connection-Based Restored Lands Exception. The States of Nebraska and Iowa and City of Council Bluffs, Iowa, appealed the NIGC’s decision and the issue made its way up to the 8th Circuit Court of Appeals for the first time in 2010.

While the majority remanded the case back to the NIGC on other grounds, declining to address whether the PRA limits restored lands for the Ponca tribe to land in Knox and Boyd Counties, Nebraska, the dissent found: “While the Secretary may, pursuant to the Indian Reorganization Act, 25 U.S.C. § 465, take any land into trust for the benefit of an Indian tribe, such land so taken cannot qualify for the ‘restored lands’ exception to the general prohibition of gaming on trust lands.”⁵⁶ In other words, Judge Kornmann, dissenting, rejected any argument that land taken into trust pursuant to the IRA is land taken into trust pursuant to the PRA. Essentially, Judge Kornmann examined the discretionary acquisition provision of the PRA, which permits the Secretary to take land into trust under the IRA, and rejected the very interpretation Coquille is now advancing.

On remand, the Solicitor and NIGC sought briefing from the Ponca Tribe, States of Nebraska and Iowa, and City of Council Bluffs, Iowa, “on the threshold question of whether the PRA limits the Tribe’s restored lands to Knox and Boyd Counties in Nebraska.”⁵⁷ As part of the process, “[t]he Solicitor provided the [NIGC] an opinion concluding that, although the PRA provides for mandatory and discretionary trust acquisitions in Boyd and Knox Counties, the plain language of the statute allows Interior to take additional land into trust outside those counties under the Indian Reorganization Act and that land may qualify as restored land.”⁵⁸ Noting that “the Solicitor’s opinion concludes that the Carter Lake parcel, which is outside Boyd and Knox Counties, may qualify for restored lands status, it

⁵⁵ 25 U.S.C. § 983b(c) (omitted).

⁵⁶ *Nebraska ex rel. Bruning v. U.S. Dep’t of Interior*, 625 F.3d 501, 515 (8th Cir. 2010).

⁵⁷ *In re: Gaming Ordinance of the Ponca Tribe of Nebraska*, National Indian Gaming Commission, November 13, 2017, Amendment to [December 31, 2007] Final Decision and Order, at p. 8.

⁵⁸ *Id.*, at p. 30.

does not address whether the parcel does qualify,”⁵⁹ the NIGC went through the common law test for determining whether a parcel constitutes connection-based “restored lands” and determined that the Carter Lake Parcel did so.⁶⁰

[T]he Commission finds and concludes that: ...

2) The Ponca Restoration Act does not limit the Tribe’s “restored lands” to Knox and Boyd Counties, Nebraska.

3) The temporal, geographic, and factual circumstances factors of the [pre-Part 292, common law connection-based] restored lands analysis support the conclusion that the Carter Lake parcel is restored lands for a restored tribe.⁶¹

Unhappy with this outcome, the City of Council Bluffs, Iowa, appealed the NIGC’s decision on remand. The issue made its way back to the 8th Circuit Court of Appeals in 2021.

“The issue on appeal [wa]s whether the Ponca Restoration Act *restricts* land that can qualify as part of ‘the restoration of lands’ for the Tribe to land located in Knox and Boyd Counties, Nebraska”⁶² (emphasis added). The issue was not, and has never been, whether the PRA permits or requires, independent of the IRA, the Secretary to take land into trust outside of Knox and Boyd Counties. After noting that the PRA specifically provides, like the CRA, “that ‘[a]ll Federal laws of general application to Indians and Indian tribes,’ including the Indian Reorganization Act, ‘shall apply with respect to the Tribe,’”⁶³ the 8th Circuit went on to determine that the specific geographic location in the PRA does not preclude the Tribe from seeking application of the Connection-Based Restored Lands Exception to land outside of that location.

That Congress specified a geographic area in which the Secretary is required to accept land for the Tribe under the Ponca Restoration Act does not mean that only land within that area can be part of the restoration of lands for the Tribe. Lands expressly granted to a tribe in the tribe’s restoration act may be the “paradigm” of restored lands, see *City of Roseville v. Norton*, 348 F.3d 1020, 1025 (D.C. Cir. 2003), but lands acquired for a tribe through means other than a restoration act also can qualify. See *Oregon v. Norton*, 271 F. Supp. 2d 1270, 1278-80 (D. Or. 2003); *Confederated Tribes of Coos, Lower Umpqua & Siuslaw Indians v. Babbitt*, 116 F. Supp. 2d 155, 162-64 (D.D.C. 2000).⁶⁴

“Means other than the restoration act” are, primarily, the IRA. Lands acquired pursuant to the IRA can only qualify for the Connection-Based Restored Lands Exception if either the pre-Part 292 common law connection-based test (for Ponca) or 25 C.F.R. § 292.12 (for Coquille) is satisfied. Nothing about the 8th Circuit’s decisions in regards to the Ponca Tribe’s Carter Lake parcel equates to a finding

⁵⁹ *Id.*

⁶⁰ Though Part 292 had been adopted by the time of this inquiry, the NIGC did not apply 25 C.F.R. § 292.12 (Connection-Based Restored Lands Exception) based on Part 292’s grandfather clause, found at 25 C.F.R. § 292.26.

⁶¹ *In re: Gaming Ordinance*, see fn. 8, at p. 3.

⁶² *City of Council Bluffs, Iowa v. United States Department of Interior*, 11 F.4th 852, 858 (8th Cir. 2021).

⁶³ *Id.*, at 859.

⁶⁴ *Id.*, at 858.

that the PRA, alone, qualifies lands outside of the specific geographic area as Statute-Based Restored Lands. “Congress guaranteed a certain amount of trust land to the [Ponca] Tribe without otherwise infringing on the Secretary’s typical discretion to accept land in trust for Indian tribes [pursuant to the IRA].”⁶⁵ That is all. And the same is true for Coquille.

ii. Other Courts have Likewise Rejected Coquille’s Reading of Similar Restoration Acts.

Other courts looking at similar scenarios foreshadowed Judge Kornmann’s 2010 Ponca dissent. In *Kickapoo Tribe of Oklahoma v. Superintendent, Shawnee Agency* (1985), Interior’s Board of Indian Appeals held that a similar provision mandated that the BIA take one hundred acres of land in Maverick County, Texas, into trust for the tribe, and, in addition, that the “Bureau of Indian Affairs, acting for the Secretary, has authority to take more than 100 acres in Maverick County, Texas, into Indian trust status for the benefit of the Texas Band of Kickapoo Indians . . . by, in effect, reaching back and exercising the authority of Section 5 of the Indian Reorganization Act.”⁶⁶ Just like the CRA, the Kickapoo language was meant to ensure “that this subsection is not construed as a limitation on the general authority provided in subsection (a).”⁶⁷ It is not an independent basis within a restoration act for acquiring land, but rather an “exercise[e of] the authority of Section 5 of the [IRA].”⁶⁸

City of Roseville v. Norton (2003) is also instructive.⁶⁹ There, the Court examined the following identical language in the Auburn Indian Restoration Act: “The Secretary may accept additional acreage in the tribe’s service area pursuant to the Secretary’s authority under [the Indian Reorganization Act].” The court held in *City of Roseville*:

In addition, plaintiffs argue that, if all of subsection (a) is taken as a “restoration” clause, the restoration necessarily encompasses land throughout the service area of the Tribe. The Tribe, however, argues for a different interpretation of subsection (a). The Tribe suggests that the second clause of the subsection, which provides that the Secretary may take additional acreage in the Tribe’s service area pursuant to the Indian Restoration Act, simply emphasizes that the section should not be read to limit the Secretary’s more general authority under the Indian Restoration Act. Such a construction is both logical and persuasive.⁷⁰

In sum, no court (or agency) has adopted Coquille’s novel and contrary interpretation of its restoration act. You shouldn’t either.

iii. Accepting Coquille’s Untenable Reading of the CRA will set a Dangerous Precedent.

A decision adopting Coquille’s interpretation of the CRA would catalyze off-reservation gaming not only in Oregon, but also in Michigan and Northern California, adversely affecting several

⁶⁵ *Id.*, at 860.

⁶⁶ 13 IBIA 339, 342 (1985).

⁶⁷ *Id.*

⁶⁸ *Id.* at 341.

⁶⁹ 219 F. Supp. 2d 130 (D.D.C. 2002), *aff’d*, 348 F.3d 1020 (D.C. Cir. 2003).

⁷⁰ *Id.*, at 162.

tribes and casinos in those areas. The Little River Band of Ottawa Indians,⁷¹ Little Traverse Bay Bands of Odawa Indians,⁷² United Auburn Indian Community,⁷³ and Paskenta Band of Nomlaki Indians⁷⁴ all have restoration acts with language similar to the CRA. Were Coquille to obtain a positive Restored Lands opinion based solely on the language in the CRA, it would set a precedent that would allow each of these tribes to game off-reservation without any of the safeguards that Congress purposefully included in the Two-Part Determination process (i.e., non-detriment to the local community and gubernatorial concurrence) and 25 C.F.R. § 292.12 (i.e., significant historic, modern, and temporal connections to the land).

Given the threat, Coquille's position poses to other tribes throughout Michigan, California, and Oregon, in particular, tribes such as the Klamath Tribes, Karuk Tribe, Elk Valley Rancheria, Tolowa Dee-i' Nation, Shingle Springs Band of Miwok Indians, Saginaw Chippewa Indian Tribe, and the Confederated Tribes of the Grand Ronde Community of Oregon have each urged you to reject that position.⁷⁵

Moreover, Coquille's service area in Coos, Curry, Douglas, Lane, and Jackson Counties undoubtedly (1) overlaps with Grand Ronde, Siletz, Cow Creek, Coos, and Lower Umpqua & Siuslaw Tribes' service areas; and (2) includes other tribes' ancestral lands and lands to which Coquille has no historic connection. If the Department accepts Coquille's position, Coquille would not be obliged to stop with a Class II casino in Medford; they could franchise Class II casinos on trust land throughout Southern Oregon. The intent of the Part 292 regulations is to fill the gaps in the implementation of IGRA "in light of the purposes Congress sought to serve."⁷⁶ When the Part 292 regulations were promulgated, the Department saw fit to explain that a "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."⁷⁷ Coquille's service area is therefore certainly not the type of "specific geographic area" that the Department envisioned when promulgating the regulations.⁷⁸ Interpreting the CRA as urged by Coquille would be antithetical to Congress's and the Department's intent, and harmful for Indian gaming across the country.

⁷¹ Pub. L. No. 103-324, 108 Stat. 2156 (Sept. 21, 1994).

⁷² *Id.*

⁷³ Pub. L. 103-434, 108 Stat. 4533 (Oct. 31, 1994).

⁷⁴ Pub. L. 103-454, 108 Stat. 4796 (Nov. 2, 1994).

⁷⁵ Letter from Steven Pego, Chief of the Saginaw Chippewa Indian Tribe of Michigan, to Kevin Washburn, Assistant Secretary of the Bureau of Indian Affairs (Aug. 5, 2015); Letter from Dale A. Miller, Chairman of the Elk Valley Rancheria, to Kevin Washburn, Assistant Secretary of the Bureau of Indian Affairs (Aug. 4, 2015); Letter from Russell Attebery, Chairman of the Karuk Tribe, to Kevin Washburn, Assistant Secretary of the Bureau of Indian Affairs (May 13, 2013); Letter from Nicholas Fonseca, Chairman of the Shingle Springs Band of Miwok Indians, to Kevin Washburn, Assistant Secretary of the Bureau of Indian Affairs (Nov. 19, 2015); Letter from Cheryle A. Kennedy, Chairwoman of the Confederated Tribes of the Grand Ronde Community of Oregon, to Bryan Mercier, Bureau of Indian Affairs, Northwest Regional Director (February 23, 2023); Letter from Karuk Chairperson Russell Attebery to Bryan Newland, Assistant Secretary-Indian Affairs and Bryan Mercier, Northwest Regional Director (February 22, 2023); and Transcript of December 15, 2022 Comment Hearing, 83:18-22 ("And I, [Gail Hatcher, Vice Chair for the Klamath Tribes], would like to say that the Klamath Tribes are opposed to a casino in Medford by the Coquille Tribe[... which] would be devastating to our tribe...").

⁷⁶ *Roberts v. Austin*, 632 F.2d 1202, 1208 (5th Cir. 1980) (quoting *Chapman v. Houston Welfare Rights Org.*, 441 U.S. 600, 608 (1979)).

⁷⁷ 73 Fed. Reg. 29354, 29365 (May 20, 2008).

⁷⁸ *Id.*, at 29364.

Again, Coquille has already benefited from the Statute-Based Restored Lands Exception and currently operates the Mill Casino as a result. The Cow Creek Tribe urges you to reject Coquille's novel and unsupportable reading of its restoration act and subject its application to transfer the Medford Parcel into trust to a Two-Part Determination.

Very truly yours,



Anthony Broadman
General Counsel
Cow Creek Band of Umpqua Tribe of Indians

ATTACHMENT F

United States Senate

WASHINGTON, DC 20510

December 1, 2023

Secretary Deb Haaland
United States Department of the Interior
1849 C Street, NW
Washington, D.C. 20240

Dear Secretary Haaland,

We write today to urge you to reject the Coquille Indian Tribe's application to have land taken into trust under the restored lands exception to the Indian Gaming Regulatory Act (IGRA), for the development of a new Class II casino in Medford, Oregon.

Congress carefully drafted and passed IGRA to strike a balance between supporting Tribal communities through the pursuit of gaming revenues, while limiting the risks associated with gaming in communities across the country. Allowing the Coquille Indian Tribe to use the Medford land for gaming undermines that balance and is indisputably contrary to IGRA. Consideration of this application under the restored lands exception threatens the economic self-sufficiency and sovereignty of numerous Tribal governments and will lead to a harmful explosion of gaming in Oregon and across the region. Therefore, we urge you to reject this application. It must instead be subjected to a two-part determination, through which local governments and communities will have a voice in the process, as Congress intended.

The purpose of the restored lands exception is to ensure restored Tribes are treated equally to Tribes who already had property in trust when IGRA was passed, not to unfairly benefit certain Tribes to the detriment of others. Accordingly, when Congress passed the Coquille Restoration Act (CRA) – shortly after passing IGRA - it allowed the Coquille Indian Tribe to open one gaming facility, in Coos or Curry Counties, pursuant to the restored lands exception. The Tribe opened its Mill Casino in Coos County in 1995 and continues to operate the casino successfully today. A decision allowing the Coquille Indian Tribe to operate a second casino in Medford under the restored lands exception would run directly counter to the legislative intent of both IGRA and the CRA. Nothing in the CRA supersedes the requirements of IGRA, which requires the Department of the Interior to apply a two-part determination process to the Coquille Indian Tribe's application regarding a second casino. To suggest that it was the intent of Congress to allow the Coquille Indian Tribe to open a second casino in Medford requires willful disregard of the legislative history of the CRA and abuse of the restored lands exception. Accepting the Coquille Indian Tribe's application for the Medford property under the restored lands exception, when the Coquille Indian Tribe has already established a casino in Coos County, undermines Congressional intent and will harm numerous other Tribes.

According to economic analysis included in the Coquille Indian Tribe Fee-to-Trust and Gaming Facility Project Draft Environmental Impact Statement, a casino in Medford will irreparably

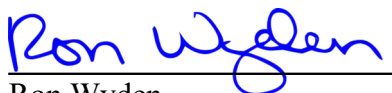
deprive at least three other Tribes of significant gaming revenues from their existing casinos, which will directly impair their ability to provide critical services to their Tribal members. As a result, the devastating economic impact of this decision would pit some of our country's most marginalized communities against each other, forcing them to compete in a "race to the bottom" and setting back progress in State-Tribal relations by decades.

Approving this application under the restored lands exception would not only harm Tribes but set a precedent that could lead to a deeply harmful proliferation of gaming in Oregon and across the region. An unfettered expansion of gaming would upset a careful balance that has been struck in Oregon and undoubtedly harm communities, particularly socially-disadvantaged communities, and communities of color.


Under your leadership, this Administration has taken historic steps to support Tribal Nations and Native communities. We appreciate your commitment to upholding the federal government's trust and treaty responsibilities and commitment to advancing equity—both for and among Tribes. A decision to give an advantage to one restored Tribe at the expense of so many other Tribes would stand in stark contrast to that commitment.

We urge you to continue your leadership in upholding the promises made to Tribal Nations and Native communities by not providing one Tribe unfair treatment to the detriment of Tribes and communities across the country—and to immediately reject this application under the restored lands exception.

Sincerely,



Ron Wyden
United States Senator



Jeffrey A. Merkley
United States Senator

cc: Bryan Newland
Assistant Secretary - Indian Affairs

ATTACHMENT G

NCTCA

NORTHERN CALIFORNIA TRIBAL CHAIRPERSONS ASSOCIATION



February 14, 2023

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Bue Lake Rancheria

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



Elk Valley Rancheria

RE: Coquille EIS



Hoopa Valley Tribe

Dear Secretary Haaland,



Karuk Tribe

Please accept this letter on behalf of the Northern California Tribal Chairperson's Association (NCTCA). The NCTCA opposes the proposal by the Coquille Indian Tribe to construct a new gaming facility in Medford Oregon. This proposal is being considered under a deeply irregular process which disregards congressional intent, negatively impacts a number of Tribes located in the region, and could set a damaging precedent by allowing gaming a vast distance from the Coquille Indian Tribe's existing reservation and gaming facilities. NCTCA urges you to reject the proposal on these grounds and respect the views of the Tribes already located within that region.



Redding Rancheria



Tolowa Dee ni' Nation

The Coquille Indian Tribe currently operated a Class III gaming facility in North Bend, Oregon. The Tribe's administration, cultural, healthcare, education and housing offices are all located within Coos and Curry Counties. However, the new facility proposed by Coquille would be located approximately 170 miles away in Medford Oregon.



Trinidad Rancheria



Wyot Tribe

The Coquille Restoration Act, enacted in 1989, authorized the Secretary to take into trust property in Coos and Curry Counties and identifies those counties and the Coquille Service Area. This Act also include Douglas, Jackson, and Lane Counties in Oregon as part of the Coquille service area, but notably did not direct the Secretary to take land into trust in those counties. NCTCA supports the right of Tribal Governments to provide services to member wherever they are located, however, the ability to provide services does not equate to a right to have land taken into trust for gaming.



Yurok Tribe



Resighini Rancheria

The Coquille proposal not only exceeds congressional intent as expressed in the Coquille Restoration Act, but it would negatively impact existing Tribal gaming facilities in the region. The Coquille Draft Environmental Impact Statement clearly identifies substantial revenue losses to 11 existing Tribal gaming facilities, impact which will damage the ability of those Tribes to provide key services to their members. Three of these gaming facilities would experience revenue declines well able 10%, upending the economic factors considered when Tribes made the decision to construct them. The negative impacts to these



Quartz Valley



Big Lagoon Rancheria



Pitt River Tribe

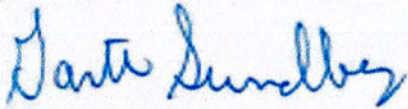


Susanville Rancheria

existing facilities would result in decreased employment and harm the economies of local governments.

Rather than a natural expansion of trust lands in the area in which Coquille is located, the Medford gaming proposal is an effort to secure a more economically advantageous location. The Department has rightly viewed such proposals skeptically in the past, recognizing that allowing decisions to be made based upon purely economic factors would negatively impact Tribal gaming economies across the nation. NCTCA urges you to withdraw the Coquille Draft EIA, maintain the Department's existing processes and procedures, and reject this proposal.

Sincerely,



Garth Sundberg
NCTCA Chairman

Trinidad Rancheria
P.O Box 630
1 Cher-Ae Lane
Trinidad, CA 95570

EUREKA CA 955

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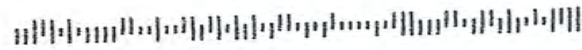


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Secretary Deb Haaland
United States Department of the Interior
1849 C. Street, N.W.
Washington, DC 20240

7328

20240-



Cow Creek Tribe FEIS Comment Letter
Attachments, p. 34 of 51

ATTACHMENT H



August 10, 2023

Bryan Newland
Assistant Secretary – Indian Affairs
1849 C Street, N.W.
Washington, D.C. 20240

RE: CNIGA’s Opposition to the Coquille Indian Tribe’s Medford Project

Dear Assistant Secretary Newland,

The purpose of the California Nations Indian Gaming Association (CNIGA) is to protect the sovereign right of California tribal governments to operate gaming on their lands. The Coquille Indian Tribe’s application to transfer fee land in Medford, Oregon into trust for gaming using the restored lands exception directly threatens those sovereign rights.

Since 2015, our member Tribes, the Karuk Tribe, Elk Valley Rancheria, and the Tolowa Dee-Ni Nation have each urged your office to reject Coquille’s position. CNIGA supports this request and asks that you work with Coquille to resubmit their application using the two-part determination process. Unlike the restored lands process the Department is currently using, the two-part determination process will allow the Department to consult with all impacted tribes, including those in California.

Thank you for your consistent support of Indian Country and we look forward to working with you to ensure that all tribes have an equitable opportunity to benefit from gaming.

Respectfully,

A handwritten signature in black ink, appearing to read 'James Siva'.

James Siva
Chairman, CNIGA

ATTACHMENT I



TRIBAL ALLIANCE OF SOVEREIGN INDIAN NATIONS

An intergovernmental association of tribal governments throughout Southern California

November 8, 2023

Bryan Newland
Assistant Secretary- Indian Affairs
1849 C Street, N.W.
Washington, D.C. 20240

TRIBAL GOVERNMENTS:

AGUA CALIENTE BAND OF CAHUILLA INDIANS

AUGUSTINE BAND OF CAHUILLA INDIANS

CABAZON BAND OF CAHUILLA INDIANS

CAHUILLA BAND OF INDIANS

CHEMEHUEVI INDIAN TRIBE

MORONGO BAND OF MISSION INDIANS

PECHANGA BAND OF INDIANS

SAN MANUEL BAND OF MISSION INDIANS

SANTA ROSA BAND OF CAHUILLA INDIANS

SANTA YNEZ BAND OF CHUMASH INDIANS

SOBOBA BAND OF LUISEÑO INDIANS

TORRES MARTINEZ DESERT CAHUILLA INDIANS

TWENTY-NINE PALMS BAND OF MISSION INDIANS

Dear Assistant Secretary Newland,

On behalf of the Tribal Alliance of Sovereign Indian Nations (TASIN), an intergovernmental association of federally recognized tribal governments throughout Southern California, we write to urge you to work with the Coquille Indian Tribe to resubmit their application using the two-part determination process. The Coquille Indian Tribe's application to transfer fee land in Medford, Oregon into trust for gaming using the restored lands exception directly threatens the sovereign rights of tribal governments to operate gaming on their lands.

Since 2015, the Karuk Tribe, Elk Valley Rancheria, and the Tolowa Dee-Ni Nation have each urged your office to reject Coquille's position. TASIN fully supports this request and strongly recommends that Coquille should be required to resubmit their application using the two-part determination process. Unlike the restored lands process the Department is currently using, the two-part determination process will allow the Department to consult with all impacted tribes, including those in California.

Thank you for your consistent support of Indian Country and we look forward to working with you to ensure that all tribes have an opportunity to benefit from gaming.

Sincerely,

LYNN VALBUENA
Chairwoman

CATALINA CHACON
Vice Chairwoman

STEVEN ESTRADA
Secretary

ROSEMARY MORILLO
Treasurer

cc: Tribal Chairman Dale Miller, Elk Valley Rancheria
Chairman Russell Attebery, Karuk Tribe
Chairperson Jeri Lynn Thompson, Tolowa Dee-Ni' Nation

ATTACHMENT J



Meister Economic Consulting, LLC
59 Promesa Avenue
Rancho Mission Viejo, CA 92694



Pyramid Associates, LLC
2112 W. University Drive, Suite 1251
Edinburg, TX 78539

December 18, 2024

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").

In November 2024, the Bureau of Indian Affairs ("BIA") published in the Federal Register a Notice of Availability for the Final Environmental Impact Statement ("FEIS") for the Proposed Medford Casino project.¹ Subsequently, the FEIS dated November 2024 became available for public review and comment.²

Set forth below are our observations and comments on the FEIS. Note that all of our critiques of the Draft Environmental Impact Statement ("DEIS") set forth in our DEIS comment letter dated February 23, 2023 still apply as they were not adequately addressed.³ As discussed further below, it is our qualified opinion that *the competitive effects conclusions of the FEIS are erroneous as they underestimate the true cannibalization by the Proposed Medford Casino.*

¹ Bureau of Indian Affairs, U.S. Department of Interior, "Final Environmental Impact Statement for the Coquille Indian Tribe Fee-to-Trust and Gaming Facility Project, City of Medford, Jackson County, Oregon," *Federal Register*, Vol. 89, No. 226, November 24, 2024.

² Acorn Environmental on behalf of the Bureau of Indian Affairs, U.S. Department of Interior, "Final Environmental Impact Statement" (<https://coquille-eis.com/final-environmental-impact-statement/>), November 2024.

³ Meister Economic Consulting, LLC, Letter submitted to the Cow Creek Band of Umpqua Tribe of Indians, February 23, 2023.

I. FEIS Competitive Effects Analysis Fails to Account for All Relevant Factors

First, we wish to be clear that we stand by our original conclusion that Seven Feathers Casino Resort will “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).”⁴ Whether this magnitude of loss occurs in Year 2 of the Medford Casino’s operation, as we projected, or in Year 6 due to a longer phase-in, as GMA now projects, it does not alter the magnitude of the final impact. At best, a longer phase-in period for the proposed Medford Casino merely delays the total impact, but it does not change the magnitude of the substitution effect.

Consequently, we reiterate our conclusion that “[l]osses 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.”⁵ Furthermore, and more importantly, we reiterate our conclusion that:

“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.”⁶

To arrive at these conclusions in our original February 2023 report, we conducted a market impact analysis based on well-established demand analysis techniques that incorporate standard assumptions about the gaming market and the proposed gaming facilities. The analysis and conclusions were derived from a *custom designed gravity model*,⁷ which is a modeling technique commonly utilized for forecasting visits and revenues at casinos. Inputs to the model consisted 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 made available by the Cow Creek Band on a confidential basis, although our final report was quite transparent in showing how that data affected our analysis (see below).

As we noted in our report, 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.⁸ However, it is known that customer decisions about

⁴ Meister Economic Consulting, LLC, *The Competitive Impact of Proposed Medford Casino on Seven Feathers Casino Resort*, submitted to the Cow Creek Band of Umpqua Tribe of Indians (February 2023), p. 19.

⁵ *Ibid*, p. 20.

⁶ *Ibid*, p. 20.

⁷ *Ibid*, pp. 13-18.

⁸ One slot machine equals one gaming position, while one table game is typically six positions.

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. Nevertheless, non-gaming entertainment and resort amenities are not usually incorporated into most gravity models, including the one utilized by GMA.⁹ However, our model explicitly and transparently incorporates these amenities into the calculation of gravity factors.¹⁰ Consequently, *the full array of Seven Feathers Casino Resort's gaming and non-gaming amenities was incorporated into our analysis* of the proposed Medford Casino's competitive impact on Seven Feathers Casino Resort.

In light of these facts, the FEIS is 100% wrong in its responsive comments asserting that our competitive impact analysis “does not adequately consider the impact of the additional amenities present at the existing Seven Feathers facility in terms of its overall level of attraction in comparison to the Medford project,”¹¹ and “fails to explain that gaming facility size is only one factor that is important to include in a complex gravity model.”¹²

These statements are not only false, they misrepresent GMA's own analysis, which is not comprehensive, nor is it based on objective, comparative metrics of the gaming facility's relative competitiveness. In our report, we explicitly note and quantitatively incorporate into our gravity model that “Seven Feathers Casino Resort is owned and operated by the Cow Creek Band in Canyonville, Oregon...The 381,500 square foot facility includes:

- 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;
- 182-space and 9-cabin Recreational Vehicle resort; and
- 1,200 parking spaces.”¹³

⁹ FEIS, Appendix E, p. 70 states that GMA's gravity model relies primarily on “the number of gaming positions provided within each [casino],” and while it purports to incorporate non-gaming amenities, its model relies exclusively on a subjective “attraction factor” that consists of nothing more than “visiting each facility to understand their relative aesthetic attractiveness.” The exact same methodology is found in FEIS, Appendix O, p. 5.

¹⁰ Meister Economic Consulting, LLC, *The 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. 15-18, especially, Table 3.

¹¹ FEIS – Volume I Response to Comments, p. 3-46, Comment T13-27.

¹² Ibid, p. 3-46, Comment T13-28.

¹³ Meister Economic Consulting, LLC, *The 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. 2-3.

We further note in our report that “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.”¹⁴

However, our analysis did not merely take note of all these gaming and non-gaming amenities, but explicitly incorporates them into our transparent gravity model. Our gravity model uses objective quantitative metrics to generate a “gravity factor.” The gravity factor is a quantitative comparison of the relative competitiveness of different gaming facilities based on the quantity of these amenities and their weighted importance to the financial operations of a casino.¹⁵

Ironically, it is GMA that is not comprehensive because they do not objectively incorporate non-gaming amenities in their gravity model. Rather than including non-gaming amenities in an objective, quantitative manner in its gravity model, GMA instead merely throws in its model a subjective, qualitative “attraction factor” to try to account for the comparative attractiveness of competing gaming facilities.¹⁶ In contrast to our objective, transparent gravity factor that uses quantitative data for each non-gaming amenity, GMA’s attraction factor is solely based on “detailed property evaluations during the site visit,” which means it is a purely subjective assessment made by GMA during one-time walkthroughs of each casino. A subjective factor of this type is not objective or transparent, and therefore, it is easily manipulated by the consultant to generate any preferred result. GMA’s failure to properly include an objective, quantitative measure of non-gaming amenities is another reason why their gravity model underestimates the competitive impact of the proposed Medford Casino’s cannibalization of gaming and non-gaming revenues at Seven Feathers Casino Resort.

II. FEIS Competitive Effects Analysis Fails to Capture Proper Sizing of Seven Feathers Casino Resort

In its gravity model, GMA incorrectly attributes 950 Class III slot machines to Seven Feathers Casino Resort. However, this is old, inaccurate data, and another reason why GMA underestimates the impact of the proposed Medford Casino on Seven Feathers Casino Resort. In the gravity model used in our February 2023 report, we incorporated the correct number of Class III slot machines, 890. Slot machines account for approximately 46% of a casino’s mass – gravity factor – and, therefore, by overestimating the number of slot machines at Seven Feathers Casino Resort by nearly 7%, GMA injects another significant source of error into its competitive effects conclusions. This is on top of the error created by GMA not properly incorporating non-gaming amenities in an objective and quantitative manner in its gravity model.

¹⁴ Ibid, p. 3.

¹⁵ Clyde W. Barrow and David R. Borges, “Gravity Models and Casino Gaming: A Review, Critique, and Modification,” *Gaming Research and Review Journal*, Vol. 18, No. 1 (Spring 2014): 49-82.

¹⁶ FEIS, Appendix O, p. 29.

III. FEIS Competitive Effects Analysis Fails to Properly Account for the Contribution of the Existing Hotel to the Proposed Medford Casino's Cannibalization of Gaming Revenue

GMA fails to incorporate in any way the 111-room Compass by Margaritaville Hotel owned by the Coquille Indian Tribe directly adjacent to the site of the Proposed Medford Casino, and which will be used by the Proposed Medford Casino for their casino patrons. While we noted in our report that this hotel is not technically part of their land-in-trust application, it "should be considered part of the project when estimating the market and competitive effects of the proposed casino."¹⁷ It is disingenuous for GMA to pretend that the hotel will not be marketed in conjunction with the casino to enhance its attractiveness to potential casino patrons. Thus, a comprehensive and accurate gravity model *must* include the hotel. The hotel's omission from GMA's gravity model is another reason why GMA underestimates the competitive impact of the proposed Medford Casino's cannibalization of gaming and non-gaming revenues at Seven Feathers Casino Resort.

IV. FEIS Competitive Effects Analysis Relies on Irrelevant Data

In its revised analysis in Appendix O, GMA incorporates into its gravity model players club data from The Mill Casino, Hotel & RV Park, the Coquille Tribe's existing casino elsewhere in the State of Oregon, possibly to compensate for the fact that GMA did not in its original analysis in Appendix E include any actual market data, such as players club data for any of the tribal casinos that will be negatively affected by the Proposed Medford Casino.¹⁸ However, The Mill Casino is not located in or competing in the relevant market area as it is 169 miles and 3 hours from the Proposed Medford Casino site, which would place it outside the designated market area of even a large resort casino with a full array of non-gaming amenities. The Mill Casino data is not just irrelevant to measuring the impact of the proposed Medford casino on Seven Feathers Casino Resort, it generates an additional source of error and inaccuracy with regard to measuring that impact.

V. FEIS Competitive Effects Analysis Underestimates Total Competitive Impact Given it Erroneously Focuses Only on Local Market Gaming Revenue, Ignoring Outer Market Revenue

As documented in our February 2023 report, Seven Feathers Casino Resort generates a meaningful share of its gross gaming revenue from drive-through and pass-by traffic and these are the types of customers who are likely to stay overnight at the hotel and spend on money on food and beverage, unless intercepted by another gaming facility, such as the Proposed Medford Casino. This is another reason why the adjacent Compass Margaritaville Hotel must be incorporated into GMA's gravity model for purposes of accurately assessing the competitive impact of the Proposed Medford Casino.

GMA is aware of this out-of-market source of revenue, but for reasons unexplained, they do not incorporate this lost revenue into their estimates of the Proposed Medford Casino's competitive impacts. What GMA typically calls "outer market" revenue in its studies includes gaming and non-gaming revenue from tourists to the region, long-haul truck traffic, and other pass-through traffic.

¹⁷ Meister Economic Consulting, LLC, *The Competitive Impact of Proposed Medford Casino on Seven Feathers Casino Resort*, Submitted to the Cow Creek Band of Umpqua Tribe of Indians (February 2023), p. 4.

¹⁸ FEIS, Appendix O, p. 30.

However, GMA's competitive impact analysis simply ignores this outer market revenue, as the GMA report notes that "[f]or the purposes of the Substitution Effect Analysis, GMA focused its analysis on local market gaming revenue."¹⁹ Elsewhere, they confirm that "GMA compared each market participant's projected local market revenue levels (as the gravity model only projects the distribution of local market gaming revenue)."²⁰

There is no reason for GMA to make these statements if there is no other gaming revenue outside of local gaming revenue for the Proposed Medford Casino. Furthermore, it is only reasonable to assume that if outer market gaming revenue exists, a portion of it would come at the expense of existing casinos, just like the portion that would come from within the local market. At least a portion of their visitation to the Proposed Medford Casino would be cannibalization of existing casinos' revenues. This dynamic is especially relevant for tourists with extended stays in the area or those planning to visit multiple destinations throughout the region. By excluding outer market revenue from consideration in the competitive impact assessment, GMA has again underestimated the competitive impacts on the numerous existing tribal casinos.

VI. FEIS Competitive Effects Analysis Fails to Account for Non-Gaming Revenue Losses

As documented in our February 2023 report, Seven Feathers Casino Resort stands to lose approximately 52.1% of its total annual non-gaming revenues (i.e., food and beverage, hotel, retail, and other) to the Proposed Medford Casino if it were to be opened.²¹ However, the financial statements show that promotional allowances are only about 4% of gross non-gaming revenue (only food and beverage revenue). GMA claimed that "projected losses are overstated due to the fact that a large portion of food and beverage revenue at Seven Feathers Casino Resort would likely stem from comped revenue."²² GMA was merely assuming that a large percentage of food and beverage revenue was comped and they are incorrect. Further, GMA did not address other lost non-gaming revenue, which was not comped at all. Thus, significant non-gaming revenue losses will be incurred, and GMA still does not even attempt to compute those losses.

VII. Without Explanation, FEIS Competitive Effects Analysis Presents Different Results than the DEIS Competitive Effects Analysis

In the DEIS (GMA's 2016 study), GMA estimated that the Proposed Medford Casino would generate \$32.2 million in gross gaming revenue, 72.5% of which would be cannibalized from existing casinos and VLTs.²³ Notably, Seven Feathers Casino Resort would experience a 13.2% substitution effect.

In the FEIS (GMA's 2023 study), GMA estimated that the Proposed Medford Casino would generate \$49.4 million in gross gaming revenue, 75.2% of which would be cannibalized from existing casinos and VLTs.²⁴ Notably, Seven Feathers Casino Resort would experience a 21.3% substitution effect.²⁵

¹⁹ Ibid, p. 2.

²⁰ Ibid, p. 31.

²¹ Meister Economic Consulting, LLC, *The Competitive Impact of Proposed Medford Casino on Seven Feathers Casino Resort*, Submitted to the Cow Creek Band of Umpqua Tribe of Indians (February 2023), p. 19.

²² FEIS – Volume I Response to Comments, p. 3-46, Comment T13-27.

²³ DEIS, Appendix E, pp. 87-88.

The GMA estimates have changed over the last seven years, and GMA does not offer any explanation for these differences, although they use essentially the same model with the same assumptions in both studies (changing the years of the model would not explain the vast majority of the differences). Despite increasing their estimate of the substitution effect on Seven Feathers Casino Resort and the market as a whole, their model continues to underestimate the substitution effect on Seven Feathers Casino Resort for the numerous reasons documented elsewhere in this letter and our DEIS comment letter.²⁶ In our February 2023 report, we estimated that the Proposed Medford Casino would generate \$45.9 million in GGR and it would have cannibalize 28.5% of gross gaming revenues from Seven Feathers Casino Resort, and we used the best data possible in the form of their players club data.

VIII. FEIS Competitive Effects Analysis Significantly Underestimates Detrimental Economic Impact to Seven Feathers Casino Resort and Cow Creek Band

While GMA does not provide all the details, data, and underlying assumptions of the FEIS competitive effects analysis, there is enough set forth in Appendix O from which we can easily identify several reasons why *the detrimental economic impact on the Seven Feathers Casino Resort and the Cow Creek Band will be more severe than what is estimated in the FEIS*:

- Seven Feathers Casino Resort has reduced its number of gaming machines over time, adjusting to market conditions. It went from 955 in 2019 to 890 in 2023.²⁷ *This reduction in the number of gaming positions at Seven Feathers Casino Resort has the 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.²⁸ However, at the time of the publication of the FEIS, it was known that the hotel was already built and operational directly adjacent to the proposed casino site.²⁹ Despite this fact, the FEIS does not include in its competitive effects analysis the contribution of the hotel to gaming revenue at the Proposed Medford Casino and its competitive effects on other existing casinos, like Seven Feather Casino

²⁴ FEIS, Appendix O, pp. 2-3. At full build, GMA estimates total local gaming revenue of \$48,167,993, with a substitution effect of \$36,218,686 (75.2%).

²⁵ Ibid, p. 32.

²⁶ Meister Economic Consulting, LLC, Letter submitted to the Cow Creek Band of Umpqua Tribe of Indians, February 23, 2023.

²⁷ The count of 890 gaming machines was obtained from Seven Feathers Casino Resort in 2023. The count of 950 gaming machines came from the FEIS (Appendix O, p. 15). Note that table games increased slightly at Seven Feathers Casino Resort, from 19 in 2019 to 24 in 2023 (same sources).

²⁸ 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.

²⁹ 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%EF%BF%BC/>); FEIS, pp. 2-1, 3-67, and 4-78.

Resort. Even if not technically part of the land-in-trust application, the hotel must be included in the market and competitive effects analyses because it affects the performance of the proposed casino. The FEIS even admits that “the adjacent hotel would be available to serve patrons of the proposed class II gaming facility.”³⁰ 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 Casino Resort, 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.*

- The absence of Seven Feathers’ players club data from GMA’s gravity model is a significant source of error in estimating competitive effects. Standard gravity models make assumptions about the propensity to gamble at different distances from competing casinos based on Newton’s law of gravity. However, our February 2023 report documents that Seven Feathers Casino Resort’s customer base and revenue generation do not conform to a standard gravity model of the type employed by GMA. Seven Feathers Casino Resort’s geographic sources of revenue deviate from a standard gravity model due to the high proportion of its customer base that originates outside a 30-minute drive-time radius. Thus, as we stated in our February 2023 report:

“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’.”³¹

As shown in Table 1 of that report, the residents of 10 Census Civil Divisions (CCD) accounted for 72.0% of the casino’s annual gross gaming revenues in 2021.³²

³⁰ FEIS, p. 2-28.

³¹ Meister Economic Consulting, LLC, *The Competitive Impact of Proposed Medford Casino on Seven Feathers Casino Resort*, submitted to the Cow Creek Band of Umpqua Tribe of Indians (February 2023), p. 4.

³² *Ibid*, p. 5.

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 and the loss of these customers will disproportionately affect Seven Feathers Casino Resort beyond what a standard gravity model would estimate for competitive impact. Notably, our February 2023 report 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 customers, particularly those living in southern Oregon, would be in the Proposed Medford Casino Resort’s primary market area (0-30 minute drive time). GMA has never addressed this fact in its response, nor has it adjusted its gravity model to account for this fact.

Seven Feathers Casino Resort also generates a significant share (6%) of its gross gaming revenue from drive-through and pass-by traffic.

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.³³

³³ Ibid, p. 19.

IX. FEIS Erroneously Claims Detrimental Economic Impact to Seven Feathers Casino Resort is Acceptable and Recoverable

The FEIS suggests that the gaming revenue losses to existing casinos, including an alleged 21.3% loss to Seven Feather Casino Resort, are acceptable and recoverable. For a variety of reasons, this conclusion is *speculative and fundamentally flawed*:

- The FEIS claims that “[a] typical properly managed facility should have the ability to streamline operations to absorb the magnitude of impacts described in Table 4.7-6 and remain operational.”³⁴ *There is no way that the FEIS can definitively draw this conclusion without data from the affected casinos.* It is our understanding that the BIA and its consultants do not have and did not use data from Seven Feathers Casino Resort or the Cow Creek Band, nevermind any of the other casinos that will be cannibalized by the proposed Medford Casino. Furthermore, GMA’s claimed reliance on players club data for an out-of-market casino, the Mill Casino, is completely irrelevant and does not help determine competitive impacts on Seven Feathers Casino Resort, or any other casino.
- Regardless of whether Seven Feathers Casino Resort can absorb the impact and remain operational, *the gaming and non-gaming revenue losses are real and significant.* The FEIS invokes a court decision not relevant to this matter that “competition...is not sufficient, in and of itself, to conclude [there would be] a detrimental impact on” a tribe.³⁵ With such a sizable decrease in revenue to the Seven Feathers Casino Resort, *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/or (c) provide for the current level of general welfare of its tribal members, the fundamental usages allowed by the Indian Gaming Regulatory Act.* Competition *per se* is not the detrimental impact to the Cow Creek Band, but instead it is the loss of Tribal government revenues that is the detrimental impact to the Cow Creek Band.
- The FEIS claims that “[e]stimated substitution effects are anticipated to diminish after the first year of project operations because local residents will have experienced the casino and will gradually return to more typical and more diverse spending patterns.”³⁶ This conclusion is *purely speculative.* It is *not supported by any data or analyses* in the main text of the FEIS, nor is this conclusion made or supported at all in studies completed by GMA in Appendices E or O. 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 its close proximity to a significant portion*

³⁴ FEIS, p. 4-23. As noted elsewhere in this letter, the gaming competitive impact on Seven Feathers Casino Resort will be much higher than 21.3% given its ability to draw patrons from further than average distances (Source: Seven Feathers Casino Resort players club database).

³⁵ Ibid, p. 4-23.

³⁶ Ibid, p. 4-23.

of Seven Feathers Casino Resort's existing players, the substitution effect is going to be permanent.

- The FEIS 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.”³⁷ 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 and FEIS, including GMA's Appendices E and O.
 - 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 Casino Resort 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 Casino Resort will never get to the revenue level it otherwise would be at in any year after the introduction of the Proposed Medford Casino*.
 - 4) 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 is acceptable because Seven Feathers Casino Resort's gaming revenue will allegedly recover to the 2023, pre-Medford Casino level in 16.1 years (approximately 2040).³⁸ *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*.

- Even if revenue at Seven Feathers Casino Resort 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 Casino Resort 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*

³⁷ DEIS, p. 4-22 and Appendix E, p. 67.

³⁸ DEIS, p. 4-22 and Appendix E, pp. 89-90.

total of 32.2% to 48.3% above the 2023 pre-Medford Casino level,³⁹ and this lost growth can never be recovered by Seven Feathers Casino Resort or the Cow Creek Band.

X. FEIS Confirms Proposed Medford Casino Will Yield Only a Small Net Economic Benefit to the Region Because It Largely Cannibalizes Existing Casinos

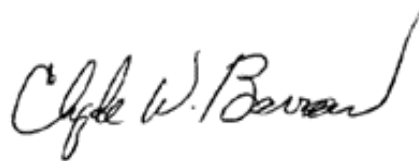
Despite all its aforementioned shortcomings, the FEIS still admits that the Proposed Medford Casino will only grow the existing gaming market by a small amount, 24.8%.⁴⁰ This means that *the vast majority of the proposed Medford Casino's gross gaming revenues, 75.2%, will be cannibalized from existing gaming facilities in the market area, of which a large proportion will be cannibalized from Seven Feathers Casino Resort.* 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 in the casino's market area.*

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

³⁹ 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.

⁴⁰ FEIS, p. 4-22, and Appendix O, p. 3. At full build, GMA estimates total local gaming revenue of \$48,167,993, with new market growth of \$11,949,308 (24.8%) and a substitution effect of \$36,218,686 (75.2%).



Cloverdale Rancheria

555 S. Cloverdale Blvd. ~ Cloverdale, CA 95425
(707) 894-5775 ~ Fax (707) 894-5727

December 19, 2024

VIA U.S. MAIL AND EMAIL

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

AND VIA EMAIL

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

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

Dear Former Director Mercier, Acting Director Peone, and Regional NEPA Coordinator Mogavero:

I submit these comments on behalf of the Cloverdale Rancheria of Pomo Indians of California, (Cloverdale). Cloverdale is a federally recognized Indian Tribe with reservation lands in Sonoma County, California.

Cloverdale writes to provide comments on the Final Environmental Impact Statement (FEIS) regarding the Coquille Indian Tribe's off-reservation gaming project in Medford, Oregon. Coquille seeks to use the "restored lands" exception to the Indian Gaming Regulatory Act's prohibition against gaming on lands taken into trust after 1988 to develop a second Tribal casino 168 miles from Coquille's headquarters and existing casino resort in North Bend, Oregon. Cloverdale opposes Coquille's application to have the first 2.4 acres of nearly 45 acres of contiguous land in Medford taken into federal trust status for gaming because Coquille lacks any aboriginal, ancestral, or historical connection to Medford or the Rogue River Valley.

CLOVERDALE RANCHERIA TRIBAL COUNCIL

Patricia Hermosillo
Chairperson

Maria Elliott
Vice-Chairperson

Buffy Roope
Secretary

Vickey Macias
Treasurer

Marcos Hermosillo
Tribal Representative



Clverdale Rancheria

Further it comes as a great surprise to Clverdale that Interior would entertain this project that utilizes the restored lands exception, when the Coquille Indian Tribe already possesses reservation lands and a gaming operation nearly 150 miles away from the proposed project site.

Whether through the Indian Gaming Regulatory Act or the Coquille Restoration Act, Congress never intended to allow Coquille to have land, for which it lacks any aboriginal, ancestral, or historical connection, taken into trust as “restored lands.” As Senators Ron Wyden (one of the original authors and sponsors of the Coquille Restoration Act) and Jeff Merkley have made clear, “[t]o suggest that it was the intent of Congress to allow the Coquille Indian Tribe to open a second casino in Medford requires willful disregard of the legislative history of the CRA and abuse of the restored lands exception.”¹ The FEIS attempts to sidestep this issue, claiming “[c]ompliance with the Coquille Restoration Act and IGRA is a procedural issue beyond the scope of NEPA,”² while essentially treating the Coquille’s entire health care service area as “restored lands” for gaming.³

Medford is not and never has been Coquille territory. Medford sits within the ancestral and ratified Treaty territory of other Tribal peoples. Coquille’s ancestral and Treaty territory is along the southern Oregon coast. There are no Coquille ancestral villages, burial sites, hunting or fishing areas, or sacred places in Medford or the Rogue River Valley. Nor is there any linguistic connection between the Coquille and the Takelman and Shasta speakers of the Rogue River Valley. History and territory matter, especially between Indigenous peoples and Tribal nations. Simply put, Coquille does not belong in Medford or the Rogue River Valley.

If the United States takes land into trust in Medford for Coquille, it will subvert and rewrite history. Coquille has already incorrectly asserted an ancestral and historical connection to Medford and the Rogue River Valley. Modern history teaches us that foreign tribes who enter and occupy the territory of aboriginal Tribal nations, abruptly or gradually cause the public and local and state governments to misunderstand which Indigenous people belong where. Foreign tribes eventually cause society to believe that it is they who belong in places like Medford, which displaces and causes irreparable socio-economic, historic, and cultural harm to the aboriginal Tribal nations who have always existed and belonged in those places. These Tribal nations are then displaced of their sacred sites, remains and ancestors.

Coquille threatens such irreparable inter-Tribal harm throughout southern Oregon and northern California, which is in great part why so many aboriginal and other Tribal nations and inter-Tribal organizations from those regions and beyond have all commented in opposition to Coquille’s

¹ December 1, 2023 Letter from Senators Wyden and Merkley to Secretary Deb Haaland.

² FEIS, Vol. I, at T8-3, T13-10, T14-6, I2, I16-1, and I37-1.

³ See e.g. FEIS Vol. II, §§ 2.3, 2.3.1, 2.7, and 2.7.2.

CLOVERDALE RANCHERIA TRIBAL COUNCIL

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Cloverdale Rancheria

Medford project—including the Shasta Nation, Cow Creek Band of Umpqua Band of Indians, Klamath Tribes, Confederated Tribes of the Grand Ronde, Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians, Karuk Tribe, Tolowa Dee-ni’ Nation, Elk Valley Rancheria, Shingle Springs Band of Miwok Indians, California Nations Indian Gaming Association (CNIGA), Northern California Tribal Chairpersons Association (NCTCA), and Tribal Alliance of Sovereign Nations (TASIN), and Saginaw Chippewa Indian Tribe of Michigan.

The National Environmental Policy Act requires the Bureau of Indian Affairs (BIA) to take a “hard look” at the identified impacts of Coquille’s proposed second casino, including the environmental and interrelated socio-economic, historic, and cultural impacts of the proposed action in Medford. 42 U.S.C. § 4332(A)–(C); 40 C.F.R. § 1502.16 (2020). It appears, however, that the BIA has failed to take that hard look. The FIES does not in any way address Coquille’s lack of any aboriginal, ancestral, or historical connection to Medford or the Rogue River Valley. Nor does it appear from the FEIS that the BIA considered comments on the Draft Environmental Impact Statement (DEIS) from seven affected Tribal nations regarding Coquille’s lack of any aboriginal, ancestral, or historical connection to the Medford land parcel or the Rogue River Valley.⁴

Additionally, recent litigation has cast into doubt the enforceability of mitigation measures in the Final EIS. The FEIS provides that a “monitoring and enforcement program shall be adopted and summarized within the ROD where applicable for any mitigation (CEQ Regulations for Implementing NEPA, 40 CFR § 1505.2).”⁵ In the recent *Marin Audubon Society, et al., v. Federal Aviation Administration, et al.*, the United States Court of Appeals for the District of Columbia Circuit ruled that the CEQ lacks the statutory authority to issue regulations implementing the NEPA whatsoever, including (but not limited to) 40 CFR § 1505.⁶ In light of this case, the FEIS should at least be pulled back so that the BIA can re-issue a new EIS which provides additional valid enforcement mechanisms.

This project seems to continue a surprising and deeply concerning trend from the BIA and Interior to push forward favored projects that would set horrendous precedents in Indian Country and enable tribes nationwide to pursue blatant reservation shopping. Interior also seems intent on jamming forward these projects without following their own policies and procedures while also

⁴ See FEIS Vol. I, Appendix, Letters: T8 (Elk Valley Rancheria); T9 (Confederated Tribes of the Grand Ronde); T10 (Karuk Tribe); T11 (Cow Creek Band of Umpqua Tribe of Indians), Letter 12 (Saginaw Chippewa Indian Tribe of Michigan) and Letter 13 (Shingle Springs Band of Miwok Indians); T13 (Cow Creek Band of Umpqua Tribe of Indians); and T17 (Shasta Nation). See also February 14, 2023 Opposition Letter from the Northern California Tribal Chairman Association (NCTCA), August 10, 2023 letter from the California Nations Indian Gaming Association (CNIGA), and November 8, 2023 letter from the Tribal Alliance of Sovereign Nations (TASIN).

⁵ FEIS, Vol. II, at 1-4.

⁶ *Marin Audubon Society, et al., v. Federal Aviation Administration, et al.*, 2024 WL 4745044 (D.C. Cir. Nov. 12, 2024).

CLOVERDALE RANCHERIA TRIBAL COUNCIL

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Tribal Representative



Cloverdale Rancheria

limiting opportunities for scrutiny and review. It is not lost on Cloverdale that this FEIS was published on the Friday before Thanksgiving and the comment period runs up until the day before Christmas Eve, times people would much rather be spending with their families, instead of reviewing thousands of pages of dense and technical environmental documents. In contrast a total of 90 days was given for the smaller DEIS.

While the Cloverdale Rancheria is sympathetic to the efforts of the Coquille Indian Tribe to pursue continued economic development for its people, such a project should not be advanced through the restored lands exception and should not violate the sovereignty of the other Oregon Tribes. For these reasons, we urge the BIA to opt for the FEIS's Alternative D—No Action/No Development and deny Coquille's application for gaming-related trust land acquisition far removed from their aboriginal homelands

Sincerely,

Patricia Hermosillo

Patricia Hermosillo
Chairperson
Cloverdale Rancheria of Pomo Indians of California

CLOVERDALE RANCHERIA TRIBAL COUNCIL

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Chairperson

Maria Elliott
Vice-Chairperson

Buffy Roope
Secretary

Vickey Macias
Treasurer

Marcos Hermosillo
Tribal Representative

From: Fernanda Vanetta <fvanetta@colusa-nsn.gov>
Sent: Friday, December 20, 2024 1:01 PM
To: Mercier, Bryan K <Bryan.Mercier@bia.gov>; Peone, Rudy J <Rudy.Peone@bia.gov>; FY22, BIA CoquilleCasinoEIS <CoquilleCasinoEIS@bia.gov>
Cc: Execs <Execs@colusa-nsn.gov>; George Forman <george@fsrlegal.net>
Subject: [EXTERNAL] Cachil Dehe Band of Wintun Indians of the Colusa Indian Community's comments on the FEIS for the Coquille Indian Tribe's Fee-to-Trust and Gaming Project

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

Dear Mr. Mercier, Mr. Peone, and Mr. Mogavero,

On behalf of the Cachil Dehe Band of Wintun Indians of the Colusa Indian Community, we are submitting the attached letter outlining our leadership's comments on the Final Environmental Impact Statement (FEIS) for the Coquille Indian Tribe's Fee-to-Trust and Gaming Project in Medford, Oregon.

Our Tribal Council and executives have expressed significant concerns regarding the implications of the proposed project, particularly its potential environmental, socio-economic, and cultural impacts on our Tribe and other Indigenous nations in the region. We believe these points are crucial to ensuring a fair and informed decision-making process and urge the Bureau of Indian Affairs to carefully consider our position.

Please do not hesitate to reach out should you have any questions or require additional information regarding our comments.

Thank you for your attention to this important matter.

Sincerely,



Fernanda Vanetta
Grant Administrator
Colusa Indian Community Council
3730 Hwy 45, Colusa, CA 95932
Phone (530) 458-6527

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COLUSA INDIAN COMMUNITY COUNCIL CACHIL DEHE BAND OF WINTUN INDIANS

December 20, 2024

VIA U.S. MAIL AND EMAIL

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

AND VIA EMAIL

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

Re: Cachil Dehe Band of Wintun Indians of the Colusa Indian Community's comments on the FEIS for the Coquille Indian Tribe's Fee-to-Trust and Gaming Project

Dear Former Director Mercier, Acting Director Peone, and Regional NEPA Coordinator Mogavero:

The Cachil Dehe Band of Wintun Indians of the Colusa Indian Community, California ("Colusa"), is the beneficial owner of the trust lands of the Colusa Indian Reservation in Colusa County, California. Our Tribe has experienced first-hand the destructive impact of a discretionary decision by the Department of the Interior to take land into trust for a Tribe with no ancestral or even historic connection to that land, simply to give that Tribe a competitive advantage over other Tribes that have invested in gaming facilities on their existing rural trust lands. The Department's decision has crippled our government's ability to provide the essential services our citizens need and protect our Reservation's natural resources, as well as having had an adverse ripple effect throughout the economy of the surrounding community.

We write to you to provide comments on the Final Environmental Impact Statement (FEIS) regarding the Coquille Indian Tribe's off-reservation gaming project in Medford, Oregon, in the hope that the injustice inflicted on us will not be inflicted on the northern California and

southern Oregon Tribes that would be devastated by what can only be described as predation, not competition.

Coquille seeks to use the “restored lands” exception to the Indian Gaming Regulatory Act’s prohibition against gaming on lands taken into trust after 1988 to develop a second Tribal casino 168 miles from Coquille’s headquarters and existing large casino resort in North Bend, Oregon. We oppose Coquille’s application to have the first 2.4 acres of nearly 45 acres of contiguous fee land in Medford taken into federal trust status for gaming, because Coquille lacks any aboriginal, ancestral, or historical connection to Medford or the Rogue River Valley.

Whether through the Indian Gaming Regulatory Act or the Coquille Restoration Act, we don’t believe that Congress ever intended to allow Coquille to have land taken into trust for gaming with which it lacks any aboriginal, ancestral, or historical connection taken into trust as “restored lands.” As Senators Ron Wyden (one of the original authors and sponsors of the Coquille Restoration Act) and Jeff Merkley have made clear, “[t]o suggest that it was the intent of Congress to allow the Coquille Indian Tribe to open a second casino in Medford requires willful disregard of the legislative history of the CRA and abuse of the restored lands exception.”¹ The FEIS attempts to sidestep this issue, claiming “[c]ompliance with the Coquille Restoration Act and IGRA is a procedural issue beyond the scope of NEPA,”² while essentially treating the Coquille’s entire health care service area as “restored lands” for gaming.³

We, like other Tribes, know our own and other Tribes’ history and ancestral territory. Medford is not and never has been Coquille territory. Medford sits within the ancestral and ratified Treaty territory of other Tribal peoples. Coquille’s ancestral and Treaty territory is along the southern Oregon coast. There are no Coquille ancestral villages, burial sites, hunting or fishing areas, or sacred places in Medford or the Rogue River Valley. Nor is there any linguistic connection between the Coquille and the Takelman and Shasta speakers of the Rogue River Valley. History and territory matter, especially between Indigenous peoples and Tribal nations. Simply put, Coquille does not belong and has never belonged in Medford or the Rogue River Valley.

If the United States takes land into trust in Medford for Coquille’s casino, it will subvert and rewrite history. Coquille has already falsely claimed an ancestral and historical connection to Medford and the Rogue River Valley. Modern history teaches us that foreign tribes who enter and occupy the territory of aboriginal Tribal nations, abruptly or gradually cause the public and local and state governments to misunderstand which Tribal people belong where. Foreign tribes eventually cause society to believe that it is they who belong in places like Medford, which displaces and causes irreparable socio-economic, historic, and cultural harm to the aboriginal Indigenous peoples and Tribal nations who have always existed and belonged in those places.

Coquille threatens exactly this irreparable inter-Tribal harm throughout southern Oregon and northern California, which is in great part why so many aboriginal and other Tribal nations and inter-Tribal organizations from those regions and beyond have all commented in opposition

¹ December 1, 2023 Letter from Senators Wyden and Merkley to Secretary Deb Haaland.

² FEIS, Vol. I, at T8-3, T13-10, T14-6, I2, I16-1, and I37-1.

³ See e.g. FEIS Vol. II, §§ 2.3, 2.3.1, 2.7, and 2.7.2.

to Coquille's Medford project—including the Shasta Nation, Cow Creek Band of Umpqua Band of Indians, Klamath Tribes, Confederated Tribes of the Grand Ronde, Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians, Karuk Tribe, Tolowa Dee-ni' Nation, Elk Valley Rancheria, Shingle Springs Band of Miwok Indians, California Nations Indian Gaming Association (CNIGA), Northern California Tribal Chairpersons Association (NCTCA), and Tribal Alliance of Sovereign Nations (TASIN), and Saginaw Chippewa Indian Tribe of Michigan.

The National Environmental Policy Act requires the Bureau of Indian Affairs (BIA) to take a "hard look" at the identified impacts of Coquille's proposed second casino,⁴ including the environmental and interrelated socio-economic, historic, and cultural impacts of the proposed action in Medford. 42 U.S.C. § 4332(A)–(C); 40 C.F.R. § 1502.16 (2020). It appears, however, that the BIA has failed to take that hard look. The FIES does not in any way address Coquille's lack of any aboriginal, ancestral, or historical connection to Medford or the Rogue River Valley. Nor does it appear from the FEIS that the BIA considered comments on the Draft Environmental Impact Statement (DEIS) from seven affected Tribal nations regarding Coquille's lack of any aboriginal, ancestral, or historical connection to the Medford land parcel or the Rogue River Valley.⁵

In addition, the FEIS contains absolutely no factual information about the impacts that a decision to grant Coquille's application would have on any other Tribes' gaming operations, and through those operations, on the other Tribes' governments and the ability of those governments to meet the needs of their citizens and protect the environment over which they exercise jurisdiction. Instead, just like the BIA's FEIS for the project that has so damaged our Tribe, it contains conclusory guesses unanchored in any actual data. For example, the FEIS contains "estimates" of the reductions in Gross Gaming Revenue ("GGR") that other nearby tribal gaming facilities would experience as the result of a Medford casino's cannibalization of those Tribes' existing markets. Those guesses are based on undisclosed "proprietary" information.

In our case, and in this one, neither the BIA nor the consultant on whose report the BIA has relied, ever consulted with any of the Tribes that would be impacted. Thus, neither the BIA nor the consultant had any actual information about those Tribes' gaming operation revenues, operating expenses, debt service, etc. Thus, what the FEIS styles as informed estimates are nothing more than guesses by the consultant who prepared the reports for the FEIS. There is a huge difference between using proprietary adjustments to the "gravity model" to assess the feasibility of a *proposed* project, and applying those adjustments to an operating casino without the benefit of any actual data about that casino's operations.

⁴ The FEIS claims that Coquille intends to open a casino with class II games, but the FEIS also describes the games as "slot machines," which IGRA defines as class III. If the land is taken into trust for gaming, nothing would prevent Coquille from seeking a compact that would permit the operation of class III games, something the FEIS does not discuss.

⁵ See FEIS Vol. I, Appendix, Letters: T8 (Elk Valley Rancheria); T9 (Confederated Tribes of the Grand Ronde); T10 (Karuk Tribe); T11 (Cow Creek Band of Umpqua Tribe of Indians), Letter 12 (Saginaw Chippewa Indian Tribe of Michigan) and Letter 13 (Shingle Springs Band of Miwok Indians); T13 (Cow Creek Band of Umpqua Tribe of Indians); and T17 (Shasta Nation). See also February 14, 2023 Opposition Letter from the Northern California Tribal Chairman Association (NCTCA), August 10, 2023 letter from the California Nations Indian Gaming Association (CNIGA), and November 8, 2023 letter from the Tribal Alliance of Sovereign Nations (TASIN).

We understand that the BIA believes that "competition" is not a factor to be considered as part of its NEPA analysis. If Coquille already owned gaming-eligible trust land in Medford, and only now planned to build a casino on that land, we would agree. However, what this application represents is not simple competition; instead, it is blatant predation, and the BIA, which owes a trust responsibility to all Tribes, should not be deliberately impoverishing some Tribes with limited financial resources in order to benefit another Tribe that already has substantial diverse sources of revenue.

For all of these reasons, we strongly urge the BIA to opt for the FEIS's Alternative D—No Action/No Development, and deny Coquille's application for a gaming-eligible trust land acquisition far removed from its aboriginal homelands and current trust land base.

Thank you for considering these comments.

Sincerely,

A handwritten signature in blue ink, appearing to read "Wayne Mitchum, Jr.", with a stylized flourish at the end.

Wayne Mitchum, Jr.
Chairman
Colusa Indian Community Council



901 Front Street, Ste. 280
Louisville, Colorado 80027
303.815.1700
303.389.9397 fax

December 23, 2024

Mr. Tobiah Mogavero, NEPA Coordinator
Bureau of Indian Affairs
Email to: tobiah.mogavero@bia.gov

Re: FEIS Comments, Coquille Indian Tribe Fee-to-Trust and Casino Project

Dear Mr. Mogavero,

I write on behalf of the Board of Trustees, the governing body of the Confederated Tribes of the Umatilla Indian Reservation (CTUIR), which has authorized the following comments on the above referenced FEIS. By letter dated December 18, 2024, which letter is attached, the CTUIR requested a 30 day extension to comment on the FEIS, and we have received no response. For the record, the CTUIR believes that the failure of the BIA to grant the requested extension so that we could carefully review and comment on over 3100 pages of FEIS documents violates the spirit and the letter of the Biden and previous administration's commitments to meaningful Tribal consultation. While our review of the FEIS is not complete, we are submitting these abbreviated comments before the comment deadline.

1. The FEIS Fails to Adequately Address the Adverse Financial Impact of the Coquille Tribe's Proposed Off-Reservation Medford Casino on Surrounding Tribal Casinos and the Resulting Reduction in Tribal Programs and Services.

The proposed Medford casino would have profound and adverse effects of several surrounding Tribal casinos. While the CTUIR owned and operated Wildhorse Resort and Casino will not be affected, the CTUIR has concerns about the cavalier and dismissive discussion in the FEIS about these impacts. According to Table 4.7-6 of the FEIS, the so called "substitution effects" of the Medford casino in 2029 will be a reduction 23.4% for the Karuk Tribe, 21.3% for Cow Creek and 17.6% for the Klamath. These impacts will be felt by these Tribes that operate only a single casino that provides funding for essential Tribal government programs and services. We do not see any analysis of the downstream

impacts to the reduction in funding for vital Tribal programs and services that will result from the proposed Medford casino.

We are also confounded by the claim that these adverse effects will be temporary “because local residents will have experienced the [Medford] casino and will gradually return to more typical and diverse spending patterns.” The CTUIR is currently evaluating a proposed off-reservation casino proposal by the Colville Tribe in Pasco, Washington, a market that is currently served by the Wildhorse Resort and Casino. Our analysis provides absolutely no support for the unsupported FEIS claim that after a period of time the residents in the area of the new casino will travel the greater distance to the casinos they previously visited because the novelty of the new casino wore off.

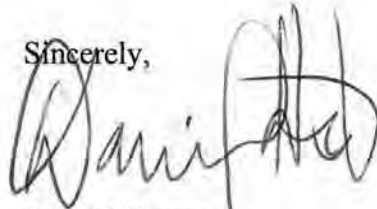
The FEIS adds unfounded insult to injury by stating that a “properly managed facility should have the ability to streamline operations to absorb the magnitude of the impacts...and remain operational.” The standard by which these adverse effects are measured appears to be the finding that “they are not anticipated to cause [the adversely affected Tribal casinos] closure.” FEIS, pg. 4-23. This patronizing “analysis” sounds like what you’d expect to see in a corporate takeover prospectus, not from an agency that has a trust obligation to protect the interests and resources of Indian Tribes and their members. Of course, the managers of the affected casinos will streamline their operations if the Medford casino is approved, but they will do so by terminating casino employees thereby reducing Tribal member employment, and by reducing the net revenue contributions they make to the Tribe to support vital programs and services. Moreover, many casino expenses cannot be “streamlined” such as debt service payments, utility costs, gaming commission costs etc. The FEIS fails to address these impacts. As the trustee for all Tribes, the BIA has an obligation to evaluate the impact of the proposed Medford casino on the surrounding Tribes and to have that analysis do more than conclude that the surrounding casinos will not have to close.

The Summary of the Proposed Action states that “The [Coquille] Tribe is responsible for providing programs and services to its members that will help address their health needs, overcome education and employment obstacles, remedy deficiencies in housing and health care, and perpetuate their cultural identity.” FEIS, pg. 1-1. The CTUIR fully concurs in this statement, and assumes the same responsibility for its membership. And, we assume, so do the Cow Creek, Klamath and Karuk Tribes. The BIA has an obligation to protect the interest of all Tribes, not just the Tribe that has filed a fee to gaming trust application. We appreciate that puts the BIA in a tough position and that hard decisions need to be made. But it does not excuse the absence of, or worse yet the degrading, analysis of impacts that the preferred alternative will have on surrounding Tribes. To fully inform the BIA decision

makers, the FEIS needs to be revised to address these critical issues. The CTUIR finds it troubling that the FEIS spends more time discussing the potential impact of a tsunami on the Coquille Tribe's Mill Casino than it does on the impact on the reduction in Tribal programs and services to any of the surrounding Tribes.

Thank you for your consideration of our comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel Hester". The signature is fluid and cursive, with a large initial "D" and "H".

Daniel Hester
Hester & Zehren, LLC
Attorney for the Confederated Tribes of the Umatilla
Indian Reservation

Attachment: CTUIR letter requesting extension of time to comment on Coquille FEIS

cc: Board of Trustees, CTUIR
J.D. Tovey, Tribal Executive Director
Joe Pitt, Lead Attorney
Gary E. George, CEO, Wildhorse Resort and Casino

**Confederated Tribes of the
Umatilla Indian Reservation**

Board of Trustees & General Council



46411 Timine Way • Pendleton, OR 97801
(541) 276-3165 • fax (541) 276-3095
info@ctuir.org • www.ctuir.org

December 18, 2024

The Honorable Bryan Newland
Assistant Secretary for Indian Affairs
U.S. Department of the Interior
1849 C Street, NW
Washington D.C. 20240

Re: Request for Extension of Time to Comment on Final Environmental Impact Statement

Dear Assistant Secretary Newland,

I write on behalf of the Confederated Tribes of the Umatilla Indian Reservation (CTUIR) to request an extension of time on the public comment period on the Final Environmental Impact Statement (FEIS) on the Coquille Tribe's application to transfer 2.4 acres into trust for gaming purposes in Medford, Oregon. The Interior Department released the FEIS and associated documents, which consist of 3,170 pages, on November 25, 2024, right before the Thanksgiving holiday, and comments are currently due on December 24, 2024. Because of the holidays and the volume of material, the CTUIR needs at least an additional 30 days to provide comments on this important matter.

The Interior Department decision in the Coquille application will clearly impact the Tribes in the southern Oregon and northern California area and will impact the larger Tribal gaming markets in the Pacific Northwest. The CTUIR has grave concerns about other off-reservation casino applications pending before the BIA and needs time to carefully review and comment on the analysis in the Coquille FEIS.

President Biden has recognized that Federal agencies must afford Tribes sufficient information and time to provide their input to effectively implement Federal consultation and coordination with Tribes. The President's Memorandum on Uniform Standards for Tribal Consultation (November 20, 2022) provides that "Consultation will ensure that applicable information is readily available to all parties, that Federal and Tribal officials have adequate time to communicate, and that after the Federal decision, consulting Tribal Nations are advised as to how their input influenced that decision-making." Again, in light of the timing and the volume of information in the FEIS, an additional 30 days is needed for the CTUIR to provide meaningful input.

Thank you for your consideration of this request. If you have any questions regarding this matter, contact J.D. Tovey, Tribal Interim Executive Director, at 541 429-7362 or at JDTovey@ctuir.org.

Sincerely,

Gary I. Burke, Chairman
Board of Trustees

Confederated Tribes of the Umatilla Indian Reservation

Individual Comments

From: Mike Morrison <mike.mo222@charter.net>
Sent: Friday, November 22, 2024 11:29 AM
To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>
Subject: [EXTERNAL] Fwd: FEIS Comments, Coquille Indian Tribe Fee-to-trust and Casino Project

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

Sent from my iPhone

Begin forwarded message:

From: mike.mo222@charter.net
Date: November 22, 2024 at 10:41:44 AM PST
To: tobia.mogavero@bia.gov
Subject: FEIS Comments, Coquille Indian Tribe Fee-to-trust and Casino Project

We are sending this email to express our STRONG opposition to the Proposed Casino on Hwy 99 in South Medford, Oregon!

Our family lives a couple miles from this site in Phoenix, Oregon.

It is well known that our Region has a higher level of gambling addiction, drug addiction, and alcoholism. Obviously, putting enticements to this activity in our community WILL have a major negative impact on these conditions!

We NEED more healthy activity choices for our community and especially our youth! Bowling Alley? Indoor tennis or pickleball? Indoor golf? Skating rink?

In discussions with our neighbors we have not found a single person that supports this terrible use of that property OR placing a casino anywhere in our region.

Sincerely,
The Morrison's
Phoenix, OR 97535

From: Jon Ivy <jivy@tribal.one>

Sent: Friday, November 22, 2024 11:43 AM

To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>

Subject: [EXTERNAL] FEIS Comments, Coquille Indian Tribe Fee-To-Trust and Casino Project

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The Coquille Tribe has been and continues to be an amazingly valuable community partner in Jackson County (and everywhere else they do business). They currently provide meaningful and gainful employment to dozens of community members – native and non-native alike. With the approval of the fee-to trust application, the Coquille Tribe will be able to offer hundreds of additional jobs that will bolster the Medford economy. With approval of the FTT application, the Coquille Tribe will be able to strengthen its community partnerships to assist in making Medford and the Rogue Valley an even greater place to live.

Sincerely,

Jon Ivy – Coquille Tribal Member #506
1445 Arlington Dr
Medford, OR 97501

Jon Ivy
Community
Collaboration Director

Tribal One
Medford, Oregon

From: Joe Arena <jarena@compasshotelmedford.com>

Sent: Friday, November 22, 2024 3:03 PM

To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>

Subject: [EXTERNAL] FEIS Comments, Coquille Indian Tribe Fee-to-Trust and Casino Project

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Hello there Mr. Tobiah Mogavero, I reach out to you today to give my comments regarding the casino project at hand. It is my belief that this will be a much needed boost to our community, I believe the positives outweigh any negatives. I am fortunate enough to work for the tribe here at the Compass hotel which I can see first hand the passion and the beauty of this tribe and what its trying to accomplish not only for the tribe but for this community as well. This is the best employer I have ever had. And the people who work here are tight knit like any family. I look forward to everything coming together and what that will bring to this area. Thank you for this opportunity.

I hope this message finds you well.

-Joe Arena

Re: Final EIS for the Coquille Indian Tribe Fee-to-Trust and Gaming Facility Project

Fri 11/22/2024 7:09 PM

From: Angus Troxel

To: admin@coquille-eis.com

Stop the casino in Medford!!!! This is a bad area to have a casino with the heavy drug use in this valley we don't need another addiction here!!!

Sent from my iPhone

From: Colin Evans <evans.colin703@gmail.com>

Sent: Friday, November 22, 2024 5:19 PM

To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>

Subject: [EXTERNAL] FEIS Comments, Coquille Indian Tribe Fee-To-Trust and Casino Project

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Hello I am reaching out on behalf of my grandfather. He wants to comment on the Casino coming to Medford, Oregon. He doesn't think that another Casino should be built in the town. The people of this county already voted against the motion to build another casino here. There was an agreement made between the tribes of Oregon and the state of Oregon to limit the amount of casinos to 9. That agreement should be upheld and respected.

From: Angus Troxel <troxell1985@gmail.com>
Sent: Friday, November 22, 2024 7:13 PM
To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>
Subject: [EXTERNAL] No casino

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No no no!!!! Don't put a casino in this valley!!! We already have enough problems here with addiction and we don't need gambling added and in this area it will bring more violence and sex trafficking 😡 stop being so greedy you don't need more casinos anywhere Sent from my iPhone

From: Keith Canaday <kcan120@hotmail.com>
Sent: Tuesday, November 26, 2024 1:25 PM
To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>
Subject: [EXTERNAL] Medford Casino

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To whom it may concern,
This is a big step for the Coquille tribe and the people of Medford. Please make this happen.
Keith Canaday
Sent from my iPhone

From: Jennifer Schneider <jbschneider50@gmail.com>
Sent: Saturday, November 23, 2024 8:02 AM
To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>
Subject: [EXTERNAL] FEIS Comments, Coquille Indian Tribe fee-to-trust and casino project

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Mr Mogavero,

We grew up in South Jersey where there were many casinos to choose from and this was a good thing for the economic impact of the surrounding communities. We feel that having a little competition in the state of Oregon would be a positive thing. Competition is good for business.

However, we feel that having only slot machines at the Medford location would be a disservice to the overall community. In our experience, slot machines (one arm bandits) only attract people that have limited incomes, while the gaming tables seem to attract a higher income clientele that are willing to spend money in the outside community at area restaurants and other establishments. The former not so much. Please consider the "whole package" in determining the final decision for a Medford casino. Look outside the box.

Thank you for hearing our suggestions and opinions.

Scott and Jennifer Schneider

From: Roland Bauske <victor.patti@yahoo.com>
Sent: Saturday, November 23, 2024 9:27 AM
To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>
Subject: [EXTERNAL] Medford Casino

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I used to live near an Indian casino. It brought theft, prostitution, and even death to our neighborhood. The City had to increase police and sirens were heard almost every hour, 24 hours a day. Traffic became a big problem and again the State and City had to pay for major road improvements.

From: Wendy Cushnie <wbcushnie@icloud.com>
Sent: Saturday, November 23, 2024 9:38 AM
To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>
Subject: [EXTERNAL] Proposed Medford Casino

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I have no ties to any tribe, am a 70 yr old female Caucasian Medford resident. I am voicing my concerns for the proposed casino as follows:

1. By allowing are we not doing injustice to those tribes who have spent many dedicated years of following the current agreements, such as the Seven Feathers operation? We have a long unfortunate history in the US of not honoring our agreements and/or taking advantage of the native peoples.

2. I am not against casinos or gambling, I enjoy it. But, unfortunately, there are many who struggle to control this on a personal level. Do we need to have this temptation right within our population of families? Isn't it better to have a safety factor of distance rather than an in your face daily opportunity to lose the rent/mortgage/food budget?

I know this request has been many persistent years in the making. Please do not take the easy "make them happy and make them go away" route. If NO is what is correct based on current rules, do what's right.

Thank You,
Wendy Cushnie
Sent from my iPhone

From: Lindsay Sturgeon <mrslindsaysturgeon@gmail.com>
Sent: Saturday, November 23, 2024 4:03 PM
To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>
Subject: [EXTERNAL] FEIS Comments, Coquille Indian Tribe Fee-to-Trust and Casino Project

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For the love of God, please do not allow these plans for an off reservation casino to proceed. My tribe will be impacted in a very negative way. Our tribe is small compared to the Coquille tribe and they are about to steal land that does not ancestrally belong to them and it will result in less funds for my kids when they need it. I fear losing the dental program and other social welfare programs that are hanging on by a thread if the Coquille gets to proceed.

From: Englund Bill <rwillee@yahoo.com>
Sent: Saturday, November 23, 2024 5:18 PM
To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>
Subject: [EXTERNAL] FEIS Comments, Coquille Indian Tribe Fee to Trust and Casino Project

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As a resident of Medford, OR I am AGAINST the Coquille Tribe being given permission to proceed to build a Casino in Medford.

The states agreement with the tribes, to limit the number of casinos, has work very well to balance the number of casinos throughout the state, resulting in them serving the gambling community just fine.

Approving this casino will start a flood of application for additional casinos throughout the state, guaranteed.

Don't allow this casino to proceed.

Bill Englund
rwillee@yahoo.com
925 324 1977 - CELL

2640 East Barnett Rd. Suite E #233 - MAIL
Medford, OR 97504

682 Mountain View Drive - HOME
Medford, OR 97504

From: AT&T Support <lrlharmony@sbcglobal.net>
Sent: Saturday, November 23, 2024 6:40 PM
To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>
Subject: [EXTERNAL] "FEIS Comments, Coquille Indian Tribe Fee-to-Trust and Casino Project"

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Just want to support this project. Have lived in Reno NV for 40 years and dearly miss the neighborhood casino for gaming and a meal. I live in Jacksonville, so the drive would be minimal - I know exactly where it will be. I especially like the video poker/3 line machines the best. I do not play the big, flashy, thematic slot machines, but realize they are a huge draw for most people.

Hopefully, this effort will be successful in the not-to-distant future. Looking forward to visiting the casino, playing a while, and then having lunch... Make it happen!!!

Good luck - will keep my fingers crossed.

Linda Robb
895 N 5th St #315
Jacksonville OR
97530

775-750-1191

From: Stephanie Ledford <s.kdrywall@outlook.com>
Sent: Saturday, November 23, 2024 10:23 PM
To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>
Subject: [EXTERNAL] FEIS Comments, Coquille Indian Tribe Fee-to-Trust and Casino Project

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To whom it may concern,

Allowing Coquille to build on lands they never lived on is wrong. Our ancestors have fought long and hard for what they have, and allowing this tribe to build in a place they cannot prove their ancestors ever inhabited is wrong. They are doing this merely for financial gain, with no mind to what it will mean to other tribes.

I am proud to be Cow Creek. I am proud of how much my tribe gives back to my state. But if you allow this casino to move forward, you are directly responsible for my people not being able to care for its people and the people of my home state the way it currently does. You also directly affect my children's futures.

Please do not allow a tribe to build a casino in a place that is not their ancestral grounds merely for their gain despite the harm it will do to others.

Thank you,
Kylan Ledford
Cow Creek tribal member, S-1160

Sent from my Verizon, Samsung Galaxy smartphone

From: Margaret Neilia Taylor <margaret.neilia.taylor@gmail.com>
Sent: Saturday, November 23, 2024 11:46 PM
To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>
Subject: [EXTERNAL] FEIS Comments, Coquille Indian Tribe Fee-to-Trust and Casino Project

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I am writing to register my strong opposition to the addition of a Casino to the greater Medford area. I believe that gambling, in general, has a destructive effect on families and on their budgets; encourages gambling addictions; and will draw additional criminal activity to Medford. Please do not approve this measure.

Margaret N Taylor

From: Paul McMahon <yourasset@gmail.com>
Sent: Sunday, November 24, 2024 9:08 AM
To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>
Subject: [EXTERNAL] FEIS Comments, Coquille Indian Tribe Fee-to-Trust and Casino Project" as the subject line.

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Hello,

I was wondering why you would allow a Tribe with NO ancestral history in the Rogue Valley to open a casino there. This Valley was home to the Takelma Tribe. The Takelmas never got their act together to become Federally recognized, but they could. Then you will have a REAL mess on your hands.

By approving this deal, you are setting PRECEDENT for other tribes to intrude upon areas where they have no history in. A real mess.

Good Luck,

Paul McMahon

From: karen callahan <krn.callahan@gmail.com>
Sent: Sunday, November 24, 2024 11:27 AM
To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>
Subject: [EXTERNAL] Fwd: FEIS Comments, Coquille Indian Tribe Fee to Trust and Casino Project

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----- Forwarded message -----

From: karen callahan <krn.callahan@gmail.com>
Date: Sun, Nov 24, 2024 at 11:24 AM
Subject: FEIS Comments, Coquille Indian Tribe Fee to Trust and Casino Project
To: <tobiah.mogavero@bia.gov>

I am totally opposed to this casino placement in Medford, Jackson, Oregon! One reason is that the Coquille have no historical right to land in the Rogue Valley, in spite of the misconceptions of the Federal government. Another is, they already have one casino in Coos Bay, which is appropriate. The site is also too small and will only add to major congestion. Major expansions to the roads will be necessary at the expense of our citizens.

NO! NO! NO! to historical malfeasance and greed!

Karen Callahan
POB 5531
Central Point, OR 97502
541-855-1164

From: Laura Hawkins <laurahawkiqq@icloud.com>

Sent: Sunday, November 24, 2024 1:39 PM

To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>

Subject: [EXTERNAL] Have you considered the gorgeous "The Lark" property in Grants Pass, Oregon, for the casino?

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

Dear Tobiah,

There is a spectacular property that was built for a gaming establishment that was unfortunately never able to open due to a problem w/ the State, which indicated there was not to be such an establishment w/o Indian Affairs involvement.

It has a gorgeous restaurant, lots of paved parking, and has landscaping...it is next to the Josephine County Fairgrounds on Redwood Highway in Grants Pass, so it is an excellent location!

Please let us know if this site has been considered for a casino. Thank you in advance!

Signed,

Laura & fellow residents of Grants Pass

(The government asks to use the subject line, "FEIS Comments, Coquille Indian Tribe fee-to-trust and casino project," in the email. Comments must be received before December 23rd.)

From: Tom Olbrich <tolbrich@gmail.com>
Sent: Sunday, November 24, 2024 3:27 PM
To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>
Subject: [EXTERNAL] FEIS Comments, Coquille Indian Tribe Fee-to-Trust and Casino Project

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Dear Mr. Mogavero,

Count me as a citizen of Oregon - for 67 years now - that believes the Coquille Tribe should be allowed to open the casino in Medford. I was a resident of Southern Oregon from 1980 to 2014 and know the area and the tribes well.

It seems the Cow Creek Tribe doesn't want competition for their casino and is doing all it can, and must me spending a tremendous amount of money, to keep this small tribe from opening the casino in Medford. It certainly seems like it would be good for the Medford economy and the locals are very supportive. That local support should be what matters. AND with the Biden administration supporting it is clearly legal and above board.

I know our state's Senators are against it but that seems to be the result of highly paid lobbyists.

I support this project!

Thomas A. Olbrich
6447 SE Stark St.
Portland, OR 97215
tolbrich@gmail.com

From: Jack and Susie <jjands@cybermesa.com>
Sent: Sunday, November 24, 2024 6:14 PM
To: tobiah.mogavero@bia.gov.
Subject: [EXTERNAL] Second Indian Casino

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A study by the City of Albuquerque, NM [~ 2005] showed that an Indian Casino would reduce the public purchasing at local stores in the vicinity of the casino by 2%.

H. Heide

From: JoJo Howard <jhoward@compasshotelmedford.com>

Sent: Monday, November 25, 2024 9:20 AM

To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>

Subject: [EXTERNAL] FEIS Comments, Coquille Indian Tribe Fee-to-Trust and Casino Project

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Good morning Mr. Mogavero,

I am writing to you to state my support for the Coquille Casino Project. I started working for the tribe when the Compass Hotel Medford project opened. I have never worked for a company that takes better care of their employees and tribe members. I get chills every time I hear Chair Meade talk about taking care of her people. We all have excellent benefits, health care, 401K, PTO, and paid vacation. The casino will help us grow our business to add more jobs for this area, providing these same benefits and opportunities to more people.

I serve on the Tourism Council for Travel Medford and have witnessed myself what the tribe brings to this community through volunteer work, monetary donations and just plain roll up your sleeves and help people out. I am honored and extremely grateful and proud to be a part of this amazing team. The culture, the love for community and others, is infectious. I can't wait to see what other positive influence we can have on this community and the Coquille people.

Thank you for considering the economic development for continued growth of Medford and the surrounding communities.

Cheers,

JoJo Howard
Director of Sales & Events

Medford Hospitality Portfolio

1-305-850-8512 jhoward@compasshotelmedford.com

From: Kirby Ragsdale <kr3164@yahoo.com>
Sent: Monday, November 25, 2024 1:37 PM
To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>
Subject: [EXTERNAL] "feis comments, coquille Indian tribe fee to trust & casino project

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what ever happened to good old american free enterprise. we can build Elmer's restaurants across the street from shari's restaurants all day long yet we can't open a casino in medford miles from 7 feathers because your afraid it's going to cut into their business. we'll if 7 feathers decided to allow a few more winners periodically maybe then they might have more business. I'm pretty sure that we took away a lot more from the Indian population years ago that giving them the chance to open a business on their land doesn't seem like much at all. the city of medford needs something to attract people to the area.

From: N Hill <mrainc490@gmail.com>
Sent: Tuesday, November 26, 2024 10:37 AM
To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>
Subject: [EXTERNAL] Medford Casino

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I am opposed to adding a casino to the Medford/Phoenix area. The Mill/Tribe should expand/update their Coos Bay site. Offer more substantial services, increase security as they have encountered dire consequences from a lack there of. Medford will experience unwanted impact and create negative ramifications. Medford's safety is at risk.

This project will highly impact 7 Feathers/Cow Creek by diverting clientele and revenue. This casino is far superior to The Mill. More services, dining, entertainment and spa. High end RV park with 24 hr security.

Please do not grant access to this property.

Sent from my iPhone

From: Joi & Geoffrey Riley <joigeoff@gmail.com>
Sent: Tuesday, November 26, 2024 11:42 AM
To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>
Subject: [EXTERNAL] FEIS Comments, Coquille Indian Tribe Fee-to-Trust and Casino Project

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I oppose the development of a casino in Medford because the property is not on tribal lands and reengineering it into another named land entity is the same as reinventing history. The tribe has a casino that could be developed further if they want more revenue.

Even though I don't find gambling fun, it doesn't bother me that others do and the associated entertainment opportunities that come with casinos are great but the corkscrewing of land use to enable a business is wrong.

If one of the native tribes who actually lived in the Medford area wanted to open a casino they would have my support. Hell, if a tribe who lived in Medford wanted their land back I would probably support that too, but this is not okay.

Joi Riley
1706 Lithia Way
Talent, OR. 97540

From: Kelly Metcalf-Canaday <kelcan58@outlook.com>
Sent: Tuesday, November 26, 2024 1:30 PM
To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>
Subject: [EXTERNAL] Medford casino

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To whom it may concern,
This offers so many opportunities for our tribe and the community. We have seen that this has helped in the past with our casino in Northbend. People who were against it before realized what a blessing it was. So many contributions Sent from my iPhone

From: Sara Monteith <saramonteith@gmail.com>
Sent: Tuesday, November 26, 2024 3:36 PM
To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>
Subject: [EXTERNAL] FEIS Comments, Coquille Indian Tribe Fee-to-Trust and Casino Project

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Good afternoon. My name is Sara Monteith. I am a tribal member of the Cow Creek Band of Umpqua Tribe of Indians. I hold a Master Degree in Business Management from West Texas A&M University.

I am writing on behalf of the current issue with the Coquille Tribes Casino proposal.

I feel the animosity between tribes growing, which sits heavy on my heart. If something like this is approved it could be devastating to our ONENESS as native americans, and we should be supporting each other not creating divide. I also see this on a much larger scale economically impacting Oregon as a whole, and not necessarily good.

If tribes can start putting Casinos anywhere, then things like the Oregon lottery, (that funds a lot of services/projects) could be impacted negatively.

Sometimes keeping things the way they have been in the past is more progress forward than introducing new ways. I do not think this should be approved. Tribes should not be allowed to build casinos wherever they buy land and claim ancestral land. Our people traveled all up and down Oregon. All of us Native Americans in Oregon call this land ours.

Reapefully,
Sara

From: Roland Bauske <victor.patti@yahoo.com>
Sent: Wednesday, November 27, 2024 3:09 PM
To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>
Subject: [EXTERNAL] Medford Casino

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Additional comments regarding the proposed casino.

If the situation is like others I have seen, they are not required to follow buildings codes or health and safety regulations of the local and State governments.

From: Brady Scott <drstellarjay@gmail.com>
Sent: Wednesday, November 27, 2024 6:17 PM
To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>
Subject: [EXTERNAL] Coquille Indian tribe fee-to-trust

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To the Honorable secretary Haaland;

Let me begin by providing my background. My name is Brady Scott and I'm an elder in the Coquille tribal community.

I have grown up in the Coquille tribes ancestral homeland and except for going off to get my degree and starting my professional career I have lived here my entire life.

I will try to be concise.

As we near the final decision on the protracted FTT process for the coquille tribe's application to put land into trust the question I would ask is why not?

There certainly are no new negative environmental impacts on a piece of land that's been ridden hard in the modern human era.

The Coquille tribe's restoration act is explicit. Legal requirements have been met and then some.

Other tribes, primarily the Cow Creek, have thrown massive amounts of resources at influencing the process because they fear a small class 2 gaming facility would have substantive negative effects on their highly lucrative operation on I-5. Their accusations of IGRA violations carry no water.

This is not a precedent setting second casino in the state of Oregon. Enough said.

The Coquille people have been up front and transparent in their intentions. We did not have to be.

More importantly for me. As someone who has lived with and witnessed a long history of family suffering this return of land, regardless of its location, is a reckoning for a history of bad practices and bad policy perpetrated by the BIA under federal governance.

This is not so much about the relative fleeting existence of tribal gaming but a recognition and a return of important place based cultural values. Gaming may only prevail for a few more decades. Who knows. But seven generations from now and beyond the Coquille people should have as much land in their control as they deserve for restitution of so much loss.

Thank you for your consideration

Brady Scott
Coquille tribal elder

From: Todd Hoener <tmhoener@gmail.com>

Sent: Thursday, November 28, 2024 7:47 AM

To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>

Subject: [EXTERNAL] FEIS Comments, Coquille Indian Tribe Fee-to-Trust and Casino Project

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I am in favor of the Coquille Tribe's efforts to convert 2.4 acres of property in south Medford into a Class II tribal gaming facility.

Competition is preferred and the concerns of competing tribes and unfounded, hypocritical and anti-competitive.

As the past BIA report has stated, "while the contemplated gaming revenue impacts illustrated in the competitive effects study would have impacts on other gaming operations, multiple casinos across the U.S., including facilities similar in size to the Karuk and Cow Creek facilities, have undergone similar gaming revenue impacts due to increased competition and remain open and profitable."

The Coquille Tribe deserves its opportunity to compete.

Todd Hoener
Talent, Oregon

From: Stephanie Moore <stephaniemooretritt@gmail.com>

Sent: Friday, November 29, 2024 5:02 PM

To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>

Subject: [EXTERNAL] FEIS comments, cookie Indians tribe, fee-to-trust and casino project

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Dear Mr. Merrier

I'm Emailing you today with my concerns of the Cook Indians getting a second casino in Medford. This is not only wrong to do so out of their native land, but it also affects five other tribes in this Plan to get a second casino if this is allowed to go through you will not only be starting A Tribal war . Amongst Sx different tribes, not only that, but you in danger My family and other members of the cow Creek Tribe of Indians and our tribal community . To allow them a second casino outside of their native land when you would not allow us to have a second casino is. discrimination against our tribe you know this to be wrong morally, Please stop this attempt to get their second casino my family, and yours depend on it. Please stop this nonsense at once

Sincerely Stephanie Tritt , Tribal member S – 2151

From: Gerry Douglas <gdouglas2041@hotmail.com>
Sent: Sunday, December 1, 2024 10:23 AM
To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>
Subject: [EXTERNAL] Against the Coquille's Casino approval in Medford

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This is my strong objection to locating another Indian Gaming Casino in the area for the Coquille Indian tribe. They already have a successful casino located on tribal lands and there is a distinct separation from those lands with that of the location they are asking for. This request is simply the Coquilles trying to short stop other casino patrons, traveling the I-5 corridor, that are headed to more localized casinos. A greedy self serving effort.

Long standing doctrine and rule has been in place allowing tribes a single casino on tribal lands. This is a fair practice. The Coquilles are now trying to undermine that doctrine and subvert their neighboring native tribes. Modern day Indian warfare if you will. Where will this modern day battle among tribes end? Allowing this type of practice is akin to opening pandora's box with regard to future casino locations and competing operations. No, do not approve this operating change to the bureau's doctrine.

I have lived in Medford my whole life (74 years) and do not ascribe to this kind of devious politicalization of the administration of Indian affairs.

Gerry Douglas
1965 Alamar st
Medford, OR 97501

From: ydpfyshiffzx@use.startmail.com <ydpfyshiffzx@use.startmail.com>
Sent: Sunday, December 1, 2024 1:51 PM
To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>
Subject: [EXTERNAL] FEIS Comments - Coquille Indian Tribe Fee-to-Trust & Casino Project"

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I am a elderly Medford citizen & I am all for the Coquille having their Casino here. This city lacks any entertainment for seniors. At my age 7 Feathers Casino is just too far for me & others my age to drive. Some people no longer go there because the machines are so tight, you can not win, therefore it is no longer fun to play. They need some competition for sure. SO I VOTE 100% FOR A MEDFORD CASINO. Thank you so much.

From: tkoreranch@aol.com <tkoreranch@aol.com>
Sent: Sunday, December 1, 2024 2:09 PM
To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>
Subject: [EXTERNAL] FEIS comments, coquille Indian tribe fee-to-trust and casino project

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To whom it may concern;

I am against the proposed casino in Medford, Oregon. Based on polls taken in the Rogue Valley, the vast majority of citizens are against this project. Both of the US Senators, the House representative, the Oregon Governor and local politicians have expressed their opposition. Why and how are people in Washington DC, allowed to make a decision that does not affect them; only affects those living in the Medford area. Lobbyists?? This is not a particularly affluent area and allowing a casino to operate increases the chances of gambling addiction and crime often associated with gambling. An established casino exists within 1 1/2 hours as well as an associated casino at the Oregon coast. Please do not allow the casino. A concerned citizen in the Rogue Valley.

karen

From: Karen Markman <kmmmarkman44@gmail.com>
Sent: Sunday, December 1, 2024 2:19 PM
To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>
Subject: [EXTERNAL] FEIS comments, coquille Indian tribe fee to trust and casino project

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Please do not approve the casino in Medford, Oregon. A casino already exists less than two hours away. We do not need more crime and gambling addiction that statistically rises when a casino opens.

All government officials, local and state, oppose the casino..listen to the citizens who live here...

From: kathy mallams <july4.girl@yahoo.com>

Sent: Sunday, December 1, 2024 3:18 PM

To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>

Subject: [EXTERNAL] FEIS Comments, Coquille Indian Tribe Fee-to-Trust and Casino Project

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Hello Mr. Mogavero,

Please accept the attached WORD document for the record with my comments regarding the proposed Coquille Indian Tribe Fee-to-Trust and Casino Project.

Thank you,

Katy Mallams

To: Mr. Tobiah Mogavero, NEPA Coordinator, Bureau of Indian Affairs

Subject: FEIS Comments, Coquille Indian Tribe Fee-to-Trust and Casino Project

Date: November 26, 2024

I support the No Action/No Development Alternative (4) of the Coquille Indian Tribe Fee-to-Trust and Casino Project proposal in Medford, Oregon.

A casino would not be a benefit to the economy, entertainment or human environment of Medford or the Rogue Valley. There are already four casinos within a 1-1/2 hour drive of the Rogue Valley; Seven Feathers Casino, Rain Rock Casino, Kla-Mo-Ya Casino and Elk Valley Casino. Casinos encourage problem gambling and alcohol consumption. We have enough social problems here without encouraging any more. With a casino comes more traffic and more police needed to patrol the area. The presence of a casino encourages poor people to gamble away their money and encourages children to think that gambling is a worthwhile entertainment.

The Coquille Indian Tribe already has a casino on its reservation land in North Bend, Oregon. The Medford property proposed for this fee-to-trust and casino project is not on the Coquille tribe's reservation or within its ancestral territory. Approval of this land into a fee-to-trust project that is far from its ancestral territory in order to open a casino is a slap in the face to the agreement made with the state of Oregon that each tribe could have ONE gaming facility on reservation land, and also a slap in the face to the tribes that have upheld that agreement. It would completely negate the agreement and open the door to even more casino development by other tribes and entities.

A casino in Medford would reduce the money people spend on Oregon lottery games. Lottery money is used for projects that benefit all Oregonians including education, economic growth, state parks, natural habitats, Outdoor School and veteran services.

The Coquille Tribe has already developed a hotel and golf center on the Medford property. If they need more, they could open other businesses on the property such as a restaurant, bowling alley, fun center, skating rink, or other entertainment that would not be a detriment to the human environment of Medford and the Rogue Valley, other tribes, compete with the Oregon lottery, or be in conflict with the long-standing agreement between the state and tribes about casino development. Oregon's governor, senators, District 2 congressional representative and local elected officials have all expressed opposition to this project.

For all of these reasons I hope that this fee-to-trust and casino project will not be approved.

Sincerely,

Katy Mallams

2855 Heritage Road, Central Point, OR 97502

From: Quentin Saludes <qjsurfdawg@gmail.com>
Sent: Sunday, December 1, 2024 3:44 PM
To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>
Subject: [EXTERNAL] Coquille Indian Tribe's Medford Project

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Hello,

My name is Quentin Saludes and my tribal roll number is 687. When I was born, I was not born as a Native American, as the Coquille Indian Tribe was subject to the US government's Termination and Relocation policy of the mid 1950s. My mother whispered to me when I was a child, "We used to be Indians, but grandma signed a piece of paper, got some money and we are no longer Indians."

The Coquille Indian Tribe Medford Project provides an opportunity for our tribe to cement our financial stability during this time of restoration in a manner that will assist in our long term goals of self-sufficiency. Without this opportunity we will continue to struggle to reassert our identity through whatever means may be available to use. As this opportunity is on our doorstep and we have endeavored for this goal for many years, we ask for your support to bring this home to my grandmother who has passed, my mother who will soon pass and for all generations that will follow me on this path to regain and retain our tribal identity.

All My Relations,

Quentin Saludes
#687

From: Barbara Varner <barbarakv53@gmail.com>
Sent: Sunday, December 1, 2024 6:07 PM
To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>
Subject: [EXTERNAL] Casino

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I am writing to strongly opposed the addition of a casino to Medford Oregon. We have enough criminal elements in this area, being on the I-5 corridor, we do not need gambling to attract more. If folks want to gamble they can go either north or south within an easy drive.

Encouraging gambling, stoking gambling addiction, and family destruction are the things that we are looking at if you add a casino to Medford.

I strongly oppose this move.

Barbara Varner

From: Angie Steinhoff <avonchick2004@yahoo.com>
Sent: Friday, November 22, 2024 10:29 AM
To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>
Subject: [EXTERNAL] FEIS Comments, Coquille Indian Tribe Fee-to-Trust and Casino Project

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Hello,

I would to urge you to respect tribal sovereignty, one tribe one casino, and block the Medford casino. The Cow Creek tribe and our community as a whole rely heavily on the jobs provided by our casino. My family specifically has multiple members employed by the casino. If we have to compete for revenue there is a significant probability this community will suffer with high unemployment putting an even higher burden on the state. In addition, programs that support the health and welfare of our tribal families will be directly impacted negatively. Cow Creek also provides numerous financial grants to the community that would be reduced or discontinued.

Please reject the casino by the Coquille tribe and do not support the competition of tribes. Do not set this precedence.

Thank you,

Angie Steinhoff

Cow Creek Tribal member

From: kayleen johnson <knicole37@yahoo.com>

Sent: Friday, November 22, 2024 12:30 AM

To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>

Subject: [EXTERNAL] "FEIS Comments, Coquille Indian Tribe Fee-to-Trust and Casino Project"

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Hello,

Please do not allow this casino to be built in southern Oregon. Study's show the long-term effects on crime rate increases. Medford already has enough problems. The increase rate of prostitution that comes with casinos is not something Medford or the surrounding areas needs. Our cities needs to be cleaned up, not destroyed more. I have attached a study that shows the long-term effects on crime rate due to casinos. Please protect our community.

Thank you,

Kayleen Moss

https://www.nh.gov/gsc/calendar/documents/20091117_grinols_mustard.pdf

CASINOS, CRIME, AND COMMUNITY COSTS

Earl L. Grinols and David B. Mustard*

Abstract—We examine the relationship between casinos and crime using county-level data for the United States between 1977 and 1996. Casinos were nonexistent outside Nevada before 1978, and expanded to many other states during our sample period. Most factors that reduce crime occur before or shortly after a casino opens, whereas those that increase crime, including problem and pathological gambling, occur over time. The results suggest that the effect on crime is low shortly after a casino opens, and grows over time. Roughly 8% of crime in casino counties in 1996 was attributable to casinos, costing the average adult \$75 per year.

I. Introduction

PRIOR to 1978, there were no casinos in the United States outside Nevada. Since 1990, casinos have expanded to the point where the vast majority of Americans now have relatively easy access to one. This paper utilizes the natural experiment created by casino openings to examine how casinos affect crime. There are many reasons why understanding this link is particularly valuable. First, the casino industry has grown rapidly in the last decade and has become one of the most controversial and influential industries. Commercial casino revenues increased 203% from \$8.7 billion to \$26.3 billion between 1990 and 2000. Including Class III American Indian casinos, revenues were \$38.8 billion, or \$200 per adult, in 2001. Casino industry revenues are comparable to those of the cigarette market, and all forms of gambling total more than seven times the amount spent on theater tickets.¹ From 1982 to 2000, GDP increased 201% while casino revenues increased more than 660%. This rapid expansion generated extensive debate about the impact of casinos on many social, economic, and political issues.²

Second, the casino industry has become a major lobbying presence. Between 1992 and 1997, \$100 million was paid in lobbying fees and donations to state legislators (Harvard Medical School, 1997). Concerns were sufficiently pronounced that the U.S. Congress established the National Gambling Impact Study Commission (NGISC) in 1996 to study casinos exhaustively. Its final report called for additional research about the effects of casinos and a moratorium on further expansion.

Third, research suggests that on a national basis casino gambling generates externality costs in the range of \$40

billion annually,³ and crime is one of the biggest components of these social costs.

Last and most important, in spite of the substantial attention devoted to the casino-crime link, there is a paucity of convincing research about it. Economists have been virtually silent, and studies from other disciplines typically exhibit many fundamental weaknesses. First, no study has examined the intertemporal effect of casinos, which we contend is essential to understanding the relationship. Second, nearly every study used small samples, most frequently Las Vegas, Atlantic City, Reno, and Deadwood (Albanese, 1985; Lee & Chelius, 1989; Friedman, Hakim, & Weinblatt, 1989; Buck, Hakim, & Spiegel, 1991; Chiricos, 1994; Margolis, 1997) or Wisconsin (Thompson, Gazel, & Rickman, 1996a; Gazel, Rickman, & Thompson, 2001), or a selection of a handful of casino markets (Albanese, 1999). Four of these studies conclude that casinos increase crime, two argue that there is no effect, and one maintains that Florida regions with casinos have lower crime rates than selected Florida tourist cities if visitors are included in the population base denominator.

Another problem with the existing research is that some studies (Albanese, 1999; Hsing, 1996) reached conclusions about crime rates without actually examining crime rates. Instead of analyzing offenses, they used arrests, but did not discuss the problems inherent in using arrest rates to infer anything definitive about crime rates.

A fourth criticism is that most studies are subject to substantial omitted variable bias because they rarely controlled for variables that affect crime. Margolis (1997), Florida Department of Law Enforcement (1994), and Florida Sheriffs Association (1994) included no control variables. Nearly all of the other studies control for very few factors.

Fifth, the literature has generally neglected discussing the theoretical links between casinos and crime, as Miller and Schwartz (1998) document in detail.

Last, many studies were agenda-driven, conducted or funded by either progambling or law enforcement organizations. Nelson, Erickson, and Langan (1996), Margolis (1997) and Albanese (1999) were funded by explicitly progambling groups. As expected, they concluded that gambling had no impact on crime. The Florida Department of Law Enforcement (1994) and Florida Sheriffs Association (1994), which both opposed casinos, concluded that crime and drunk driving increased in Atlantic City and Gulfport, MS, as a result of casinos.

The General Accounting Office (GAO) and NGISC concluded that definitive conclusions cannot yet be reached

³ See, for example, Grinols and Mustard (2001, p. 155) and Grinols (2004, p. 170).

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* Baylor University, and Terry College of Business, University of Georgia and the Institute for the Study of Labor, respectively.

We thank workshop participants at the American Law and Economics Association, American Economics Association Annual Meetings, Baylor University, and the Universities of Buffalo, Georgia, Illinois, and Rochester for their helpful comments.

¹ 1997 cigarette sales were \$45 billion. 2002 theater ticket and gambling revenues were \$9.3 and \$68.7 billion.

² Kindt (1994), Grinols (1996), Henriksson (1996), and Grinols and Omorov (1996) discussed a number of these.

about the casino-crime link. According to the GAO (2000, p. 35), "In general, existing data were not sufficient to quantify or define the relationship between gambling and crime. . . . Although numerous studies have explored the relationship between gambling and crime, the reliability of many of these studies is questionable." This paper contributes to the literature on this important issue by addressing each of the above limitations.

The paper is organized as follows. Section II explains the data we use. Section III analyzes the theoretical links between casinos and crime, and section IV outlines our estimation strategy. Section V discusses our basic empirical results, and section VI extends the results to border counties. Section VII concludes. We find that crime increases over time in casino counties, and that casinos do not just shift crime from neighboring regions, but create crime. We estimate the crime-related social costs in casino counties at approximately \$75 dollars per adult per year.

II. Data

Our sample covers all 3,165 U.S. counties from 1977 to 1996. The Federal Bureau of Investigation's (FBI) Uniform Crime Report⁴ provided the number of arrests and offenses for the seven FBI Index I offenses: aggravated assault, rape, robbery, murder, larceny, burglary, and auto theft.⁵ With the exception of Alaska, the county jurisdictions remained unchanged over our sample period.

We used U.S. Census Bureau data for demographic control variables, including population density per square mile, total county population, and population distributions by race, age, and sex.⁶ The Regional Economic Information System, of the Bureau of Commerce, provided data on income, unemployment, income maintenance transfers, and retirement.⁷

⁴ U.S. Department of Justice, FBI, *Uniform Crime Reports: County-Level Detailed Arrest and Offenses Data, 1977–1996*, Washington, DC: U.S. Department of Justice, FBI; Ann Arbor, MI: Inter-university Consortium for Political and Social Research (ICPSR, distributor).

⁵ The definitions are listed in *Crime in the United States: 1993* (U.S. Department of Justice, Federal Bureau of Investigation), Appendix H, pp. 380–381.

⁶ ICPSR (8384): "Intercensal Estimates of the Population of Counties by Age, Sex and Race (U.S.): 1970–80," U.S. Department of Commerce, Bureau of the Census, Winter 1985, ICPSR, Ann Arbor, MI 48106. "Intercensal Estimates of the Population of Counties by Age, Sex and Race: 1970–1980 Tape Technical Documentation," U.S. Bureau of the Census, Current Pop. Reports, Series P-23, 103, "Methodology for Experimental Estimates of the Population of Counties by Age and Sex: July 1, 1975." U.S. Bureau of the Census, Census of Population, 1980: "County Population by Age, Sex, Race and Spanish Origin" (preliminary OMB-consistent modified race).

⁷ Income maintenance includes Supplemental Security Insurance (SSI), Aid to Families with Dependent Children (AFDC), food stamps, and other income maintenance (which includes general assistance, emergency assistance, refugee assistance, foster home care payments, earned income tax credits, and energy assistance). Unemployment insurance benefits include state unemployment insurance compensation, Unemployment Compensation for Federal Civilian Employees (UCFE), Unemployment for Railroad Employees, Unemployment for Veterans (UCX), and other unemployment compensation (which consists of trade readjustment al-

The natural operating measure for casinos is gross revenue or profits. Unfortunately, such panel data do not exist—American Indian casinos are not required to report revenues. We therefore used the year a county first had an operating Class III⁸ gambling establishment, including riverboat casinos, American Indian casinos, land-based casinos, and, in the case of Florida and Georgia, "boats to nowhere"—cruises that travel outside U.S. boundary waters so passengers can gamble. Not all forms of gambling qualify as casinos. For example, Montana has hundreds of small gambling outlets that offer keno or video poker, many in gas stations along the highway. Also, California has many card houses, some of which were illegal. These establishments are distinct from casinos in size and type of play.

To obtain casino opening dates we first contacted state gaming authorities. In cases like Washington, this was an expeditious way to ascertain the first year a casino opened. However, even the central gaming authorities and Indian affairs committees often lacked information on Indian casinos. Therefore, in most states we called each casino to obtain its opening date or first date of Class III gambling if it had previously operated other forms of gambling.⁹ We also used lists from the Casino City Web site, www.casinocity.com, which lists casinos in every state, and verified it against the annually produced *Casinos: The International Casino Guide* (B.D.I.T., 1997).

Table 1 presents summary statistics for casino and noncasino counties. Noncasino counties had no casino in any year of the sample. Casino counties had a casino in operation during one or more years of the period. Casino counties had higher population, land area, income, and crime rates. The regressions later in the paper show no statistically significant differences between casino and noncasino pre-opening crime rates when control variables are included.

lowance payments, Redwood Park benefit payments, public service employment benefit payments, and transitional benefit payments). Retirement payments included old age survivor and disability payments, railroad retirement and disability payments, federal civilian employee retirement payments, military retirement payments, state and local government employee retirement payments, federal and state workers' compensation payments, and other forms of government disability insurance and retirement pay.

⁸ According to the Indian Gaming Regulatory Act of 1988, Class I gambling consists of "social games solely for prizes of minimal value." Included in Class I gambling are traditional Indian games identified with tribal ceremonies and celebrations. Class II gambling includes bingo and "games similar to bingo." Class III gambling includes "all forms of gaming that are not Class I gaming or Class II gaming," such as blackjack, slot machines, roulette, and other casino-style games.

⁹ We distinguish the operation date of Class III casinos from other dates such as the legislation date to authorize casinos and the operation date of Class I or II establishments. Within a state, different counties acquired casinos at different times. Also, bingo halls operated by American Indians converted to Class III gambling during our sample. Nevada legalized commercial casino gambling (in 1931) prior to the start of our sample. Excluding Nevada from our sample slightly increased the magnitude of the estimated casino-crime effect. For example, when Nevada was excluded from the table 4 regressions, 39 of the 42 post-opening coefficient estimates became more positive or less negative. Excluding New Jersey, whose Atlantic City casinos opened in 1978, produced similar results.

TABLE 1.—DEMOGRAPHIC AND CRIME DATA: CASINO VERSUS NONCASINO COUNTIES

Variable	Casino Counties			Noncasino Counties		
	Mean	Std. Dev.	Sample Size	Mean	Std. Dev.	Sample Size
Population	145,330	288,149	3,533	73,209	252,381	59,053
Population density (pop./sq. mi.)	204	491	3,533	217	1,462	59,045
Area (square miles)	2,021	3,056	3,533	1,008	2,883	59,060
Per capita personal income	\$11,306	\$2,689	3,533	\$10,808	\$2,618	59,040
Per capita unemployment ins.	\$78	\$54	3,533	\$65	\$51	59,024
Per capita retirement comp.	\$10,771	\$6,544	3,538	\$9,831	\$6,243	59,028
Aggravated assault rate	259	276	3,245	188	245	54,551
Rape rate	29	28	3,182	20	32	53,882
Robbery rate	82	136	3,254	44	143	54,623
Murder rate	5.9	9.3	3,254	5.5	10.5	54,628
Larceny rate	2,548	1,423	3,254	1,738	1,940	54,622
Burglary rate	1,056	666	3,254	770	1,110	54,619
Auto theft rate	267	264	3,254	167	276	54,627

Notes: Crime rates are annual incidents per 100,000 population. Monetary amounts are in 1982–1984 dollars.

The differences in the crime rates are due to the postopening differences between casino and noncasino counties.

Between 1977 and 1996 the number of states with some form of casino gambling rose from 1 to 29. Counties with casinos grew from 14 (all in Nevada) to nearly 180. The Indian Gaming Regulatory Act of 1988 increased the number of Indian casinos by mandating that states allow American Indian gambling on trust lands if the state sanctioned the same gambling elsewhere. The semisovereign status of Indian tribes and their management by the Federal Bureau of Indian Affairs gave them greater leverage with the states. By 1996, 21 states permitted casinos on Indian reservations.

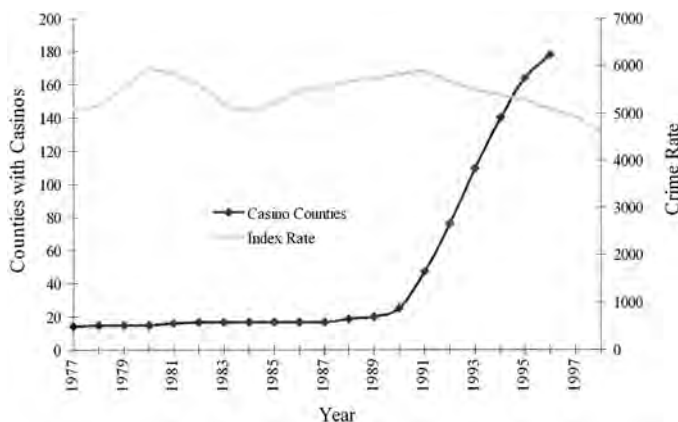
Figure 1 shows the relationship between the number of counties with casinos (left scale) and the crime rate (right scale). The crime rate fluctuated between 1977 and 1990 when the number of casinos was relatively constant. However, between 1990 and 1996, when the number of counties with casinos increased rapidly, the crime rate dropped substantially. This contemporaneous casino growth and crime reduction is important. Some have used these data to suggest that casinos reduced crime. For example, Margolis (1997) stated, "Crime rates in Baton Rouge, LA have decreased every year since casino gaming was introduced." However, most regions experienced falling crime rates after

1991. Therefore, it is more appropriate to compare the magnitude of the decreases between casino and noncasino counties. We provide two comparisons of this type. Each suggests that crime rates in counties that opened casinos during our sample increased relative to crime rates in noncasino counties.

The first example, shown in figure 2, contrasts the crime rate for casino and noncasino counties between 1991 and 1996. FBI Index I offenses were summed by year for casino counties. Average crime rates for 1991–1996 were calculated by dividing these totals by the populations of the counties in the corresponding years. The series was then scaled to take the value 100 in the year 1991. The same procedure was applied to noncasino counties.¹⁰ Though crime dropped in both sets of counties, crime dropped 12.0 percentage points more in counties without casinos than in casino counties. The absolute reduction in crime in noncasino counties (90.3 offenses per 100,000) was approximately 3 times as large as the reduction (30.6 offenses per 100,000) in counties that opened a casino.

The second example, shown in figure 3, presents casino-county crime data centered on the year of opening, where the average crime rate for the two years prior to casino opening and the year of opening is set to 100. Crime rates were stable prior to opening, were slightly lower in the year of casino introduction, returned to approximately average levels for the next two or three years, and increased thereafter. By the fifth year after introduction, robbery, aggravated assaults, auto theft, burglary, larceny, rape, and murder were 136%, 91%, 78%, 50%, 38%, 21%, and 12% higher, respectively. These effects by year after introduction

FIGURE 1.—INDEX CRIME RATE AND NUMBER OF COUNTIES WITH CASINOS: UNITED STATES, 1977–1998



¹⁰ Data on Florida are excluded from figure 2 because it changed its crime reporting from summary-based to incident-based on January 1, 1988, and switched back to summary-based in 1995. Crime data are missing in the transition years. However, a Florida-only analysis is consistent with figure 2. Between 1977 and 1995 Florida counties that opened casinos experienced greater growth than noncasino counties in murder, rape, robbery, aggravated assault, burglary, larceny, and auto theft (19.9, 29.3, 27.3, 33.6, 7.7, 16.9, and 81 percentage points higher, respectively).

suggest the need to estimate lead and lag structures to identify the relevant time dependencies.

III. Theory

Previous studies focused on the empirical relationship between casinos and crime, but neglected theoretical explanations of how casinos affect crime. We present two reasons why crime could decrease and five reasons why crime could increase. We then discuss their different effects over time, an essential, but previously ignored issue. These factors are not mutually exclusive, and our empirical results estimate the total effect of these factors.

A. Theoretical Connections between Casinos and Crime

Casinos might reduce crime directly by improving legal earning opportunities, or indirectly through development effects.

Wage Effects: Grogger (1997) argued that increases in wages reduce crime, and Gould, Weinberg, and Mustard (2002) showed that increased employment and wages of low-skilled individuals reduce crime. Therefore, if casinos provide greater labor market opportunities to low-skilled workers, they should lower crime. Evans and Topoleski (2002) contend that when casinos are opened by American Indians, the fraction of adults who are poor, who are more likely to commit crime, declines by 14% and that employment increases significantly.

Development: Casinos may reduce crime indirectly through development effects. In the Midwest, for example, legislation decriminalizing casino gambling cited economic development as its rationale. Decaying waterfronts and derelict sections of town that once harbored crime may be less amenable to it when renovation occurs, streetlights appear, and resident presence increases. The streets near Las Vegas casinos, even at night, are often cited as some of the safest.

FIGURE 2.—CASINO-COUNTY VERSUS NONCASINO-COUNTY CRIME RATES

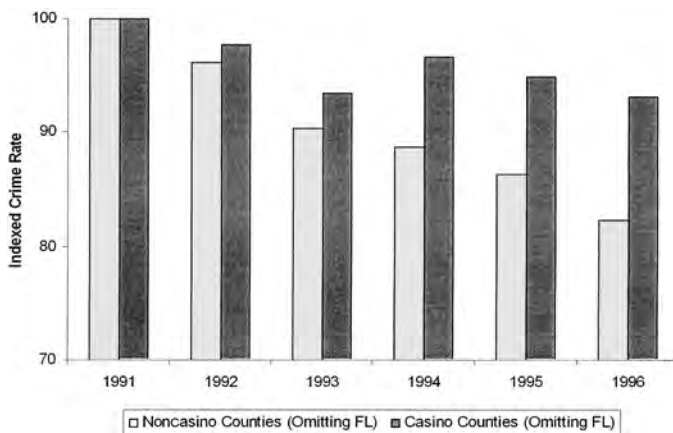
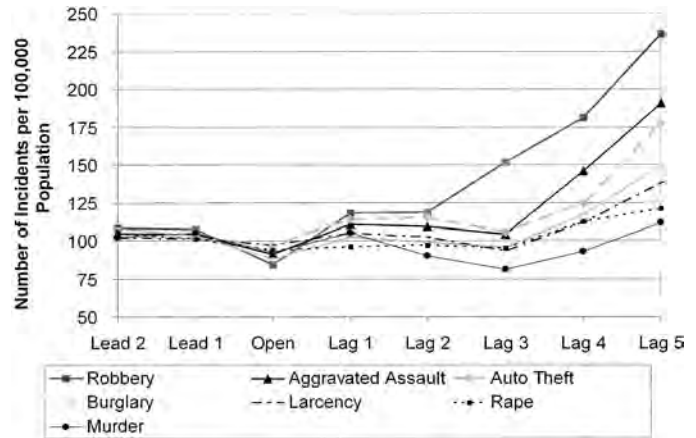


FIGURE 3.—CRIME BEFORE AND AFTER CASINO OPENING: CASINO COUNTIES, OMITTING FLORIDA IN 1988, 1996



Likewise, casinos may increase crime through direct and indirect channels.

Development: Casinos may raise crime by harming economic development, the opposite of the indirect effect discussed above. While some commend casinos for bringing growth, others criticize them for draining the local economy, for attracting unsavory clients, and for leading to prostitution and illegal gambling-related activities.

Increased Payoff to Crime: Casinos may increase crime by lowering the information costs and increasing the potential benefits of illegal activity. Travelers are often more vulnerable to crime victimization, and because casinos attract gamblers and money, there is an increased payoff to crime from a higher concentration of cash and potential victims. A 1996 Kansas City case is illustrative: a local restaurant owner was followed home, robbed, and murdered in his garage after winning \$3,000 at a casino (Reno, 1997). Similar stories exist in other locations with casinos.

Problem and Pathological Gambling: Crime may increase through problem and pathological gamblers. Pathological gambling is a recognized impulse control disorder of the Diagnostic and Statistical Manual (DSM-IV) of the American Psychiatric Association. Pathological gamblers (often referred to as “addicted” or “compulsive” gamblers) are identified by repeatedly failing to resist the urge to gamble, relying on others to relieve the desperate financial situations caused by gambling, committing illegal acts to finance gambling, and losing control over their personal lives and employment. Problem gamblers have similar problems, but to a lesser degree. Compared to those arrested for crime, problem and pathological gamblers are more likely to be female, are older, and have higher incomes.¹¹

¹¹ See NGISC (1999, Tables 4-2, 4-5) and Bureau of Justice Statistics (2002, Tables 4.7-4.10, 6.13, 6.16, 6.17).

The geographical spread of casinos lowers the cost of buying the addictive good, which increases the quantity consumed by problem gamblers, as evidenced by the rapid increase in Gamblers Anonymous programs after casinos open. For example, the number of Wisconsin communities holding Gamblers Anonymous meetings grew from 6 to 29 in the seven years after Indian tribes initiated agreements with the state to open casinos in 1992. Eleven people who contacted the Wisconsin group in 1997 committed suicide because of gambling (*Chicago Tribune*, August 2, 1999). The NGISC also reported a large increase in Gamblers Anonymous from 650 chapters in 1990 to 1,328 in 1998, "a period of rapid legalized gambling expansion" (NGISC, 1999, p. 4–17).

Conversely, when gambling is restricted, the cost of consuming the addictive good increases. Beginning July 1, 2000, South Carolina banned slot machines by court order. Six months later, the number of Gamblers Anonymous groups had dropped from 32 to 11, and the attendance fell from a typical size of approximately 40 to as few as 1 or 2 (Bridwell & Quinn, 2002, p. 718). During the same time, the number of help-line calls in Horry County (Myrtle Beach) dropped from 200 per month to 0 (*ibid.*)

An often-cited Maryland study found that 62% of the Gamblers Anonymous group studied committed illegal acts because of their gambling (Maryland Department of Health and Mental Hygiene, 1990); 80% had committed civil offenses, and 23% were charged with criminal offenses. A similar survey of nearly 184 members of Gamblers Anonymous showed that 56% admitted stealing to finance their gambling. The average amount stolen was \$60,700 (median \$500), for a total of \$11.2 million (Lesieur, 1998).

Visitor Criminality: Crime may also rise because casinos attract visitors who are more prone to commit and be victims of crime. Chesney-Lind and Lind (1986) suggested that one reason tourist areas often have more crime is that tourists are crime targets. However, in the following section we show that visitors to national parks do not increase crime. Therefore, if casino visitors induce crime, it is because they are systematically different from national park visitors or visitors to other attractions. The three largest single tourist attractions in the United States in 1994 were the Mall of America (Bloomington, MN), Disney World (Orlando, FL), and Branson, MO (country and western music) receiving 38, 34, and 5.6 million visitors, respectively. For comparison, Hawaii received approximately 6 million and Las Vegas received 30.3 million visitors in 1994. Visitors per resident were 1,345 for Branson, 436 for Bloomington, 188 for Orlando, and 40 for Las Vegas. If visitors of any type are the predominant mechanism for crime, Branson and Bloomington should be among the most crime-ridden places in North America. Even adding visitors to residents in the denominator to calculate diluted crime rates, the crime rate per 100,000 visitors-plus-residents was

187.3 for Las Vegas, 64 for Orlando, 16.4 for Branson, and 11.9 for Bloomington. Bloomington received 7.7 million more visitors than Las Vegas, but had a diluted crime rate less than $\frac{1}{15}$ of Las Vegas's. One indication of the different clientele casinos attract is the large increases in pawnshops that occur when casinos open. Other tourist areas do not experience similar increases.

A few of the numerous press examples that explicitly link casino gambling to crime are as follows:

Authorities linked a woman arrested in Bradenton, FL to one of the largest and most profitable burglary rings in the country. Baton Rouge, La., police Detective Jonny Dunham said that Barbara Dolinska and her cohorts like to gamble, and they committed many crimes in areas that either had riverboat gambling operations or other kinds of gaming. (*Sarasota [FL] Herald-Tribune*, December 23, 1999)

A man arrested in the armed robbery of a [New Orleans] bar told deputies of his motive for the hold up: he wanted to recover the several hundred dollars he lost playing the lounge's video poker machines. (*Las Vegas Sun*, June 14, 1999)

Former San Jose police officer, Johnny Venzon Jr., was imprisoned for stealing from people on his own beat while in uniform. Venzon, who blamed his actions on a gambling addiction, often burglarized homes and then investigated the crimes. (*San Francisco Chronicle*, February 25, 1999)

Daniel Blank confessed to stealing over \$100,000 and killing six Louisiana residents from October 1996 to July 1997. Blank's motivation for his brutality was to obtain cash to support almost daily trips to video poker halls and casinos. Sometimes Blank headed for casinos right after committing the crimes. ([New Orleans] *Times-Picayune*, January 28, 1999)

Casino-Induced Changes in Population Composition: Gambling, along with gambling-related industries such as hotels and restaurants, is one of the few growth sectors with a high demand for unskilled labor. An increase in demand for unskilled and lower-income employees may alter the composition of the underlying labor force and residents toward those who are more apt to engage in criminal activity.

B. Effects across Types of Crime

Different crime mechanisms need not have the same effects across crimes. For example, improvements in the legal sector reduce property crime more than violent crime (Gould et al. 2002). Although murder has been tied to casino activities as described above, the statistical connection is harder to detect, because murder is rare in comparison with other crimes and because other causes predominate. For this reason we expect casinos to contribute less to the overall explanation of murder rates.

Pathological gamblers generally commit crimes to generate money either to deal with their debts or to gamble. Peoria and Tazewell counties, surrounding one of Illinois's oldest riverboats, have documented a significant increase in casino-related embezzlement, theft, and burglary, much of it committed by professionals like teachers and lawyers (Copley News Service, June 28, 1999). Burglary, larceny, and auto theft, and the violent crime of robbery, have pecuniary payoffs. Casinos may affect aggravated assault because assault often occurs in the context of a crime with an economic payoff. Because the FBI classifies each incident involving multiple offenses under the most serious offense, property crimes and robberies that become assaults are categorized as assaults.

Identifying the link between casinos and rape is less obvious. Casinos may attract visitors more likely to commit rape or to be its victims, and have an indirect effect through the population composition effect and social climate. Changed population might be related to casino-generated growth in adult entertainment, escort services, and related industries, which show significant increases as measured by advertising or the number of listings in the yellow pages. Many law enforcement officials have testified that prostitution increased dramatically after casinos opened (FBI Conference on Casino Gaming, 1999). Pinnacle Entertainment was fined \$2.26 million by the Indiana Gaming Commission for supplying prostitutes and gambling money to attendees at a golf outing sponsored by its Belterra Casino Resort (Piskora, 2002).

C. *Intertemporal Effects on Crime*

The theory importantly predicts that the effects of casinos will vary over time. Reduction of crime through improvements in labor market opportunities is observed prior to and shortly after the casino opening as low-skilled people may be hired by the casino or casino-related industries. The economic development theories (whether positive or negative) imply that a casino's effect after opening will grow until the casino market reaches equilibrium. Likewise, the visitor effect and the effect of changing composition of the population appear with the casino's opening and grow as people are attracted to the area.

Effects operating through problem and pathological (P&P) gamblers will not be felt until a gambling problem has developed. Breen and Zimmerman (2002) studied the time to pathology. "We found that the men and women who 'got hooked' on video gambling became compulsive gamblers in about one year. Those who got hooked on other kinds of gambling (such as horses, sports betting, blackjack, etc.) became compulsive gamblers after about three and a half years" (RI Gambling Treatment Program, 2002). According to gambling treatment specialists, "Many addicted gamblers follow essentially the same course. . . . [T]hey enter a desperation stage, [the treatment specialist] said, and when they've used up their own money and lines of credit

they often turn to stealing" (Schneider, 2003). In the same article, police and prosecutors "told the newspaper that in recent years, with the arrival of casino gambling in the area, they have seen an increase in exactly the kinds of crimes [the convicted subject of the story] has acknowledged committing" (ibid.). The successful Evansville attorney Allan Lossemore's case (Rohrig, 2002) is symptomatic of the role of time lags. He began going to the Casino Aztar in July 1997 and for the first three or four months won enough money to subsidize his fledgling law practice. But by early 1998 he began to lose. "I started to draw from charge cards and from a line of credit in an attempt to get even," he reported. He tried to get back on track by barring himself from the casino and staying away from gambling, but late in 1999 he gambled again and lost. After a series of personal and professional financial circumstances, in mid-2000 he misappropriated clients' funds. "From there, I was just robbing Peter to pay Paul. I was gambling at that point pretty heavily—I was really trying to make up the difference." He was arrested in November 2000 and later jailed.

Research conducted for the NGISC reported that the population percentage of problem gamblers rose from 0.3% to 1.1% when the distance to the nearest casino fell from more than 250 miles to less than 50 miles, and rose from 0.4% to 1.3% for pathological gamblers (National Opinion Research Center, 1999, pp. 28–29). Distances less than 50 miles were not studied; thus a difference of 1.7% in P&P gambling probably understates the actual fraction. Research on the degree of P&P gambling in Las Vegas found the rate was 6.6% (Strow, 1999), suggesting that a difference of 5.9% is closer to an upper bound. If problem and pathological gamblers are an important explanation of crime, we expect to observe crime increase over time as more people start to gamble, develop gambling problems, and eventually commit crimes to fund their losses. Because different causes are at work, and may operate differently for different crimes, there is no presumption that intertemporal effects must be identical.

IV. Estimation Strategy

Our empirical strategy addresses many limitations of the current research. First, by conducting the most exhaustive investigation and utilizing a comprehensive county-level data set that includes every U.S. county, we eliminate sample selection concerns. Second, by analyzing crime effects over time we exploit the time series nature of our data. Third, we are the first to articulate a comprehensive theory about how casinos could increase or decrease crime. Last, we use the most exhaustive set of control variables, most of which are commonly excluded from other studies.

A. *Direct and Indirect Effects*

As noted, casinos may affect crime rates directly through their effects on the resident local population and indirectly

by increasing the number of casino visitors. The total includes both direct and indirect effects, as expressed in the following equations, where crime (C_{it}) in county i in year t is a function of the presence of a casino, the number of casino visitors (V_{it}) to the county, and other variables that affect crime (summarized in the term *Other*), and where a , b , c , and d are unknown coefficients:

$$C_{it} = a \text{ Casino}_{it} + bV_{it} + \text{Other}_{it}, \quad (1)$$

$$V_{it} = c \text{ Attractions}_i + d \text{ Casino}_{it}. \quad (2)$$

Casino visitors in (2) depend on both the visitor attractiveness of the county (Attractions_i) and the presence of the casino. The coefficient a measures the direct effect of the casino on crime. The coefficients b and d measure the indirect effect via casino visitors. Substituting from (2) into (1) gives

$$C_{it} = \beta_i + \delta \text{ Casino}_{it} + \text{Other}_{it} \quad (3)$$

where $\delta = a + bd$, and $\beta_i = bc \text{ Attractions}_i$. The total effect of the casino on crime, δ , in (3) includes the effects on both the local population and casino visitors. Estimating a in (1) would give only a partial effect, because it would not take into account the visitor effect.¹² The key to our being able to estimate the full effect is having panel data. Because many studies of the casino-crime relationship used cross-sectional data, they were limited to estimating only a partial effect.

B. Visitors

Although distinguishing direct and indirect effects is important, it is also important to avoid the assumption that anything that attracts the same number of visitors will have the same crime effects. Different types of visitors may have systematically different effects on crime even if the effect for all types of visitors is positive. The presence of a casino in (3) proxies for direct effects on crime and for an increased number of casino visitors. It does not necessarily follow that the same number of visitors for another purpose would generate the same crime outcomes. Visitors for other purposes appear in the variable Other_{it} , which we now address.

Time series visitor data do not exist at the county level and certainly do not distinguish visitors for different purposes. Running the regression (3) without such information, therefore, risks omitted variable bias. In partial defense, no other crime studies have been run with these data either. However, more importantly, in the case of casinos the omitted variables are likely uncorrelated with a new casino. Fortunately, for at least one type of tourist, data *are* available that we can use to test the hypotheses of being uncor-

related with openings and having an effect on crime different from the effect of casinos. We obtained National Park Service time series data from 1978 to 1998 on all visitors to national parks, monuments, historic sites, recreation areas, and so on. These parks and attractions, scattered across the country, receive millions of visitors annually—some as many as 14 million. Some, such as Yellowstone National Park, are in counties with sparse population; others are in highly populated areas. In most cases the correlation between park visitors and the casino variables used in the study was well below 1%, and in no case was a correlation above 1.7%. This is consistent with the view that this type of omitted variable bias is likely to be small or zero. Although it is always preferable to include such variables when possible, we are confident that in the case of casinos the procedure employed in (3) of treating data on other visitors as part of the constant term and the error term is not a problem for the coefficients of interest.¹³

A second analytical issue is whether to use *diluted* or *undiluted* crime rates. Should the number of crimes be divided by population—the conventional way to generate the crime rate (undiluted)—or by population *plus* visitors (diluted)? Four possibilities exist, depending on whether one considers total or partial effects, and studies diluted or undiluted crime rates. Some have argued for one combination or another without realizing that the choice is not methodological, but depends on what questions the researcher wants to answer. A common but invalid claim is that the diluted crime rate should be used to determine the change in probability that a resident would be the victim of a crime. However, knowing what happens to the diluted crime rate does not give the needed information and could even move the answer in the wrong direction. To illustrate, let s_1 be the share of the resident population P victimized by residents, and let s_2 be the share of the resident population victimized by V visitors. Similarly, let σ_1 be the share of visitors victimized by residents, and σ_2 the share of visitors victimized by visitors. Then the crime rate is $s_1 + s_2 + (\sigma_1 + \sigma_2)\frac{V}{P}$; the diluted crime rate is $(s_1 + s_2)w_P + (\sigma_1 + \sigma_2)w_V$ where w_P and w_V are the shares of visitors plus residents made up by residents and visitors, respectively; and the probability of a resident's being a crime victim is $s_1 + s_2$. If residents do not victimize visitors ($\sigma_1 = 0$), then $P = V$, and $s_2 + \sigma_2$ is smaller than s_1 . The

¹² Ideally we would like to know both a and b . Because of data constraints, we must estimate only the total effect δ . Casino visitor data do not exist at the county level. Both a and b might be estimated using other variables to proxy for the number of casino visitors, but no annual time-series data exist at the county level.

¹³ When visitors to National Park Service sites were included, the regressions (3) showed that an additional one million park visitors annually were associated with statistically significantly *fewer* crime incidents for rape, murder, robbery, and burglary, and had a statistically insignificant effect on auto thefts. The effects of park visitors on larceny and assaults were statistically significant but socially insignificant compared to the crime effects found for casinos (coefficient δ) and reported in section V. For example, we estimated the long-run effect of a casino on larcenies to be 615, which was roughly 60 times larger than the effect of one million national park visitors. This means that if the crime consequences of casino visitors and national park visitors were identical, a casino would have to attract over 59 million visitors annually to account for 615 additional larcenies. Las Vegas, the single largest casino gambling destination in the United States, attracted 30.3 million visitors in 1994.

probability of a resident being victimized is s_1 without visitors, and it rises to $s_1 + s_2$ with visitors. The diluted crime rate is s_1 without visitors and falls to $(s_1 + s_2 + \sigma_2)/2$ with visitors. Thus in this case the diluted crime rate falls while the probability of a resident being victimized rises.

In this study we are interested in the costs to the host county associated with a change in crime from whatever source. We are therefore interested in the total effect of casinos on crime, and thus use the undiluted crime rate based on equation (3).

C. Timing: Separating Casino Effects from Other Effects

The version of equation (3) that we estimated is

$$C_{it} = \alpha + \beta_i X_i + \gamma_t T_t + \delta L_{it} + \theta A_{it} + \varepsilon_{it}, \quad (4)$$

where C_{it} is the crime rate (offenses per 100,000 people) of county i in year t , α is a constant, and β_i is the vector of estimated coefficients on the county-level fixed effects that control for unobserved characteristics across counties. The time fixed effect, T_t , controls for national crime rate trends. Our base specification of L_{it} is a vector of the casino-opening dummy variables that includes two leads and five lags of the opening variable and captures the important intertemporal effects outlined earlier. The opening dummy variable takes the value 1 in the year the casino began operation and 0 in other years. In the reported regressions we used two years of leads, because it is unlikely that a casino would affect the crime rate more than two years prior to its opening. We stopped at five years of lags because the numbers of counties with casinos open three to five years, not counting Nevada counties, were 91, 59, and 35, respectively. Twelve counties (26 including Nevada counties) had casinos open for 6 or more years, and seven (21 including Nevada counties) had casinos open 7 or more years. For each group, however, observations are scattered widely across the decades and geography of our sample.

A_{it} is a vector of 22 control variables. It includes population density, the percentage of the population that was male, the percentage that was black, the percentage that was white, and the percentages in the age ranges 10–19, 20–29, 30–39, 40–49, 50–64, and over 65.¹⁴ Economic variables in A_{it} are real per capita personal income, real per capita unemployment insurance payments, real per capita retirement compensation per old person, and real per capita income maintenance payments. All income figures were adjusted to a 1982–1984-dollar basis. A_{it} also includes a dummy variable indicating whether the county honored a shall-issue right allowing citizens to carry a concealed firearm upon request, and two years of leads and five years of lags on the shall-issue dummy. ε_{it} is the regression error. Including leads and lags, the regression had 50 explanatory

variables plus one constant for each county (3,165) for a total of 3,215 explanatory variables. This set was expanded to 58 variables plus county constants when we analyzed the effects of casinos on adjacent counties. Excluding observations with missing data reduced the sample size in most regressions to approximately 58,000, leaving more than adequate degrees of freedom for estimation.

We independently estimated each lead and lag of the casino opening year (describing the timing of crime effects) without cross restrictions. We weighted regression observations by county population.

V. Results

Before reporting the more sophisticated lag structure discussed above, we begin with a simple dummy variable for whether a county has a casino. Table 2 reports two such regressions for each crime. The left column for each crime reports the estimated coefficient for the casino dummy variable. The variable *Casino* takes the value of 1 if a casino is operating in the county for the year in question and 0 otherwise. No other explanatory variables are present in the leftmost regression. The regressions all show large, statistically significant elevated crime rates for counties with operating casinos. For example, according to table 2 such counties experience 157 more aggravated assaults annually per 100,000 population. This compares to average aggravated assault crime rates of 188 per 100,000 population for counties without casinos in any year of the sample reported in table 1. The right column for each crime reports the estimate of the casino dummy when year and county fixed effects are the only other explanatory variables included in the regression. In each case the effect attributed to an operating casino declines. Aggravated assault, for example, falls from 157 to less than 18. The coefficient estimates are positive and statistically significant for five crimes. The estimated effect is positive for murder and negative for burglary; neither is statistically significant. To summarize the two regressions, when a simple dummy variable specification is used for a casino being open, the estimated casino effect is positive and statistically significant in twelve of the fourteen regressions. The other two results are not statistically different from 0. These before-after results obscure the intertemporal effects, so we now turn our attention to the model that includes leads and lags.

Tables 3 and 4 report coefficient estimates and t -statistics for specifications of (4) that allow for the timing of the effects of casino opening. Table 3 includes year fixed effects and county fixed effects but excludes the control variables A_{it} , whereas table 4 includes these regressors.¹⁵ For example, the estimated coefficient of lag 4 in the table 3 column labeled “Aggravated Assault” indicates that the aggravated

¹⁴ The remaining groups were Hispanics and those between 0 and 9 years.

¹⁵ We report casino variables. Results for the 588 other coefficient estimates for the seven crime regressions are omitted for lack of space, because they are used as controls, and because we are primarily interested in the casino variables.

TABLE 2.—CASINO CRIME RATE REGRESSIONS EMPLOYING CASINO DUMMY VARIABLE ONLY

	Violent Crime							
	Aggravated Assault		Rape		Robbery		Murder	
<i>Casino</i>	157.254 (23.04)	17.825 (4.29)	11.521 (17.91)	0.973 (2.04)	86.905 (12.09)	34.175 (10.07)	1.522 (6.88)	0.117 (0.75)
Year fixed effects	No	Yes	No	Yes	No	Yes	No	Yes
County fixed effects	No	Yes	No	Yes	No	Yes	No	Yes
<i>N</i>	57,796	57,796	57,064	57,064	57,877	57,877	57,882	57,882
<i>F</i>	530.68	754.52	320.88	126.60	146.06	212.39	47.30	81.94
Prob. > <i>F</i>	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
<i>R</i> -squared	0.0091	0.8147	0.0056	0.7234	0.0025	0.8861	0.0008	0.7506
	Property Crime							
	Larceny		Burglary		Auto Theft			
<i>Casino</i>	1128.547 (31.88)	218.850 (9.44)	144.373 (7.58)	-23.927 (-1.58)	266.582 (21.72)	217.416 (30.87)		
Constant	Yes	No	Yes	No	Yes	No		
Year fixed effects	No	Yes	No	Yes	No	Yes		
County fixed effects	No	Yes	No	Yes	No	Yes		
<i>N</i>	57,876	57,876	57,873	57,873	57,881	57,881		
<i>F</i>	1016.63	138.15	57.45	635.32	471.71	472.89		
Prob. > <i>F</i>	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		
<i>R</i> -squared	0.0173	0.7839	0.0010	0.6699	0.0081	0.8328		

Notes: Coefficient estimates are additional annual crime incidents per 100,000 population. *t*-statistics are in parentheses.

assault rate was higher by 62.153 offenses per 100,000 population four years after a casino opened in the county. The number of observations for each regression varied from 57,023 to 57,841. The R^2 was between 0.67 and 0.89.

The patterns in both tables show that casino effects tend to increase over time after a lag of 2–3 years. In table 3, which does not include control variables, the estimates on the casino leads are often positive and statistically signifi-

cant, consistent with the common belief that casinos are more likely to be placed in high-crime areas. However, when control variables are included, all of the leads are statistically indistinguishable from 0 except for those on auto theft.

Another key difference is that table 3 shows much larger increases in crime in the lagged years. When the control variables are included in table 4, these larger positive

TABLE 3.—CASINO CRIME RATE REGRESSIONS EXCLUDING CONTROL VARIABLES.

	Aggravated Assault	Rape	Robbery	Murder	Larceny	Burglary	Auto Theft
Lead 2	4.325 (0.61)	1.189 (1.42)	13.178 (2.26)	.725 (2.73)	113.498 (1.64)	33.865 (0.79)	114.440 (9.46)
Lead 1	4.455 (0.64)	0.708 (0.86)	19.067 (3.32)	1.270 (4.85)	160.828 (1.82)	28.071 (0.57)	142.864 (11.98)
Open	8.799 (1.19)	.250 (0.29)	19.142 (3.15)	1.251 (4.53)	229.687 (2.61)	-19.609 (-0.55)	182.095 (14.47)
Lag 1	16.656 (2.24)	1.765 (2.06)	47.031 (7.72)	1.360 (4.91)	315.990 (2.99)	54.171 (0.76)	236.103 (18.69)
Lag 2	3.647 (0.46)	0.684 (0.76)	56.089 (8.63)	1.305 (4.41)	193.729 (0.89)	3.025 (0.03)	225.876 (16.75)
Lag 3	29.953 (3.22)	3.436 (3.23)	81.467 (10.67)	0.801 (2.30)	201.816 (1.51)	13.797 (0.25)	253.046 (15.98)
Lag 4	62.153 (4.76)	7.021 (4.72)	75.755 (7.08)	0.429 (0.88)	460.681 (2.74)	153.209 (2.74)	246.417 (11.11)
Lag 5	124.683 (7.80)	7.076 (3.87)	76.725 (5.84)	-1.496 (-2.50)	715.031 (2.65)	236.992 (2.97)	376.278 (13.80)
Control variables A_i	No	No	No	No	No	No	No
Year fixed effects	Yes	Yes	Yes	Yes	Yes	Yes	Yes
County fixed effects	Yes	Yes	Yes	Yes	Yes	Yes	Yes
<i>N</i>	57,755	57,023	57,836	57,841	57,835	57,832	57,840
<i>F</i>	562.01	95.50	163.79	63.83	19.25	79.81	358.19
Prob. > <i>F</i>	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
<i>R</i> -squared	0.8149	0.7236	0.8865	0.7511	0.7843	0.6730	0.8334

Notes: Coefficient estimates are additional annual crime incidents per 100,000 population. *t*-statistics are in parentheses. We used robust standard errors for larceny and burglary, which the Breusch-Pagan test indicated had heteroskedasticity.

TABLE 4.—CASINO CRIME RATE REGRESSIONS INCLUDING CONTROL VARIABLES

	Aggravated Assault	Rape	Robbery	Murder	Larceny	Burglary	Auto Theft
Lead 2	-3.843 (-0.55)	0.157 (0.19)	6.924 (1.21)	0.438 (1.00)	37.710 (0.63)	16.481 (0.43)	97.006 (8.43)
Lead 1	-8.498 (-1.24)	-0.815 (-1.01)	8.164 (1.44)	0.969 (1.34)	47.645 (0.61)	-6.164 (-0.14)	113.656 (10.00)
Open	0.376 (0.05)	-0.644 (-0.77)	11.218 (1.88)	1.103 (1.37)	148.279 (1.74)	-23.625 (-0.72)	152.659 (12.72)
Lag 1	2.613 (0.36)	0.955 (1.14)	32.588 (5.43)	1.188 (1.68)	173.836 (1.83)	30.661 (0.55)	183.735 (15.24)
Lag 2	-9.739 (-1.25)	-0.267 (-0.30)	39.137 (6.08)	1.181 (1.46)	-0.447 (-0.00)	-51.987 (-0.68)	161.791 (12.53)
Lag 3	20.306 (2.22)	3.339 (3.20)	70.427 (9.30)	1.099 (1.32)	4.132 (0.03)	-48.495 (-0.89)	206.769 (13.60)
Lag 4	42.844 (3.34)	6.503 (4.47)	52.188 (4.93)	0.572 (0.54)	184.855 (1.41)	64.367 (0.92)	161.641 (7.60)
Lag 5	99.982 (6.38)	9.979 (5.59)	65.240 (5.02)	-0.458 (-0.55)	614.695 (1.98)	325.147 (2.30)	271.848 (10.43)
Control variables A_i	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Year fixed effects	Yes	Yes	Yes	Yes	Yes	Yes	Yes
County fixed effects	Yes	Yes	Yes	Yes	Yes	Yes	Yes
N	57,724	56,992	57,805	57,810	57,804	57,801	57,809
F	393.15	129.78	143.37	13.34	42.97	121.18	346.19
Prob. > F	0.0000	0.00000	0.0000	0.0000	0.00000	0.00000	0.0000
R -squared	0.8252	0.7410	0.8913	0.7623	0.7992	0.6997	0.8504

Notes: Coefficient estimates are additional annual crime incidents per 100,000 population. t -statistics are in parentheses. We used robust standard errors for larceny and burglary, which the Breusch-Pagan test indicated had heteroskedasticity.

estimates are reduced. Because the table 4 estimates have better fit in the lead variables and the added control variables reduce omitted variable bias, we emphasize these results, that show smaller casino effects on crime.

A. Violent Crime

Figure 4 displays the information on violent crime from table 4. The horizontal axis plots the casino opening leads and lags, and the vertical axis plots the coefficient estimates. The vertical lines show the 95% confidence intervals, the range within which the regression indicates the true coefficient should lie with 95% probability.

For aggravated assault, only estimates for the third and subsequent year after opening are significantly above 0, and the trend rises. The estimated high occurs in the fifth year after opening, when the aggravated assault rate is 100 assaults higher per year. This pattern of crime increase is unlike the typical pattern of visitor increases after casino opening. Grinols and Omorov (1996) showed that the number of visitors to Illinois casinos typically rose immediately after opening and reached equilibrium after 6 months or less.¹⁶

Figure 4 for rape shows coefficient estimates that are not significantly different from 0 prior to the opening. However,

they are positive and significant in the third and subsequent years after the casino opened, rising from the third year on. A county that introduces a casino might expect a negligible effect in the first two years after opening, but a higher rape rate by 6.5 to 10 incidents per 100,000 population in the fourth and fifth years after opening.

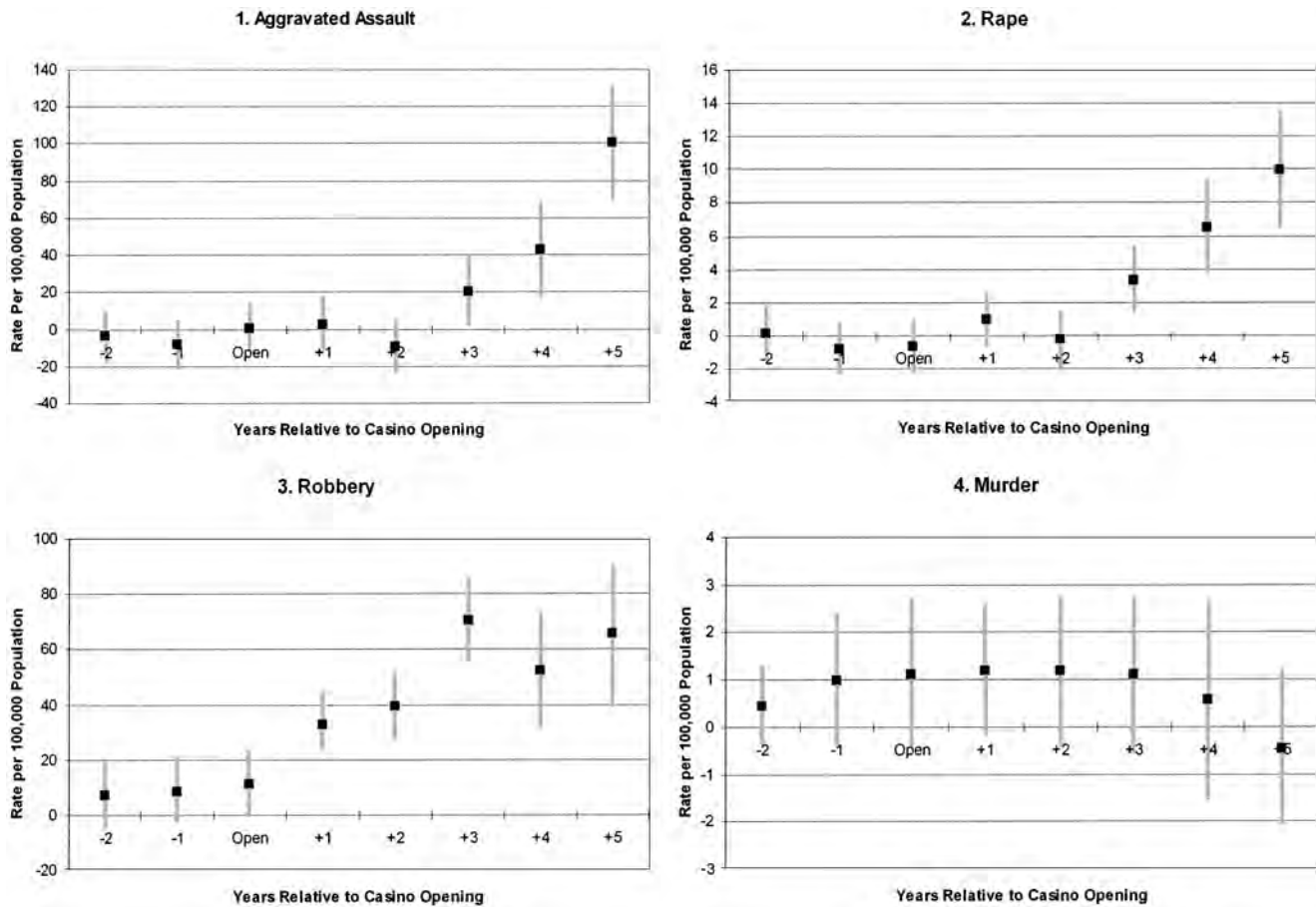
The pattern for robbery in figure 4 is similar to the patterns for aggravated assault and rape, with one important exception—the increase in robbery begins immediately. In the first year there were approximately 35 more robberies per 100,000 people, which increases to over 60 three years after opening.

As expected, the impact of casinos on murder is the smallest among all offenses. Figure 4 shows that casino counties have slightly higher murder rates than noncasino counties both before and after opening. However, murder shows no statistically significant coefficient estimates for any of the casino leads or lags, and the change from before to after is not statistically significant. Gambling-related murders include incidents such as the disgruntled gambler who killed a casino teller when he tried to retrieve his gambling losses, a spouse who fought over the other's gambling losses and was murdered, a parent's gambling leading to the death of her child, murder for insurance, and similar tales.¹⁷ However, because murder is the least fre-

¹⁶ In addition to the regressions reported, we ran regressions that included as many as 4 leads and 7 years of lags of the casino opening variable. With few exceptions, leads continued the pattern of being statistically indistinguishable from 0, and later lags showed comparable or greater estimated effects to the fifth year lag. In the case of murder, the sixth and seventh lags continued the pattern of being statistically indistinguishable from 0.

¹⁷ See Jeffry Bloomberg, Prepared Statement, Hearing Before the Committee on Small Business, House of Representatives, 103rd Congress, Second Session, 21 September 1994, Serial No. 103-104, Washington, DC: USGPO, p. 47. Accounts of the more spectacular gambling-related murders and deaths (most often suicides) frequently appear in the press. *USA Weekend*, February 10-12, 1995, p. 20, for example, describes a man

FIGURE 4.—CASINO EFFECTS—VIOLENT CRIME



quently committed crime and most counties have zero murders, murder rates typically have high variance, which makes it difficult to identify effects.

B. Property Crime

Figure 5 displays the coefficient estimates in table 4 for property crimes. The larceny estimates increase from 0 in the second year after opening, to 4.1 in the third, 185 in the fourth, and over 615 in the fifth year after opening. Burglary increases from negative estimates in the second and third years after opening, to 64 in the fourth, to 325 in the fifth. Only the fifth-year estimates are individually statistically significant, so we investigated further the significance of the rising third-, fourth-, and fifth-year coefficient estimates. We checked whether the rising patterns of coefficient estimates in the last three years with the lag 5 estimated coefficients positive and significant persisted or disappeared after the fifth year. Estimates of the sixth- and seventh-year lags were

745 and 1,069 for larceny and 201 and 229 for burglary, respectively. Moreover, lags 5 through 7 pass a 5% *F*-test for significance for both offenses.

Figure 5 for auto theft presents a different picture. It is the only crime that showed statistically significant leads, which were positive. After opening, the rates increase slightly for a few years and increase substantially after five years. The data indicate that casino counties did not experience the same decreases in auto thefts that noncasino counties did after 1991, when the number of casinos increased rapidly.¹⁸

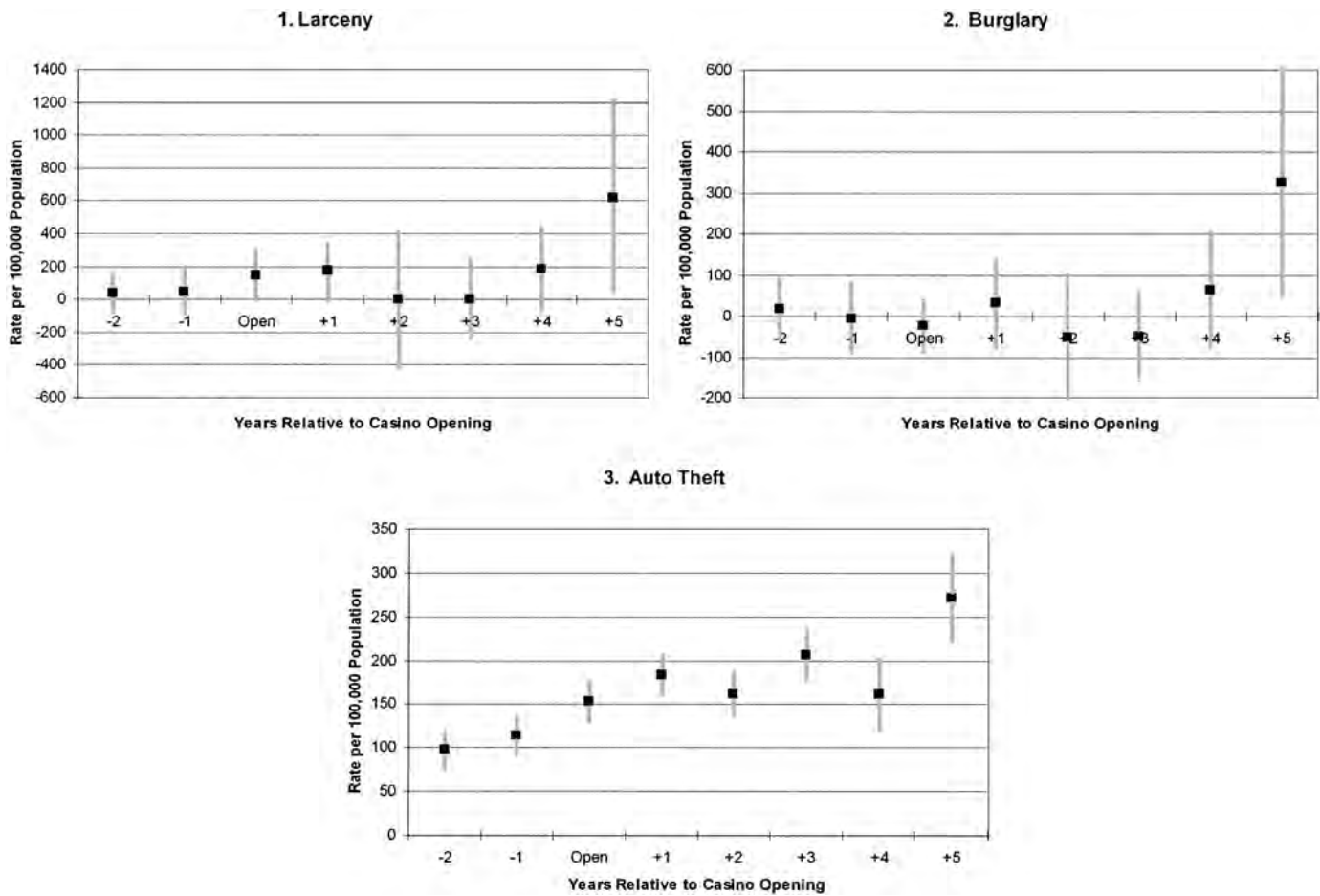
A second factor may be that we were unable to control for Lojack, an electronic tracking system that allows police to quickly locate and recover stolen autos. Ayres and Levitt (1998) found that Lojack accounted for a significant reduction in auto thefts in the 1990s. Because cities that implemented Lojack generally do not have casinos, we may overstate the effect of casinos on auto theft.¹⁹ It is also

killing his wife and beating up his daughter in a fight over his gambling away thousands of dollars. The Associated Press, September 3, 1997, reported on a 10-day-old infant in South Carolina who died of dehydration after being left in a warm car for approximately 7 hours while her mother played video poker. A mother in Illinois was convicted of killing her infant children for insurance money because of her gambling.

¹⁸ A similar divergence in Florida started in 1984 and grew after that, consistent with Florida casino openings. The first Florida casinos opened in two counties in 1982, two more opened in 1988, and the rest opened between 1990 and 1995.

¹⁹ Ayres and Levitt (1998) showed that Lojack had little effect on other offenses, so our results for the other crimes will not be affected.

FIGURE 5.—CASINO EFFECTS—PROPERTY CRIME



possible that Lojack's use is not yet sufficiently widespread to greatly affect our estimates.

C. Additional Robustness Checks

The precisely correct model of crime is not known. Thus, in addition to the comparison of tables 3 and 4, we considered several additional formulations to test the robustness of the results.

Law Enforcement Variables: All the regressions reported to this point omit law enforcement variables. Although including them reduces omitted variable bias, it also introduces sample bias by significantly limiting the number of counties with available data.²⁰ To examine this tradeoff we included two additional sets of law enforcement control variables. When we included the arrest rate as an explanatory variable, the estimated casino effects for almost every

year after opening and for almost all crimes were higher than those reported in table 4. Therefore, the table 4 results that we emphasize are biased against the finding that casinos increase crime.

Although arrest rates are often undefined, the problem is even bigger for other law enforcement variables. County-level conviction rates and sentence lengths are available for only four states (Mustard, 2003), and annual police employment is unavailable at the county level.

We also included explanatory variables that estimated the probability of capital punishment, which we estimated in four different ways.²¹ When these variables are included, the results are qualitatively the same as for the base regression. There are slight differences of the estimated effects for

²⁰ For example, the arrest rate is undefined when there are 0 offenses for a given crime type. Many small counties record no offenses even for property crimes for a given year, and even large counties frequently record no offenses for murder and rape, which consequently produce a large number of missing observations for the arrest rate. For some offenses including the arrest rate eliminated over 30,000 observations. See Lott and Mustard (1997) and Levitt (1998) for more detailed discussions.

²¹ The first was a prorated number of executions in the previous and current year divided by the number of people sentenced to death six years ago. The second was the number of executions in the first three quarters of the current year and last quarter of the previous year divided by the number of people sentenced to death six years ago. The third is a prorated count of executions in the previous and current year divided by the number of persons on death row at that time. The last was the number of executions in the first three quarters of the current year and the last quarter of the previous year, divided by the number of persons on death row at that time. Gittings and Mocan (2003) provided the first two variables, and Gittings and Mocan (2001) explain the last two in more detail.

different crimes in different postopening years, but the general qualitative trends are similar.

That the inclusion of law enforcement variables generally increases the estimated casino effects is consistent with reports from law enforcement officials that enforcement expenditures increased substantially when casinos opened. Stephen Silvern (FBI in Atlantic City) documented that expenditures for the Atlantic City Police Department and Prosecutor's Office grew much more rapidly in the late 1970s and early 1980s than similar expenditures in the rest of the state and nation (Federal Bureau of Investigation Conference on Casino Gaming, 1999). The director of the Indiana Gambling Commission reported that Indiana hired an additional 120 state troopers when the casinos opened in 1995.²² Allocations for police services also rose substantially in New Orleans upon introduction of casinos.²³ Law enforcement officials emphasize that to maintain public safety, spending on enforcement resources must increase when casinos open. Because we cannot measure all these additional resources that reduce crime, our estimates without enforcement variables tend to understate the effect of casinos on crime.

Casino–Population–Density Interactions: A natural question is whether the effect of casinos on crime varies with the type of county, such as a rural-urban difference related to population density. To test for a population-density interaction, we multiplied each of the eight casino-opening lead and lag variables by the county population density and reran the original regressions including these eight new variables. The density interaction coefficient estimates were statistically significant as a group at the 1% or better level for all regressions except aggravated assault and larceny, which were significant at the 11% and 46% levels, respectively. With the exception of murder and auto theft, the same rising pattern of crime after casino introduction was observed as found in the original regressions. Crime is not statistically different from zero in the years before casino introduction and immediately thereafter, but begins to rise three or four years after introduction. By the fifth year after casino introduction, a statistically significantly elevated crime rate for both low- and high-density counties appears. Introducing a density effect does not change the prediction of the model. These results give us confidence that the effect of casinos on crime is similar in large and small counties. For auto theft the casino effect is largest for less densely populated counties.

²² John Thar, director of the Indiana Gambling Commission, report at Federal Bureau of Investigation Conference on Casino Gaming (1999).

²³ Lt. Joseph P. Lopinto, Jr., commander of the Gambling Section of the New Orleans Police Department, reported that his department has been significantly resource-constrained since the opening of New Orleans's casinos and the resulting increase in demand for police services (Federal Bureau of Investigation Conference on Casino Gaming, 1999).

D. Summary

We summarize the results in table 4 and figures 4 and 5. First, the casino-opening lead variables suggest that after controlling for other variables casinos were not more likely to be placed in areas that had systematically different crime environments than other regions.

Second, after casinos opened, casino-county crime rates increased relative to the noncasino-county rates. Of the 42 estimated casino effects (one opening and five lags for each of seven offenses), 34 are positive, of which 19 are statistically significant at the 0.05 level, and others are significant at the 0.10 level. In contrast, none of the 8 negative estimates are statistically significant. As expected, murder exhibits no relation to casino gambling.

Third, the time pattern of estimated coefficients implies that the casino effects may change over time. With the exception of murder, all crimes show higher estimates for the last two coefficients (lags 4 and 5) than for the first two (leads 2 and 1). For most offenses, the statistically significant differences tend to appear two or three years after casino opening. Only one estimated coefficient for the year of opening is statistically significant. Estimates of the sixth and seventh lags (run but not reported) are typically positive and statistically significant.

Fourth, the increase over time in casino effect is consistent with the effects outlined in the theory. For example, the crime-mitigating influences through increased wages and employment should occur before and shortly after opening. In contrast, the crime-increasing factors are more long-term. Casino-induced changes in population and the effects of negative development grow over time. Also, clinical research shows that problem and pathological gamblers typically take approximately 2 to 4 years to start gambling, become addicted, exhaust alternative resources, and eventually commit crimes. Studies that did not have large data sets or a sufficient number of years of observations after casino opening, and that did not allow for the effects of casinos to change over time, missed these effects. An additional potential explanation of the time pattern is that casinos have an immediate impact on crime, but that impact is ameliorated by a large increase in police resources, which are typically significantly increased when casinos open, but do not maintain the same rate of growth over time. The slightly more immediate impact of casinos on violent crime may be explained in terms of *imported* criminals. It may take less time to habituate to a new casino's location than for people to exhaust their resources.

E. Evaluation

The regressions in table 4, of course, cannot decompose the net number of offenses to assign them to each alternative explanation. Nevertheless, it is instructive to ask how many crimes table 4 would imply per additional P&P gambler if all estimated additional crime incidents were arbitrarily

assigned to this one source. The coefficient estimates report additional crime incidents per 100,000 population. If x is the coefficient, and y is the change in P&P share of the population, then

$$\frac{x}{10^5} \frac{\text{Offenses}}{\text{Capita}} \times \frac{10^{-5}}{10^{-5}} \times \frac{1}{y} \frac{\text{Capita}}{\text{Problem and Pathological}} = \frac{x}{y} \times 10^{-5} \frac{\text{Offenses}}{\text{Problem and Pathological}} \quad (5)$$

The total number of crime incidents estimated in table 4 in the fifth year after casino opening is $x = 1,386.4$. If $y = 0.059$ (as in the numbers reported for Las Vegas, for example), then the average additional P&P gambler would have to commit 0.23 crime incidents per year to account for all additional crime, so that roughly one in four P&P gamblers would have to commit a crime annually. This figure rises to 0.82 if $y = 0.017$ at the other extreme. Thus 20%–80% are reasonable proportions relative to the information reported above that 80% of problem gamblers studied committed civil offenses, 56% had stolen, and 23% were charged with criminal offenses. In contrast, if the calculation suggested that each P&P gambler would be required to commit a dozen crime incidents per year, the numbers would be of a different magnitude.

The estimated coefficients in table 4 also allow us to gauge the fraction of observed crime due to casinos. Summing the estimated number of crimes attributable to casinos for each county, taking into account how many years the casino was in operation, and dividing by the casino counties' total population measures the contribution of casinos to observed crime. Estimates of the share of crime attributable to casinos in 1996 for individual crimes ranged between 5.5% and 30%. Auto theft was the highest, followed by robbery at 23%. The values for the rest of the offenses were between 5.5% and 10%.

We provide three estimates of the implied cost of additional crime. First, we use the cost per victimization figures adjusted to 2003 dollars using the CPI-U to calculate the total social cost of crimes committed in casino counties that are attributable to the casino presence according to the estimated coefficients in table 4 (Miller, Cohen, & Wiersema, 1996, column 4 of Table 9, p. 24). We also report the total social cost for casino counties on a per adult basis. Finally, although the social cost of property crime is not synonymous with the value of the lost property, the latter is nevertheless useful in describing the effect of casinos. The *Sourcebook of Criminal Justice Statistics* (Bureau of Justice Statistics, 2002, table 3.112, p. 298) contains data about the average property loss for four of the offenses in this paper—robbery, larceny, burglary, and auto theft. For those offenses we took the fifth-year lag coefficient estimates for each crime and multiplied them by the average loss per crime adjusted to 2003 dollars using the CPI-U. This produced

property loss numbers per 100,000 population, which can be aggregated to the entire adult population.

In 1996 the total costs for the 178 casino counties exceeded \$1.24 billion per year. If the estimated coefficients from table 4 are applied to a representative county of 100,000 population, 71.3% of which are adults (as is representative of the United States as a whole), then the social costs per adult are \$75 in 2003 dollars. These costs reflect the profile of the lagged effect on crimes experienced by the particular sample of casino counties making up our data set. The value of lost property from the four property crimes is \$2.905 million for a population of 100,000 (\$29.05 per adult), which becomes \$5.91 billion when aggregated to the national level for 2003.

We can compare these costs with other estimates that relied on a different methodology. Social costs of casinos have commonly been estimated in terms of the average cost imposed on society by a P&P gambler²⁴ multiplied by their number. In the most recent comprehensive study of this type of which we are aware, Thompson, Gazel, and Rickman (1996b) found that total social costs were \$135 per adult in 1996 dollars, of which \$57 (40%) were due to police and judicial-related costs and to thefts.²⁵ Thompson et al. reported that they intentionally “projected numbers believed to be very conservative,” and that the crime costs in their sample (Wisconsin) were probably lower than similar costs in other locations. Adjusting crime costs to 2003 dollars, their estimate is \$67. Taking into account the different samples and methodologies, their estimate is remarkably close to the direct costs estimated here for 1996 (\$75).

Corrective taxes reflect the costs that an industry imposes on society. Assuming crime costs no lower than \$75 (there are crimes other than FBI Index I, such as embezzlement, not considered here), crime costs equal to 40% of total social costs, and revenues for a representative casino of \$400 per adult²⁶ each year implies tax rates above 47% of revenues. In a few cases tax schedules for high-end casinos include portions where average tax rates reach these levels.²⁷ Having applied proper taxes, continued operation would be efficient in a Kaldor-Hicks sense.²⁸ If it is feasible to offer gambling in an altered manner that causes fewer P&P

²⁴ Some studies group problem gamblers with pathological gamblers; some treat the two groups separately. Costs are computed by learning the behavior of P&Ps through direct questionnaires and surveys.

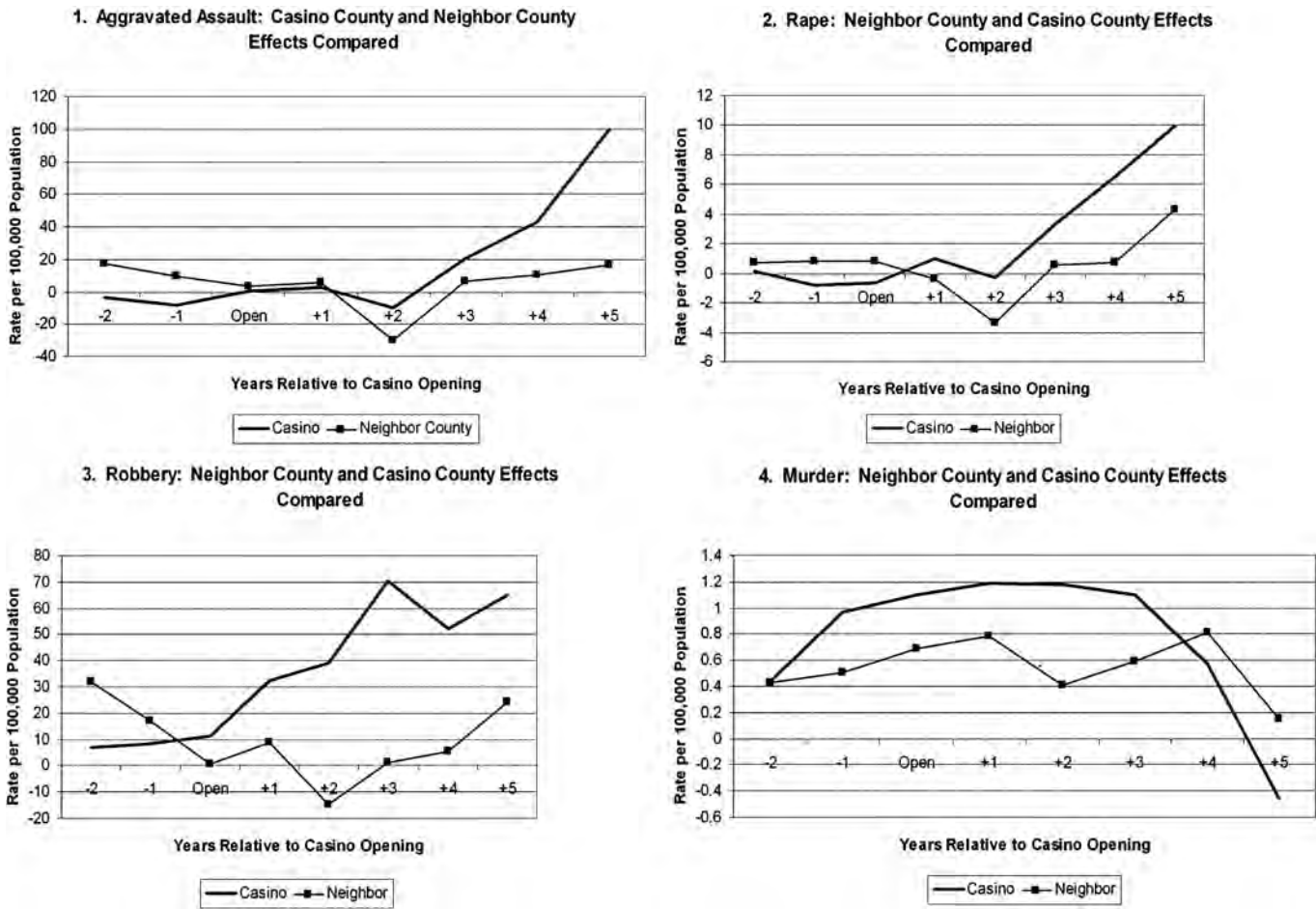
²⁵ The social-cost effect of casino-related serious problem gamblers was \$138,453,113. Dividing this by the number of adults over 20 in the counties with casinos gives the per adult figure in the text. The proportion of costs due to police, theft, and judicial-related costs is determined from their tables A-2 and A-5.

²⁶ Research for the NGISC estimated that average losses by adults living near a casino might be in the \$400–\$600 range per year. Other estimates, including some by the gambling industry for losses by residents in Las Vegas and Atlantic City to casinos, are lower than \$400, even after adjusting upward for price level changes.

²⁷ In Illinois the average tax rate rises from 43% to 50% as casino annual gross revenues rise from \$250 to \$340 million. Revenues this large imply a very successful casino.

²⁸ This observation is due to the anonymous referee. Whether casinos expand, shrink, or disappear will be immaterial, because whatever out-

FIGURE 6.—HOME AND NEIGHBOR CASINO-CRIME EFFECTS: VIOLENT CRIME RATES



gamblers and less crime, then this may be better for society than a response based on taxes.

VI. Do Casinos Simply Attract Crime from Elsewhere?

The estimates suggest that after five years, 8.6% of the observed property crime and 12.6% of the violent crime in casino counties are due to casinos.²⁹ However, do casinos create crime, or merely move it from elsewhere? If the casino-induced increases in crime come only from neighboring regions, casinos produce no new crime. This untested hypothesis is first tested here. To address this question we examine the crime rates of counties that border casino counties. When casinos open, neighboring county crime rates could either decrease, remain the same, or increase. The first possibility supports the idea that casinos move crime from adjacent counties but do not create crime. In the second and third cases, adjacent counties experience no change or an increase in crime, both of which indicate that total crime rises and that casinos create crime.

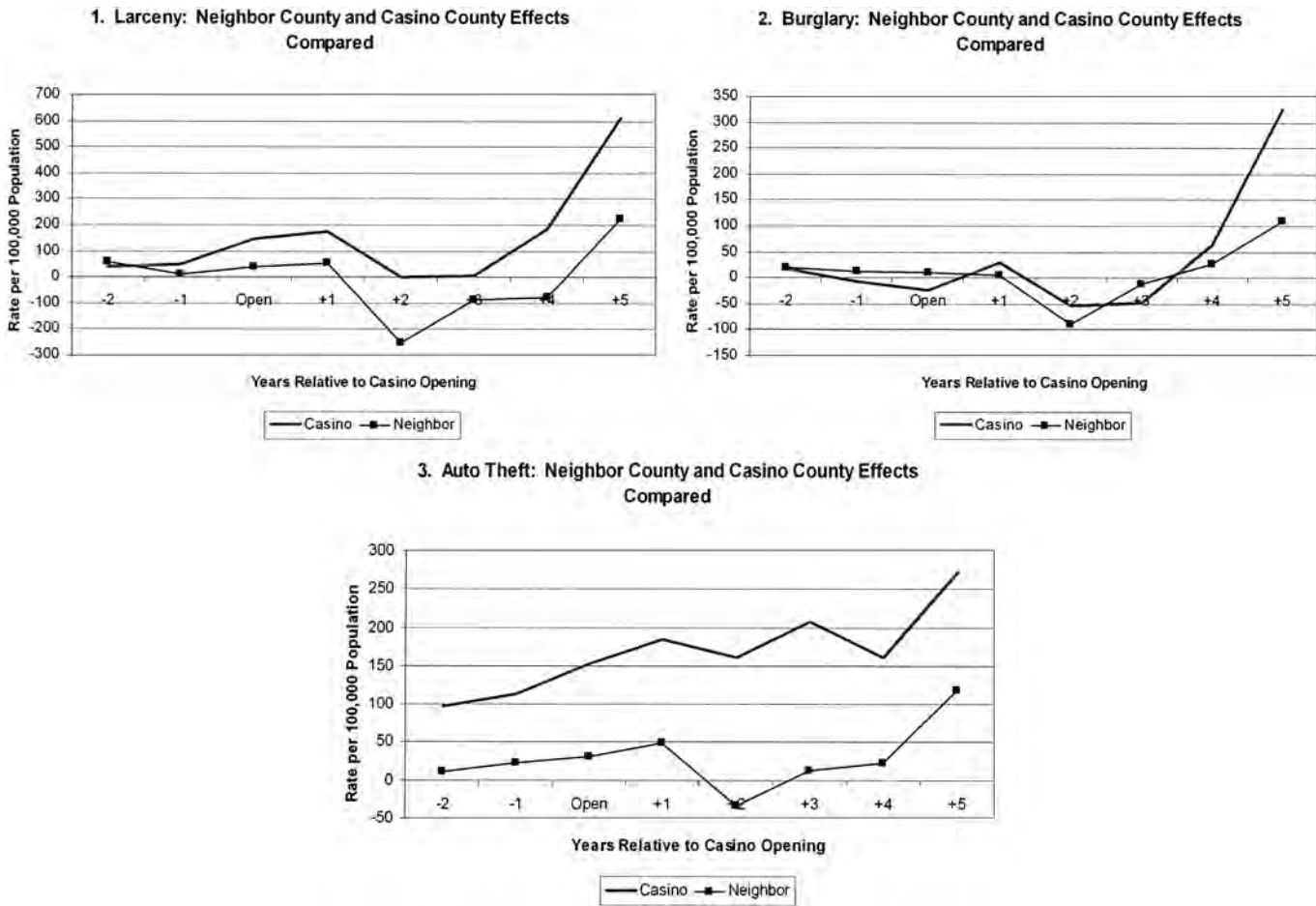
To implement a test strategy we reestimate the table 4 regressions with neighbor leads and lags as additional control variables. We define neighbor lead, opening, and lag variables, similar to those in tables 3 and 4 for the host county. The neighbor opening variable took a value of 1 if a casino opened in an adjacent county in the given year. Adjacent counties are the relevant unit of measurement, because the vast majority of casino patrons come from the local region surrounding the casino. For example, in Illinois over 92% of casino customers come from within 75 miles (Gazel & Thompson, 1996). A few casinos, mainly in Nevada, draw their customers from outside their immediate area. However, our estimates do not rely on these casinos to identify the effects, because these casinos opened prior to the beginning of our sample.

Figures 6 and 7 summarize the estimated casino effect for neighboring and home counties for violent and property crimes, respectively. When the neighbor variables were included, the host-county crime coefficient estimates were virtually unchanged, in terms of both point estimates and statistical significance. For the years before casinos open, there is virtually no effect of the casino on crime rates in neighboring counties. Of the 42 opening and postopening

come occurs will be the result of socially optimal decisions by the firms themselves.

²⁹ Section V C explains the computation of these numbers.

FIGURE 7.—HOME AND NEIGHBOR CASINO-CRIME EFFECTS: PROPERTY CRIME RATES



coefficient estimates on the neighbor variables, 32 are positive, of which 15 are statistically significant at the 0.05 level. Of 21 estimated coefficients for lags 3–5, 18 are positive, of which 8 are individually statistically significant. None of the three negative coefficients for lags 3–5 are statistically significant. All crimes but murder display elevated and rising lags 3, 4, and 5.

For all offense types the data reject the contention that the increase in crime in the casino counties can be attributed to decreases in neighboring counties, and thus support the contention that casinos create crime. *F*-tests reject at the 5% level for all crimes the hypothesis that host-county opening- and lag-coefficient estimates are matched with negative estimates of equal size in neighboring counties. On the contrary, a simple correlation of host- and neighbor-county coefficient estimates for opening and lags ranges from 0.61 to 0.82, with the exception of robbery (0.14). However, there is ambiguity about the extent to which casinos increase crime in neighbor counties. Murder clearly exhibits no spillover effects. For the other offense types the neighbor time pattern is similar to the home-county time pattern. Crime typically increases in later lags, but at half or less the magnitude of the home-county effect, and many of these

neighbor-county effects are not statistically significant until the very last lags. *F*-tests of the proposition that neighbor county coefficient estimates equal their host-county counterparts are rejected at the 5% level for aggravated assault, rape, robbery, and auto theft, but not for the other three crimes.

In our discussion of host-county auto theft rates we speculated as to why the host-county estimated coefficients displayed a different pattern of continually growing crime. This pattern of host-county coefficient estimates did not appear closely related to the introduction of casinos. However, auto theft for neighbor counties displays the pattern of crime increases observed for other crimes. There is a statistically significant, discernibly different crime rate three or more years after the opening of the neighboring casino, but not in the years before. The neighbor-county effect suggests possible spillover of auto theft crimes due to the casino.

VII. Conclusions

Our analysis of the relationship between casinos and crime is the most exhaustive ever undertaken in terms of the number of regions examined, the years covered, and the

control variables used. Using data from every U.S. county from 1977 to 1996 and controlling for over 50 variables to examine the impact of casinos on the seven FBI Index I crimes (murder, rape, robbery, aggravated assault, burglary, larceny, and auto theft), we concluded that casinos increased all crimes except murder, the crime with the least obvious connection to casinos. Most offenses showed that the impact of casinos on crime increased over time, a pattern very consistent with the theories of how casinos affect crime. The crime-ameliorating effects of casinos through increased employment opportunities and wages for low-skilled people will be concentrated shortly after opening. Also, law enforcement agencies can frequently use casino openings to leverage greater immediate staffing increases, but are unable to sustain this growth. This effect further reduces the immediate impact of casinos on crime. However, over time these effects are dominated by casino-related factors that increase crime. Specifically, problem and pathological gamblers commit crimes as they deplete their resources, non-residents who visit casinos may both commit and be victims of crime, and casino-induced changes in the population start small but grow. The data show that these crime-inducing and crime-mitigating effects offset each other shortly after opening, but over time the crime-raising effects dominate, and crime increases in subsequent years. Furthermore, we believe these estimates to be lower bounds on the true effect because they omit measures of law enforcement, which is typically increased substantially when casinos open. When we include law enforcement measures, the estimated effects are larger.

According to the estimates, between 5.5% and 30% of the different crimes in casino counties can be attributed to casinos. This translates into a social crime cost associated with casinos of \$75 per adult in 1996. This figure does not include other social costs related to casinos, such as crime in neighboring counties, direct regulatory costs, costs related to employment and lost productivity, and social service and welfare costs. Overall, 8.6% of property crime and 12.6% of violent crime in counties with casinos was due to the presence of the casino. Although robbery, the offense that exhibited the largest increase, is classified as a violent crime, it is similar to property crime in that its motivation is financial.

We also investigated whether the crime in casino counties is attracted (moved) from other regions or is created. Counties that neighbor casino counties did not experience compensating crime reductions, indicating that crime was created in casino counties, rather than simply being shifted from one area to another. There is mixed evidence about whether casino openings increase neighbor-county crime rates. Murder rates in neighbor counties are unaffected. The other offenses exhibit increasing neighbor rates, but are generally not statistically significant until the fourth and fifth year after opening.

REFERENCES

- Albanese, Jay S., "The Effect of Casino Gambling on Crime," *Federal Probation* 49:2 (1985), 39–44.
- Albanese, Jay S., "Casino Gambling and White Collar Crime: An Examination of the Empirical Evidence," prepared for the American Gaming Association (1999), http://www.americangaming.org/assets/files/studies/white_collar_crime.pdf, last accessed October 7, 2005.
- Ayres, Ian and Steven D. Levitt, "Measuring Positive Externalities from Unobservable Victim Precaution: An Empirical Analysis of Lojack," *Quarterly Journal of Economics* 113:1 (1998), 43–77.
- B.D.I.T., *Casinos: The International Casino Guide*, 6th ed. (Port Washington, NY: B.D.I.T., Inc., 1997).
- Breen, R.B., and M. Zimmerman, "Rapid Onset of Pathological Gambling in Machine Gamblers," *Journal of Gambling Studies* 18:1 (2002), 31–43.
- Bridwell, R. Randall, and Frank L. Quinn, "From Mad Joy to Misfortune: The Merger of Law and Politics in the World of Gambling," *Mississippi Law Journal* 72:2 (2002), 565–729.
- Buck, Andrew J., Simon Hakim, and Uriel Spiegel, "Casinos, Crime and Real Estate Values: Do They Relate?" *Journal of Research in Crime and Delinquency* 28 (1991), 288–303.
- Bureau of Justice Statistics, *Sourcebook of Criminal Justice Statistics 2002*, 30th ed. Utilization of Criminal Justice Statistics Project, Ann L. Pastore and Kathleen Maguire (Eds.), University at Albany, School of Criminal Justice, Hindelang Criminal Justice Research Center, Albany, NY. Available online: www.albany.edu/sourcebook, accessed March 5th, 2004.
- Chesney-Lind, Meda, and Ian Y. Lind, "Visitors against Victims: Crimes against Tourists in Hawaii," *Annals of Tourism Research* 13 (1986), 167–191.
- Chiricos, Ted, "Casinos and Crime: An Assessment of the Evidence," University of Nevada, Las Vegas, Special Collections (1994).
- Evans, William N., and Julie Topoleski, "The Social and Economic Impact of Native American Casinos," University of Maryland working paper (2002).
- Federal Bureau of Investigation Conference on Casino Gaming, sponsored by the Federal Bureau of Investigation, The United States Attorney's Office, the Kentucky Association of Chiefs of Police, and the Kentucky Association of Commonwealth Attorneys, Louisville, KY (1999).
- Florida Department of Law Enforcement, "The Question of Casinos in Florida: Increased Crime: Is It Worth the Gamble?" Tallahassee, FL: State of Florida (1994).
- Florida Sheriffs Association, "Casinos and Crime: Is It Worth the Gamble? A Summary Report and Position Paper," Tallahassee, FL: Florida Sheriffs Association (1994).
- Friedman, Joseph, Simon Hakim, and J. Weinblatt, "Casino Gambling as a "Growth Pole" Strategy and Its Effect on Crime," *Journal of Regional Science*, 29 (1989), 615–623.
- Gazel, Ricardo C., Dan S. Rickman, and William N. Thompson, "Casino Gambling and Crime: A Panel Study of Wisconsin Counties," *Managerial and Decision Economics* 22 (2001), 65–75.
- Gazel, Ricardo, and William Thompson, "Casino Gamblers in Illinois: Who Are They?" report for the Better Government Association of Chicago (1996).
- Gittings, Kaj, and Naci Mocan, "Pardons, Executions and Homicide," NBER working paper no. 8639 (2001).
- , "Getting off Death Row: Commuted Sentences and the Deterrent Effect of Capital Punishment," *Journal of Law and Economics*, 45:2 (2003), 453–478.
- Gould, Eric D., Bruce A. Weinberg, and David B. Mustard, "Crime Rates and Local Labor Market Opportunities in the United States: 1977–1997," this REVIEW, 84:1 (2002), 45–61.
- Government Accounting Office, "Impact of Gambling," GAO/GGD-00-78 (2000), pp. 1–68.
- Grinols, Earl, "Incentives Explain Gambling's Growth," *Forum for Applied Research and Public Policy* 11:2 (1996), 119–124.
- , *Gambling in America: Costs and Benefits* (New York: Cambridge University Press, 2004).
- Grinols, Earl, and David B. Mustard, "Business Profitability vs. Social Profitability: Evaluating the Social Contribution of Industries with

- Externalities and the Case of the Casino Industry," *Managerial and Decision Economics* 22 (2001), 143–162.
- Grinols, Earl, and J. D. Omoroy, "Development or Dreamfield Delusions?: Assessing Casino Gambling's Costs and Benefits," *Journal of Law and Commerce* 16:1 (1996), 49–88.
- Grogger, Jeff, "Market Wages and Youth Crime," NBER working paper no. 5983 (1997), Harvard Medical School and Massachusetts Council on Compulsive Gambling, "Political Contributions by the Gaming Industry," *The Wager: The Weekly Addiction Gambling Education Report* 2:39 (1997), <http://www.basionline.org/backissues/1997/vol2pdf/w239.pdf>, last accessed October 7, 2005.
- Henriksson, Lennart E., "Hardly a Quick Fix: Casino Gambling in Canada," *Canadian Public Policy* 22 (1996), 116–128.
- Hsing, Yu, "An Analysis of Arrests Regarding Illegal Drugs: The Determinants and Policy Implications," *American Journal of Economics and Sociology* 55 (1996), 53–60.
- Kindt, John W., "Increased Crime and Legalized Gambling Operations: The Impact on the Socio-Economics of Business and Government," *Criminal Law Bulletin* 43 (1994), 538–539.
- Lee, Barbara A., and James Chelius, "Government Regulation of Labor-Management Corruption: The Casino Industry Experience in New Jersey," *Industrial and Labor Relations Review* 42 (1989), 536–548.
- Lesieur, Henry R., "Costs and Treatment of Pathological Gambling," *Annals of the American Academy of Political and Social Sciences* 556 (1998), 153–171.
- Levitt, Steven D., "Why Do Increased Arrest Rates Appear to Reduce Crime: Deterrence, Incapacitation, or Measurement Error?" *Economic Inquiry* 36 (1998), 353–372.
- Lott, John R., and David B. Mustard, "The Right-to-Carry Concealed Handguns and the Importance of Deterrence," *Journal of Legal Studies* 26:1 (1997), 1–68.
- Margolis, Jeremy, "Casinos and Crime, an Analysis of the Evidence," American Gaming Association, unpublished (1997).
- Maryland Department of Health and Mental Hygiene, Alcohol and Drug Abuse Administration, *Final Report: Task Force on Gambling Addiction in Maryland* (Baltimore, 1990).
- Miller, Ted R., Mark A. Cohen, and Brian Wiersema, *Victim Costs and Consequences: A New Look* (Washington, DC: National Institute of Justice, 1996).
- Miller, William J., and Martin D. Schwartz, "Casino Gambling and Street Crime," *Annals of the American Academy of Political and Social Science* 556 (1998), 124–137.
- Mustard, David B., "Reexamining Criminal Behavior: The Importance of Omitted Variable Bias," this REVIEW, 85:1 (2003), 205–211.
- National Gambling Impact Study Commission, "Gambling Impact and Behavior Study: Report to the National Gambling Impact Study Commission" (1999). National Opinion Research Center, "Gambling Impact and Behavior Study: Report to the National Gambling Impact Study Commission" (1999), <http://govinfo.library.unt.edu/ngisc/reports/gibstudy.pdf>, last accessed October 8, 2005.
- Nelson, Dennis J., Howard L. Erickson, and Robert J. Langan, "Indian Gaming and Its Impact on Law Enforcement in Wisconsin," API Consulting Services (1996).
- Piskora, Beth, "Casino Gets \$2.26 M Fine in Girls-and-Golf Scandal," *New York Post* (August 6, 2002), reported on www.casinowatch.org/prostitution/prostitution_1.html, accessed on April 18, 2003.
- Reno, Ronald A., "False Hope," *Citizen*, 11:6 (1997), 10–13.
- RI Gambling Treatment Program, "Video Slots: The Most Addictive Form of Gambling in History" (2002), on www.lifespan.org/Services/MentalHealth/RIH/Gambling/Research/default.htm, accessed on July 13, 2003.
- Rohrig, Byron, "Gambling Addiction Takes Away Life," *Evansville [IN] Courier & Press*, March 7, 2002.
- Schneider, Grace, "Grandmother Pleads Guilty in Fraud Case: Grandmother Sentenced to Three Years, Must Repay Brinly-Hardy Co. \$129,000," *Louisville Courier Journal*, July 3, 2003.
- Strow, David, "Study Pinpoints Prevalence of Problem Gambling," *Las Vegas Sun*, May 24, 1999. Available online: www.lasvegassun.com/sunbin/stories/sun/1999/may/24/508837298.html?Bo%20Bernhard, accessed August 18, 2004.
- Thompson, William N., Ricardo Gazel, and Dan Rickman, "Casinos and Crime in Wisconsin: Is There a Connection?" Milwaukee: Wisconsin Policy Research Institute, vol. 9 (1996a), no. 8.
- "The Social Costs of Gambling in Wisconsin," Milwaukee: Wisconsin Policy Research Institute, vol. 9 (1996b), no. 6, pp. 1–44.

From: kathy cammorata <kcammorata25@gmail.com>
Sent: Thursday, November 21, 2024 5:32 PM
To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>
Subject: [EXTERNAL] Keep going forward

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Keep moving forward your doing a good thing. This reminds me about many years ago in Indiana when the potawatami wanted to do a river boat casino on the st Joseph river. All this backlash from local officials and private citizens with protesting signs that said "Indians go home" what the heck!!! Anyways it was defeated for the potawatami to have a river boat casino and licenses were not granted. It was about 1 to 2 years later a US gambling company was granted and given licenses and permits to build a riverboat casino.

From: Fabiola Monroe <fabmonroe73@gmail.com>
Sent: Thursday, November 21, 2024 5:30 PM
To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>
Subject: [EXTERNAL] Resident from Jackson County

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I lived more than 12 years ago in this community and I feel so proud and impressed how this community have been growing since then, I can't wait we having now a casino wish will bring more jobs , more opportunities for business,

Can't wait to see a new Casino in Medford !!

Thank you to the Indian community for this dream come true!

From: Rick Shroy <rangerrick1@gmail.com>

Sent: Friday, November 22, 2024 6:29 AM

To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>

Subject: [EXTERNAL] FEIS Comments, Coquille Indian Tribe Fee-to-Trust and Casino Project

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Hello,

As a local resident I fully support the casino moving forward. I believe more competition will be good for the gaming industry. This will also help support the Coquille Tribe rather than having to drive 170 miles to do so. The Cow Creek Tribes and the State of Oregon just don't want the competition and a class II casino will not make a notable impact on these 2 identities. Since other tribes already have these additional class 2 casinos it would be unfair and discriminatory to exclude them from proceeding with their plans to build. I hope the BIA approves the project.

Sincerely

Rick Shroy

513 Sienna Hills Dr. , Eagle Point, OR

From: Nancy Nidiffer <nancynidiffer@gmail.com>
Sent: Monday, December 2, 2024 1:25 PM
To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>
Subject: [EXTERNAL] Feis comments, coquille Indian tribe fee-to-trust and casino project

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I would like to note my objection to building a casino in Medford at the bowling alley site. There are already enough locations for people to gamble. I feel like we are being inundated with casinos.

Nancy Nidiffer
nancynidiffer@gmail.com

11/26/2024

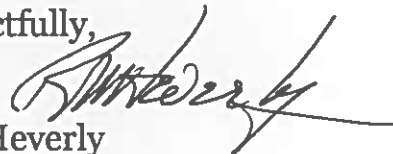
Mr. Tobiah Mogavero,

Please accept this as public input to the comments on the proposed gambling facility in Medford, Oregon. My position is the same as it has been for several years now, and as having been communicated before to Mr. Haug and others: The unintended consequences are often forgotten in the evaluation period and decision making. How can we measure the impact on our social services and enforcement agencies related to the effects from such a facility? The "upside" is always touted as new jobs, wages, taxes etc. etc. The "downside" is seldom measured or mentioned. Lost wages, family impacts, increased taxpayer assistance to affected individuals in my mind, far out way the benefits to the tribe.

I oppose the establishment of yet another gambling establishment. The original understanding of one facility per tribe will now start the ball rolling for additional facilities for the other tribes and further impact other communities in Oregon.

Please consider the adverse effects of this proposal when making your final decision.

Respectfully,



Mike Heverly
2104 Quail Point Circle
Medford, OR 97504-4523
heverlymike@gmail.com

Your email address at tobiah.mogavero@bia.gov. is not recognized and I could not email these comments to you.
Subject line "FEIS Comments, Coquille Indian Tribe Fee-to-Trust and Casino Project.

????

R.M. Heverly
2104 Quail Point Circle
Medford, OR 97504-4523

PORTLAND OR RPDC 972

27 NOV 2024 PM 2 L



Mr. Tobiah Mogavero
NEPA Coordinator
Bureau of Indian Affairs
911 NE 11th Ave.
Portland, OR 97232

97232-418299



From: William Davis <bandld@toledotel.com>
Sent: Tuesday, December 3, 2024 4:53 PM
To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>
Cc: William Davis <bandld@toledotel.com>
Subject: [EXTERNAL] FEIS Comments, Coquille Indian Tribe Fee-to-Trust and Casino Project

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Tobiah Mogavero
NEPA Coordinator, Bureau Of Indian Affairs

Trevor Porter
1247 Evans Road
Toledo, WA 98591

*NOTE - Email Address of Davis is a Home Computer

Dear Ms. Mogavero,

In regard to the coquille tribe requesting to have a second casino in the state of Oregon. I am one of many representing my tribe of the Cow Creek Band of Umpqua tribe of Indians. We have over 1800 members that span into Washington State that rely on the healthcare that our tribe is fortunate to offer its tribal members due to the fact that we have a casino in Cannonville Oregon. The Cow Creek Umpqua Tribe of Indians paved the way for other tribes to have gaming establishments by being the first tribe to successfully negotiate a contract with the state of Oregon for casino style gaming in 1993. In addition to healthcare, the tribe is involved with the community. If another tribe such as The Coquille Tribe were allowed to establish a second casino in Oregon it would hinder their ability to the Cow Creek Tribe to provide jobs and the good that The Cow Creek Umpqua Tribe offers Non-tribal members by expanding business opportunities for growth and preservation.

We hope you will take into consideration the negative impact a casino contract with the Coquille in the state of Oregon would have on the Cow Creek Umpqua

Tribe as well as the impact we strive to bring to our tribe as well as to the community.

Sincerely,

**Trevor Porter
Tribal Member #518**

Email: bandld@toledotel.com

From: Keanu L <keanulycett50@gmail.com>
Sent: Wednesday, December 4, 2024 1:45 PM
To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>
Subject: [EXTERNAL] FEIS Comments, Coquille Indian Tribe Fee-to-Trust and Casino Project

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Dear Mr. Mogavero,

I am writing to express my strong opposition to the proposed off-reservation casino in Medford. This decision is wrong for Oregon and raises significant concerns on multiple levels.

First, the federal government has not adequately consulted with the Cow Creek Band of Umpqua Tribe of Indians or other Tribes that stand to be harmed by this project. Proper consultation is essential to ensure that the voices of all affected Tribes are heard and respected. Ignoring this step disregards the government's obligation to uphold fairness and transparency in such decisions.

Additionally, it is important to recognize the widespread opposition to this proposal. Dozens of Oregon lawmakers have expressed their concerns, reflecting the broad unease this project has generated among the state's leaders.

The Coquille Tribe's distance from Medford is also deeply concerning. With their ancestral lands located on the Oregon Coast, roughly 170 miles away, this project challenges the principle of Tribal land sovereignty. It risks setting a dangerous precedent for establishing off-reservation casinos far from Tribal territories.

This decision would not only affect Medford but could also open the door to an increase in off-reservation casinos across Oregon and the United States, potentially disrupting established gaming frameworks and Tribal agreements nationwide.

Finally, the economic and cultural impact on the Cow Creek Umpqua Tribe cannot be overstated. Families, employees, and community partners tied to the Tribe would face significant risks, undermining their stability and prosperity.

I strongly urge the Bureau of Indian Affairs to reconsider this proposal and prioritize meaningful engagement with all affected parties. The potential consequences of moving forward with this project are far-reaching and profoundly detrimental.

Thank you for considering my concerns.

Sincerely,
Keanu Lycett

Cow Creek Band of Umpqua Tribal Citizen

From: Rachel Gaylord <rachelgaylord1987@gmail.com>
Sent: Thursday, December 5, 2024 4:23 PM
To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>
Subject: [EXTERNAL] FEIS Comments,Coquille Indian Tribe Fee-to-Trust and Casino Project

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Subject: Opposition to Coquille Tribe's Proposed Casino in Medford

Dear Tobias Mogavero,

My name is Rachel Gaylord, and I am a member of the Cow Creek Umpqua Tribe. I am reaching out to express my deep concerns regarding the proposed casino development in Medford by the Coquille Tribe, which would have significant negative impacts on our tribal community.

This development threatens the livelihood of our tribal members, employees, partners, and the many families who depend on our existing casino. The federal government has failed to adequately consult with the Cow Creek Umpqua Tribe or other tribes that could be harmed by this decision. Additionally, numerous lawmakers have expressed opposition to this project.

As we approach 2024, it is disheartening that we continue to fight for our land and rights. The Coquille Tribe is based on the Oregon Coast, 170 miles away from Medford, and they have other viable locations for their casino. This project sets a troubling precedent for the expansion of off-reservation casinos across Oregon and the nation, which would have far-reaching consequences for our tribes and communities.

This is not just a matter of policy—it is a matter of justice for our families, the communities we support through casino donations, and the future of our children. I urge you to stand with us in opposition to this project and help prevent further harm to our tribe and other affected communities. The federal government has already taken much from us; please do not allow this to be another loss.

While I fear my voice may go unheard, I want to ensure I did everything I could to advocate for what is right. Please consider the broader implications of this decision and join us in opposing this harmful project.

Thank you for your time and consideration.

Sincerely,

Rachel Gaylord

Cow Creek Umpqua Tribe

From: Anati Zubia <anati.zubia@gmail.com>

Sent: Thursday, December 5, 2024 5:03 PM

To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>

Subject: [EXTERNAL] Comments in Support of the Medford Casino Project and Land Trust Designation

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Dear Mr. Mogavero,

As a proud member of the Coquille Indian Tribe, I want to express my strong support for the Medford Casino Project and the placement of the project land into trust. This project isn't just about development—it's about sustainability, sovereignty, and ensuring we can continue to provide for our people while being good neighbors in our communities.

I'm writing not just as a Tribal member, but as someone whose life has been directly shaped by the opportunities our Tribe has created. My first real job was in marketing at The Mill Casino in North Bend. That experience didn't just teach me how to build campaigns or work with a team—it was the launchpad for everything that's followed in my life. It helped pay for my undergraduate degree and set me on a career path that eventually led to earning an MBA from Columbia Business School in New York City. I'm proud to say I'm the first person in my family to achieve a graduate-level education, and I couldn't have done it without the Tribe's support and the opportunities businesses like The Mill provide.

Our Tribe has always been about more than just ourselves. In Coos Bay and North Bend, we've shown what it means to be community stewards. We've created jobs, supported local businesses, and contributed to initiatives that lift up everyone in the region. Medford is part of our homeland, and I see this project as a chance to bring that same spirit of partnership and shared success to the Rogue Valley.

I know some people may have questions about a project of this scale, but the FEIS does a great job of showing how thoroughly this has been thought through—economically, socially, and environmentally. Our Tribe has always taken a thoughtful, collaborative approach to development, and I'm confident this will be no different.

This project is a chance to honor our history while building a brighter future for the next generation. It's a way to give back to a place that means so much to us, just as we've done in Coos Bay and North Bend.

Thank you for considering my story and my support. I hope the Bureau of Indian Affairs will see this project for what it is: a step forward for our Tribe, and a gift to the community we're honored to be part of.

Sincerely,

--

Anati J. Zubia

(480) 729-0747

anati.zubia@gmail.com

From: Courtney Buschmann Simpson <courtneysimpson1915@gmail.com>
Sent: Friday, December 6, 2024 3:30 PM
To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>
Subject: [EXTERNAL] FEIS Comments, Coquille Indian Tribe Fee-to-Trust and Casino Project

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STOP THE MEDFORD COQUILLE CASINO!

This impacts more than just one tribe. One casino per tribe on reservation land.

Say no!

From: Shelley Estes <seashellestes@gmail.com>
Sent: Friday, December 6, 2024 5:29 PM
To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>
Subject: [EXTERNAL] FEIS - Coquille Indian Tribe Medford Project

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Dear Director Mogavero,

I am writing to you to ask for your support in this project.

I am a Coquille Indian Tribal member, my grandfather is my role model.

The reason I say this is because everyday I think about how he suffered and his resiliency that has lasted through the generations in my family.

My grandfather was born and raised off an allotment up Seven Devils Road in the Charleston, Oregon area. His father died when he was a child. My grandfather and his siblings would have to walk 7-10 miles to town and school, they were poor and had no opportunity to thrive. His mother was forced to take on boarders in the logging industry just to make ends meet.

When he was a young child, he was forced to go to school at Chemawa in Salem, Oregon, as part of the "kill the indian, save the child" movement. He tried to run away three times. My grandfather had nothing good to say about his experience, he shared he could hear children beaten and that they were forced to eat something that looked like pink gravy.

At 15 he left Chemawa and did the only thing available to him, logging. He went to logging camps, broke his back in a Crummy accident and lost his eye.

Through all this generational trauma, he never lost his smile. He never raised his voice or his hand to us. He had a smile that could light up a room and a laugh you could hear down the road. He is my champion, my hero.

The reason I tell you this story is first, I love stories, I am a story teller of the good and the bad. I keep my families spirit alive by telling their stories.

The other reason I tell you this story is after so many failed policies and attacks on our tribe (Allotment, Residential Schools, Termination), many of our tribal families left this area, moving to our ancestral homelands elsewhere to try to make a better life. My mother and uncle lived for many years in Jackson county. My uncle Ken was Chief of the restored Coquille Indian people, after my grandfather passed for many years until his passing.

We had a conversation one day. I told Ken (my uncle) about a cabin we had off of Dead Indian Road. (Yes that road still exists and currently is called Dead Indian Memorial Road). I loved that cabin, it was in Ponderosa pines with beautiful lakes all around (Hyatt and Howard Prairie). I would go in the dry creek beds in the summer and find many chards of obsidian, flaked when the arrowheads were created. I felt at home here.

Ken looked at me and said, this is your home. He said he felt the same way, that is why he lived in Jackson county until his death. That was part of our ancestral homelands.

To this day, I feel more at home looking out at Table Rock or up at Hobart Bluff looking down the valley. I feel my ancestors all around me. I almost bought that cabin from my parents, but when my mom passed, she asked me to help our tribe and live on Kilkich. So I live in her house (she moved back to join Council and help our people) and have joined the Council as well.

I never want our people to not have opportunity like my grandfather. I think of all the things he could have done, if only he had a voice and opportunity. It makes my heart hurt to think of all the injustice ALL tribal family members have suffered.

Please, help us right a wrong, give us a voice and opportunity so we can help our tribal family thrive. This has been a long heartache to our people. Please, if you could find it in your heart to allow us to finally put our land into trust. This is our home too. I feel it in my being.

Thank you for your time and effort sir.

Sincerely,

Shelley Estes
Coquille Indian Tribal Member
541-297-1279

From: Charlie Snider <ChazSnider@outlook.com>
Sent: Saturday, December 7, 2024 8:10 AM
To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>
Subject: [EXTERNAL] Coquille Indian Tribe Fee-to-Trust and Casino Project

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Please allow the remodeling to begin on the Roxy bowling building. I am not a Casino visitor, but it will improve South Medford and be an appropriate addition along side of the beautiful Margaritaville/Compass hotel. This excruciated process of approval has gone on far too long. Approve it TODAY!!

Charlie Snider
ChazSnider@outlook.com
541-531-2472

From: Trista Johnson <tristac84@gmail.com>

Sent: Sunday, December 8, 2024 5:46 PM

To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>

Subject: [EXTERNAL] FEIS Comments, Coquille Indian Tribe Fee-to-Trust and Casino Project

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Dear Mr Mogavero,

I'm contacting you today as a concerned Tribal Member of The Cow Creek Band of Umpqua Tribe of Indians, regarding the proposed new casino to be built in Medford.

We are asking for this new casino to not be allowed to be built, for several reasons:

- It is 170 miles away from the Coquille Tribes already existing casino.
- It will be Oregon's first casino in an urban area, causing concerns that it will open the door for other tribes to open casinos off reservations.
- Violating the Indian Gaming Regulatory Act.
- Creating a gambling "arms race".
- Causing other tribes to lose current depended on revenues.

Please help us STOP the building of this casino, and encourage us to work together to strengthen the Tribal Community, sharing tried and true ideas for other revenue sources.

Thank you for your time and attention in this matter.

Trista Johnson

From: Trista Johnson <tristac84@gmail.com>

Sent: Monday, December 9, 2024 7:49 AM

To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>

Subject: Re: [EXTERNAL] FEIS Comments, Coquille Indian Tribe Fee-to-Trust and Casino Project

Good morning Tobiah,

Thank you for the confirmation that my email and comments were received and reviewed.

I do want to clarify that by other revenue streams I mean, other businesses not just casino related.

Thank you again for your time and attention in this matter.

Trista

From: David Eisenberg <wilmington1204@gmail.com>
Sent: Sunday, December 8, 2024 10:53 PM
To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>
Subject: [EXTERNAL] EISA - Medford

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I am opposed to the granting of a final EISA for a Medford casino.

The preferred alternative " A " will reduce income for existing Native American Casinos, will have a very disruptive effect on local traffic and will upend. the long established " one tribe - one casino " arrangement in Oregon.

Alternative C - would provide the Coquille Tribe with additional income.

It is only through a fluke of the Re-recognition text of the Tribe (after they were unjustly terminated) that has even made this a consideration. Jackson County is listed as part of the Tribe's service area - The Tribe has not made the argument that they have had a historical presence as a tribe in Jackson County.

A successful approval of this process will result in more application by tribe for locations with only marginal connections to the new location.

Casinos make money because people lose money.

Alternative A should be rejected. Alternative C should be approved

Thank you. David Eisenberg - 3365 Dark Hollow - Medford OR

From: Harlan & Kathleen Posen <theposes@gmail.com>

Sent: Monday, December 9, 2024 3:04 PM

To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>

Subject: [EXTERNAL] feiscommentscoquilleindiantribefee-to-trustand casinoproject

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I object to having a non-reservation casino built in Medford, Oregon.

From: Randall Hunter <rlhunter2015@gmail.com>
Sent: Monday, December 9, 2024 3:13 PM
To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>
Subject: [EXTERNAL] DEIS Comments, Coquille Tribe Medford Gaming Facility Project

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Dear Mr. Mogavero:

I strongly encourage the BIA to approve the Coquille Indian Tribe's Proposed Project and thank you for this opportunity to provide these comments.

My name is Randy Hunter and I am a Tribal Member (#958), a Tribal Elder, a Coquille Economic Development Board of Directors member for 10 years and have served the Tribe as an elected Representative to the Tribal Council.

I sincerely believe that moving forward with this new development will be greatly beneficial for not only the Coquille Tribe, but the City of Medford and Jackson County as well. The EIS clearly demonstrates that almost 80 jobs in the short term will be created with close to 300 total jobs, creating even more opportunity for growth in the future. This much needed boost to the job market in Medford would greatly help the community and the "Downtown" scene.

The tribe is an employer of choice and will offer new well paying jobs with excellent benefits for people in the area. This would draw more visitors to the area and increase the economic impact of dollars staying in the community.

We the Coquille People have a strong 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 are confident that our presence would be beneficial to all involved.

The Tribe and local communities have benefitted from the cultural, social and employment programs and services that the Tribe has built since we were restored in 1989, and to be able to help our Tribe continue the work of building and sustaining those same programs for future generations would be a blessing.

We hope that you will Bless us with your approval of this worthwhile project.

From: Julie Wright <julie@labische.net>
Sent: Tuesday, December 10, 2024 8:34 AM
To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>
Subject: [EXTERNAL] FEIS Comments, Coquille Indian Tribe Fee-to-Trust and Casino Project

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Dear Mr. Mogavero,

I am a grateful member of the Coquille Indian Tribe. It is truly important that the Medford Casino Project be placed in land to trust. For me, it is about sovereignty and continuing to provide for our people in the future.

I am an elder of the Tribe and the benefits and opportunities have been life changing by our present casino in Coos Bay/North Bend. I know that the casino in Medford would have that same effect on not only our Tribal members but the community of Medford as well. The Tribe was a huge provider for my daughter to be able to attend college and law school. At that time I was a single mother. I continue to be blessed by the medical coverage that our tribe allows to outside service area members.

I believe that the "FEIS does a great job of showing how thoroughly this has been thought through—economically, socially, and environmentally. Our Tribe has always taken a thoughtful, collaborative approach to development, and I'm confident this will be no different".

This project will be life changing for not only our Tribe but the community of Medford (like it has done for Coos Bay/North Bend).

I humbly thank you for your time and hope to see that the BIA sees how important this project is to our Tribe and the surrounding community.

Sincerely,

Julie Gilkey Wright
PO Box 1057
Rogers, AR 72757

From: Robert Mengis <pogo.mengis@gmail.com>

Sent: Tuesday, December 10, 2024 10:18 AM

To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>

Subject: [EXTERNAL] FEIS Comments, Coquille Indian Tribe Fee-to-Trust and Casino Project

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I don't think there is any way that you can allow this to go through, given the pandora's box of subsequent actions by any other tribe which thinks that they can go and invest on any other tribe's lands at their whim. You have laws in place that prevent this infringement of tribal rights. Just enforce them. I personally don't think casinos are the answer for Indian's best benefit, but you have laws in place that effectively govern the placement of casinos, and it is not a good idea to violate this precedent.

Robert Mengis
Medford, OR

From: Lynette O'neal <klaconeal1@aol.com>

Sent: Thursday, December 12, 2024 7:25 AM

To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>

Subject: [EXTERNAL] FEIS Comments, Coquille Indian Tribe Fee-to-Trust and Casino Project

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We write this letter in support of the proposed casino in Medford Oregon. We are seniors that visit casinos periodically. Living in the Rogue Valley has its challenges, especially in the winter. The mountain passes are often closed or not safe to drive during the winter. By having a casino in the Rogue Valley, we would be able to visit it for entertainment and socialization.

We also have visited several casinos within a close proximity of each other during vacations and visits. For example, Coos Bay/North Bend has The Mill and Three Rivers. They are different levels of casinos and offer a variety of entertainment. Having a casino in Medford will not decrease visits to 7 Feathers of Rain Rock, which are 75 and 55 miles away respectively. It may actually increase visits as we know many people who like to visit areas and go to several casinos within close proximity.

In addition, the towns that have casinos have prospered due to the revenue it brings into their areas. I have seen multiple improvements to towns and cities due to the numbers of visitors and the revenue the casinos bring.

We urge you to approve the construction of the casino in Medford Oregon. Thank you.

Ken and Lynette O'Neal

From: Jeff Bruton - PROPT - UIDC Facilities Director <Jeff.Bruton@sevenfeathers.com>
Sent: Thursday, December 12, 2024 1:01 PM
To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>
Subject: [EXTERNAL] FEIS Comments, Coquille Indian Tribe Fee-to-Trust and Casino Project

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Mr. Mercier,

Please see attached letters regarding the Coquille Indian Tribe's project to build a casino within Medford city limits.

Thank you,

Jeff Bruton
Facilities Director
Seven Feathers Casino Resort
146 Chief Miwaleta Lane, Canyonville Oregon 97417
Jeff.Bruton@sevenfeathers.com
Office:541-839-1203 Cell:541-530-2721

FEIS Comments, Coquille Indian Tribe Fee-to-Trust and Casino Project

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

Dear Mr. Mercier,

As a concerned resident of Southern Oregon, I am writing to express my strong opposition to the proposed off-reservation casino by the Coquille Indian Tribe in Medford, Oregon. This decision, which relies on outdated data and bypasses the input of newly elected officials and local residents, threatens to fundamentally alter the character of our community.

For over a decade, this proposal has caused uncertainty and frustration in Medford. The decision-making process has ignored the evolving demographics and sentiments of our city, relying instead on old studies that no longer reflect the current reality. Moreover, with the November 2024 election just behind us, newly elected officials in Medford and Jackson County have not been given the opportunity to represent the voices of their constituents on this critical issue.

The approval of this casino would set a dangerous precedent, paving the way for similar projects far from tribal lands across Oregon. Such a move undermines the integrity of land management policies and the balance of gaming operations statewide. Medford residents, including myself, are deeply concerned about the potential social, economic, and environmental impacts of this project, as well as its implications for our community's long-term future.

I respectfully urge you to extend the FEIS comment period to allow newly elected officials and local governing bodies to thoroughly review and discuss this issue. Medford deserves a fair chance to weigh the consequences of such a transformative project and ensure that decisions affecting our city are made with input from those who live here.

I hope you will consider the voices of Medford residents and the broader implications of this decision. Thank you for your attention to this matter.

Sincerely,



Jeffrey Allen Bruton
1335 Orchard Lane
Roseburg OR 97471
bruton6876@gmail.com
541-391-9113

FEIS Comments, Coquille Indian Tribe Fee-to-Trust and Casino Project

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

Dear Mr. Mercier,

As a concerned resident of Southern Oregon, I am writing to express my opposition to the proposed casino project by the Coquille Indian Tribe within the city limits of Medford. This project, which would establish an off-reservation casino over 100 miles from the tribe's primary territory, raises serious concerns for our community.

The decision to move forward with this project appears to disregard the voices and interests of Medford residents. Over the past decade, our community has participated in public comment processes, adhered to the established rules, and sought to make our perspectives heard. Despite these efforts, it feels as though the opinions and well-being of local residents have been marginalized.

Allowing this casino to proceed would have long-lasting effects on the social, economic, and cultural fabric of Jackson County. The potential for increased traffic congestion, crime, and competition with local businesses is a significant concern. Additionally, this decision could undermine the balance of tribal gaming agreements within Oregon, setting a precedent that contradicts the principles of thoughtful land management and responsible development.

Medford residents are tired of being overlooked in decisions that shape the future of our region. It is essential for the Department of the Interior to carefully consider the local impact and prioritize the voices of those who live and work in this area.

I respectfully urge you to deny the Coquille Indian Tribe's application for this fee-to-trust acquisition and casino project. Our community deserves to have a say in the decisions that affect us, and we trust that your office will act in the best interest of Southern Oregon's residents.

Thank you for your attention to this matter.

Sincerely,


Jeffrey Allen Bruton
1335 Orchard Lane
Roseburg OR 97471
bruton6876@gmail.com
541-391-9113

From: Deborah Porter <deborah.porter@icloud.com>
Sent: Saturday, December 14, 2024 1:13 PM
To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>
Subject: [EXTERNAL] Casino

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

Yes please pass the casino that would be a lot of jobs for Medford and we need them thank you Sent from my iPhone

From: Gina & Steve Kaesemeyer <jimtownrepair@gmail.com>

Sent: Sunday, December 15, 2024 2:49 PM

To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>; Gina Kaesemeyer <wayhalf@yahoo.com>

Subject: [EXTERNAL] No casino in Medford

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Good afternoon. I'm writing to voice my concern about the proposed casino in Medford.

As an elder of the Cow Creek Tribe, I believe that we have acted in good faith and have taken care of our tribal family, without government interference. We have stayed true to our agreements with other tribes and have developed our sovereign lands, not encroaching on others. The Coquille Tribe needs to stay within their boundaries and not hinder other tribes from taking care of their own.

Sincerely,
Steven Kaesemeyer

From: Anne Batzer <annebatzer@aol.com>

Sent: Monday, December 16, 2024 7:12 AM

To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>

Subject: [EXTERNAL] FEIS Comments, Coquille Indian Tribe Fee-to-Trust and Casino Project

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Dear Sir,

Please do not allow the Coquille Tribe to open their second casino in Medford.

I am not a member of an indigenous group, but I have great respect for how the Cow Creek tribe has used their profits over many years to support nonprofit organizations in their seven county homeland. A good study showed that their Seven Feathers casino would lose substantial business if a casino is allowed in Medford. Cow Creek has a compact that requires them to share these profits and their Board makes fantastic decisions, making sure these funds go to those most in need. It's incredible all the good Cow Creek has provided----over \$24 million in donations----to those who need help the most.

Medford is NOT part of the homeland of the Coquille tribe. Their homeland is on the coast where they already have a casino. **Please keep the precedent of one tribe/one casino.** As an Oregon native for more than 70 years I do not want my state to become like Nevada.

In this time of political divide it is impressive that Democratic Senators Wyden and Merckley and Democratic Governor Kotek AND Republican Representative Cliff Bentz are all in agreement that a Coquille casino in Medford would be a very bad thing. How often do we see this bipartisan agreement? These officials have staff who have studied this issue! Please give this bipartisan agreement the respect it deserves and do not allow the Coquille Tribe to open a second casino in an area that is not a part of their homeland.

With hope,

Anne Batzer

From: rolfer@charter.net <rolfer@charter.net>
Sent: Monday, December 16, 2024 12:08 PM
To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>
Subject: [EXTERNAL] FEIS Comments, Coquille Indian Tribe Fee-to-Trust and Casino Project

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Gentlemen:

I highly OPPOSE the off-reservation plan by the Coquille Tribe to place a casino in Medford, OR. The present Casinos, north and south, are certainly a value to our community and provide many public benefits to our area. I support the local Tribes that have abided by the rules of on-reservation casinos and vehemently oppose any approval of this project.

This will set a precedent for any Tribe to buy land and claim they are part of the Tribe. Please do not approve this application period.

Rolf Peterson
Jacksonville, OR

From: Robert Wade <zimbobwade@gmail.com>

Sent: Monday, December 16, 2024 5:21 PM

To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>

Subject: [EXTERNAL] FEIS Comments, Coquille Indian Tribe Fee to Trust and Casino Project

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I have been following the Casino project and live in Medford Oregon. I do not feel the Casino is in the best interest of our community. The environmental impact will be a negative impact to our quality of life. We are already struggling with the impact of homelessness, drugs and illegal marijuana. Please do not approve this project.

Bob Wade

zimbobwade@gmail.com

From: Katherine Iverson <ashlandhillsranch@gmail.com>
Sent: Monday, December 16, 2024 5:26 PM
To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>
Subject: [EXTERNAL] FEIS Comments, Coquille Indian Tribe Fee to Trust and Casino Project

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I am opposed to the proposed casino in Medford, Oregon. The location is outside the Coquille area. The presence of this casino would be detrimental to Medford and the surrounding areas. It would contribute to increased hardship and poverty for our neediest residents and negatively impact all of Jackson County.

Katherine Iverson
Ashland, Oregon

From: Terry Mershon-Samuelson <terrmysam@yahoo.com>
Sent: Monday, December 16, 2024 5:58 PM
To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>
Subject: [EXTERNAL] FEIS Comments, Coquille Indian Tribe Fee-to-Trust and Casino Project

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I'm a resident of both Coos Bay and Medford. I rarely go to casinos, but I feel like I need to express my opinion that a casino in Medford is a bad idea.

Not good within the urban setting.

Not good to break precedent and have two casinos.

Not fair to the Umpqua People who have been charitably supporting endeavors in Jackson & Josephine counties for decades.

Please do not support the Coquille casino in Medford Theresa

Mershon-Samuelson

532 Palm St

Medford OR 97501

Sent from my iPhone

From: Jon Buckley <bucklejo1977@gmail.com>

Sent: Monday, December 16, 2024 6:26 PM

To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>

Subject: [EXTERNAL] FEIS Comments, Coquille Indian Tribe Fee-to-Trust and Casino Project

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I live just a couple of miles from the proposed site of this casino project. As a long-time Medford resident and Rogue Valley educator I am in opposition of any and all potential casinos that could be developed. The reason casinos succeed is that the house always wins. In a low socioeconomic and depressed area the house winning is on the backs and in the pocketbooks of already cash-strapped residents. Regardless of who and where casinos are built their drawbacks always outweigh any potential minute benefit.

Jon Buckley

409 Lynnwood Ave, Medford, OR 97504

From: Linda Hayes <linc449@aol.com>
Sent: Monday, December 16, 2024 6:31 PM
To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>
Subject: [EXTERNAL] FEIS comments, Coquille Indian Tribe fee-to/trust and casino project

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As a resident of Southern Oregon I am completely against the Coquille tribe opening an off reservation casino. This would negatively impact our local tribes in Southern Oregon and Northern California. The Coquille tribe has a successful casino in Coos Bay and should not be allowed to build another, off reservation casino.

Thank you
Linda Hayes
Sent from my iPhone

From: Jacky Sohn <jackyhagansohn@gmail.com>
Sent: Monday, December 16, 2024 6:40 PM
To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>
Cc: Jacky Sohn <jackyhagansohn@gmail.com>
Subject: [EXTERNAL] "FEIS Comments, Coquille Indian Tribe Fee-to-Trust and Casino Project"

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Please kindly read and enter the attachment below as my FEIS Comments regarding the Coquille Indian Tribe Fee-to-Trust and Casino Project. I would appreciate your acknowledgement of receipt.

Thank you,
Jacky Hagan Sohn

Jacky Hagan Sohn
62 North River Drive
Roseburg, OR 97470

December 14, 2024

Mr. Bryan Mercier, NW Regional Director
Bureau of Indian Affairs
911 NE 11th Avenue
Portland, OR 97232

Dear Mr. Mercier,

The purpose of this letter is to provide public comments as a community member regarding the Coquille Indian Tribe request to establish a second major casino project in Medford, Oregon. I understand as our Regional representative you are the one individual who has any opportunity to consider, and carry forward, a request to deny or at the least delay this Christmas Eve decision. I write to ask your sincere consideration to take forward a request for the Bureau to deny or at a minimum delay this decision. And, extend the process to require two-way direct communications with our Cow Creek Band of Umpqua Tribe of Indians as well as with other Tribes. And, as important, to require the office of the Governor to evaluate the severe consequences of making this exception to the current Oregon tribal compact.

I served for years on our Roseburg Area Chamber of Commerce board at a time during the 90's when our local Cow Creek Band of Umpqua Tribe of Indians made great sacrifices that resulted in their capacity to not only promote economic self-sufficiency for their tribal members--- but for the larger economic community of all Douglas County residents. Our Tribe is a big deal, a huge economic force that keeps our County afloat. Our rural area has and suffers from business closures, some announced only this month. The Cow Creeks' local success also happened with other Oregon Tribes in rural areas across Oregon. It was a remarkable accomplishment for all the Oregon tribal leaders to work together with our Governor and Federal officials over a period of years to establish a tribal compact.

It is my observation, that perhaps even more important, it has been the success of the Oregon tribal compact that has provided significant progress towards sincere reconciliation and equity for Native Americans. Through compact restrictions economic self-sufficiency has grown--- but not at the expense of other tribes or the welfare of all rural people of Oregon. An understatement, as the Tribes have stepped up to take a major employer role for all rural Oregon. And to also support the BIA mission--- all of Oregon's rural area residents now have a greater appreciation and support for Native Americans. We

accept our responsibility in rural areas to value and recognize Tribal history in their respective ancestral lands and sincerely be grateful for their efforts.

The Pacific Northwest, Oregon, and U.S. rural counties like our Douglas County stand to be harmed with severe unintended consequences with this exception strictly based upon relaxing federal current restrictions. It would seem fair to argue this project is an exception and as intended, still demands more critical review without a guarantee of approval. All programs must be improved. However, I feel directing these improvement requirements more towards the State of Oregon and our Oregon tribes is crucial towards preserving the larger Bureau mission to promote credible progress for everyone. I believe in grassroots to discuss openly all options, including strategies to meet the intentions of this request, how it can be accomplished and still preserve the integrity of primary Indian tribal lands.

Provided the Coquille Tribe is allowed an exception based on recently relaxed restrictions without urging the State of Oregon and the Tribes to further work towards solutions, our rural communities as well as all of rural Oregon will experience irreversible harm. Larger urban communities like Medford may benefit in the short term from this exception. We must look beyond the next 5-10 years for such a decision. Such an action will cause a cascading effect with all rural Indian tribes to follow suit (they understand the need for economic stability for their growing tribal membership). Culture becomes culture wars with few winners and more losers, all tied up in courts, and certainly not the mission of the BIA or the Oregon compact.

Federal BIA requirements change, I understand this. As a community member I write to ask that you provide support for all Pacific Northwest Tribes and rural areas. However, change without consideration of the core restrictions that Oregon has worked so hard to assure across rural ancestral lands shall cause irreversible change for all of Oregon. I write for you to send forward our combined concerns, including that an obvious Christmas Eve final decision reads quite out of order--- leaving the BIA appearing as a Grinch.

I trust the BIA and the Department of Interior's greatest mission is to protect decades of progress towards cultural and economic reconciliation and make exceptions that cause no severe harm. I respectfully request the BIA deny or delay this decision. Through the BIA requiring more engaging hard work, including across the U.S., I do believe a solution that preserves both Indian cultural integrity and sustainability is possible.

Sincerely,

Jacky Hagan Sohn

ONLINE COPY

From: Dawn Nor <dmarienorris@gmail.com>
Sent: Monday, December 16, 2024 7:42 PM
To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>
Subject: [EXTERNAL] Casino in Medford

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This is last thing Medford needs yes it will bring employment but it will be mainly low wage and most likely part-time that's not what we need

Dawn Norris
Medford Oregon
5416301090

From: Samantha Mutter <sammimyrs42@gmail.com>
Sent: Monday, December 16, 2024 8:45 PM
To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>
Subject: [EXTERNAL] FEIS Comments, Coquille Indian Tribe Fee-to-Trust and Casino Project

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This is not a casino: it will be a giant “Purple Parrot” with only slots/video poker type games. There will be no cards, dice, or paigao. Additionally, this is considered a class 3 casino (I believe) and would not be required to pay a portion of the proceeds to local government like larger casinos are.

I also work right next to where this is supposed to be built and I don't want more drug addicts hanging around. They are already making camp and fighting in the empty field next door.

The city needs to invest in better things for the community like fixing the roller skating rink or building better venues for concerts.

From: Amy Haptonstall <ag7gp.amy@gmail.com>
Sent: Monday, December 16, 2024 9:23 PM
To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>
Subject: [EXTERNAL] Medford casino

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NO. I'm a neighbor. Please no. We have one just a little to the south and one to the north and this tribe already has at least one on the coast. It's already obviously a tribe war. The Cow Creek tribe have been supportive of our community and kind and respectful to all, unlike some others in our regions such as those in Siskiyou Co with the dams. We don't want another casino. Let's support the tribe that supports our local area, the Cow Creek tribe.

Amy Haptonstall

From: Jefferson Smith <jeffersonsmith@gmail.com>
Sent: Monday, December 16, 2024 9:25 PM
To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>
Subject: [EXTERNAL] FEIS Comments, Coquille Indian Tribe Fee-to-Trust and Casino Project

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Please let's not proliferate off-reservation casinos throughout the state.

Every step we take in that direction is one more step harder to reverse. And the slope is slippery.

From: Donna Ruffer <dkruffer@gmail.com>

Sent: Tuesday, December 17, 2024 6:59 AM

To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>; Donna Ruffer <dkruffer@gmail.com>

Subject: [EXTERNAL] "Feis comments Coquille Indian Tribe Fee to Trust and Casino Project "

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December 17, 2024

To whom it concerns:

I am not supporting the casino idea. I am concerned that Medford planning and Coquille Tribe does not include family activities that are affordable and accessible. The bowling alley is gone and there is a skating rink near by also shuttered. It would appear these developments encourage those sin taxes and vices bringing quick revenue. On the other hand, developers are not thinking of our community of children that have no affordable and available recreational opportunities.

I plead with this governing body to redirect its focus to family not vices.

Sincerely,

Donna Ruffer

dkruffer@gmail.com

707-416-9820

10 E South Stage Road

Sp 518

Medford, OR. 97501

PS

I live in this neighborhood it affects me and the families around me.

From: Alex Iverson <sashaiverson@gmail.com>

Sent: Tuesday, December 17, 2024 5:09 PM

To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>

Subject: [EXTERNAL] FEIS Comments, Coquille Indian Tribe Fee-to-Trust and Casino Project

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I am **opposed** to the proposed Coquille Casino in Medford, Oregon.

I live in Ashland, Oregon and I think the casino is a bad idea for our area.

Thank you.

Alexander Iverson

Ashland, Oregon

From: Stanley Kerr <skerris60@gmail.com>

Sent: Tuesday, December 17, 2024 5:29 PM

To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>

Subject: [EXTERNAL] FEIS COMMENTS,COQUILLE INDIAN TRIBE FEE-TO-TRUST AND CASINO PROJECT

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Legalizing Mary Jane has brought enough crime to our state! Please do not give criminals from around the world another reason to make Oregon their home.

From: Marie Chesnut <riechesnut8@gmail.com>
Sent: Tuesday, December 17, 2024 6:42 PM
To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>
Subject: [EXTERNAL] Coquille Indian Tribe Casino Project

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This is Marie Chesnut at 2525 Freedom Way, Medford, OR 97504. I am writing in opposition to the proposed casino. Medford needs more family oriented industry. I am concerned about traffic in that area and most importantly, I am not in favor of activities that contribute to addiction.

Please work hard to STOP this project.

Marie Chesnut

Sent from my iPad

From: Barbara Dollarhide <barbaradollarhide7@gmail.com>
Sent: Wednesday, December 18, 2024 6:12 AM
To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>
Subject: [EXTERNAL]

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Let the casino come into Medford..we need the revenue.

From: Sean Keller <snkeller99@gmail.com>

Sent: Wednesday, December 18, 2024 9:24 AM

To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>

Subject: [EXTERNAL] FEIS Comments, Coquille Indian Tribe Fee-to-Trust and Casino Project

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Greetings Mr. Mogavero,

I write to you as a Medford resident and one who has at least a little connection to the Cow Creek band of Indians here in Jackson County, Oregon. This is via church acquaintances and one of their grandchildren. I wish to agree with them in saying that it is dishonest for your Bureau to play politics in behalf of the Coquille tribe and plan for a casino in the Medford area. We already have enough poverty, gambling addiction, and wasteful spending in this region and we do not need more. The morality of your Bureau's decision is in question, and you are letting the love of money, the root of all kinds of evil (as defined by Scripture), motivate at least part of your decision. I beg you, stop the greed and choose righteousness. The Cow Creek Band wish for their sovereignty to be honored, and we Medford residents agree with that and also do not want another casino in our local area. The one in Canyonville is enough. Listen to your conscience, not your belly or greed. Please!

Sincerely,
Sean L. Keller

From: Xiao Xu <solinren9@gmail.com>
Sent: Wednesday, December 18, 2024 12:08 PM
To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>
Subject: [EXTERNAL] FEIS Comments, Coquille Indian Tribe Fee-to-Trust and Casino Project

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Comments for Medford Casino project.

Hello, I am really looking forward to the project's green light. It will open doors for the Salem and Wood Village projects and will be able to bring several more casinos closer to the metro areas in Oregon. Like neighboring state Washington state, there are many tribal casinos located near population centers.

We need this option available to get the monopoly that Oregon Lottery holds and give Oregon residents the option to a closer casino.

Thank you!

From: Christopher Tanner Duck <chrisktanner@icloud.com>
Sent: Wednesday, December 18, 2024 12:54 PM
To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>
Subject: [EXTERNAL] Please approve FEIS for Coquille Indian Tribe Medford Casino Project

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

To Whom It May Concern:

My name is Christopher Kenneth Tanner. I am Coquille Indian, former librarian for the Coquille Indian Tribe and son and grandson elected Chiefs of the Coquille Indian Tribe.

I am writing in support of the Tribe's Medford Casino project and approval of the Final Environmental Impact Statement.

I worked for the Coquille Indian Tribe for over 22 years before retiring in 2017. For those 22 years and eight months I paid federal and state taxes for every paid hour of work I performed for the Coquille Indian Tribe. I am married and a homeowner. Since purchasing our home on 4.5 acres near Bandon in 1999 (2 years before getting married and 2 years after we met) we have paid annual property taxes averaging \$2,300 per year. I am "semi-retired" and working part time for a local public library for six-plus years (where I also pay state and federal taxes) . I have two IRAs and other retirement based investments.

I support approval of this FEIS and the Coquille Indian Tribe's Medford Casino project. I have seen how the Tribe's economic development projects have benefited entire community where it is located. A project like this is not unfair competition to other tribes or the Oregon State Lottery. I have seen multiple-generations of Coquille and other native residents of Coos Bay, North Bend, Bandon, Coquille, Myrtle Point, Powers and other the other cities and communities of Coos County benefit from the Tribe's projects.

I believe the Medford project will have the same overall benefits for the community of Jackson County.

Thank you

Christopher K. Tanner

From: B&B Reynolds <bb.reyn@gmail.com>
Sent: Wednesday, December 18, 2024 3:01 PM
To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>
Subject: [EXTERNAL] FEIS Comments, Coquille Indian Tribe Fee-to-Trust and Casino Project

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We wish to express our strong disapproval of the Coquille Tribe's efforts to convert 2.4 acres of property in south Medford into a Class II tribal gaming facility.

1. Although we recognize the efforts of the tribe to increase the tribal economic fortunes, there are multiple ways they could do so without developing an off-reservation gambling facility. I strongly support their continued efforts in Medford that entail traditional economic development such as the motel they recently completed.
2. There is sufficient development in the area of casinos with facilities already completed in every direction including on the coast to the west, 45 minutes to the south, an hour north and just over the Cascades to the east. There isn't a need for another casino in the area. It's more likely that a new casino in Medford will only pull customers from existing facilities.
3. Allowing this off-reservation casino sets an unnecessary precedent. If this one is allowed, there's no argument against others here or in any location in Oregon or across the country by any tribe.
4. The proposed casino is only a few thousand feet from the ball fields and park where hundreds of children play. The motel the tribe has next to the proposed casino supports the many games and tournaments held in the park. That's the kind of development that everyone can support.

Robert Reynolds
Barbara Reynolds
4402 San Juan Dr
Medford, OR 97504

From: Brandan Hull <hullbrandan@gmail.com>

Sent: Wednesday, December 18, 2024 9:23 PM

To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>

Subject: [EXTERNAL] FEIS Comments, Coquille Indian Tribe Fee-to-Trust and Casino Project

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Tobiah Mogavero,

I am writing against the Coquille Indian Tribe casino project in Medford, Oregon. I am a family physician. I take care of a number of patients who have gambling addiction. They already struggle, and having easier access to a casino will harm them.

I also take care of patients who enjoy gambling recreationally and who make an event of going out of town for this.

Brandan Hull MD

From: Greg Astley <astley@oregonrla.org>
Sent: Thursday, December 19, 2024 5:03 PM
To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>
Subject: [EXTERNAL] FEIS Comments, Coquille Indian Tribe Fee-to-Trust and Casino Project

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

Mr. Mogavero,
Attached please find comments from the Oregon Restaurant & Lodging Association on the Coquille Indian Tribe Fee-to-Trust and Casino Project. Please contact me if you have any questions.

Thank you,
Greg Astley

[Greg Astley](#)
Director of Government Affairs

[Oregon Restaurant & Lodging Association](#)
8565 SW Salish Lane, Suite 120 | Wilsonville | Oregon 97070
Mobile: 503-851-1330 | Direct line: 971.224.1502 | Main
Office: 503.682.4422
[OregonRLA.org](#) | Facebook: [OregonRLA](#) | LinkedIn: [ORLA](#)



December 19, 2024

To: Tobiah Mogavero, NEPA Coordinator, Bureau of Indian Affairs

From: Greg Astley, Director of Government Affairs, Oregon Restaurant & Lodging Association

RE: FEIS Comments, Coquille Indian Tribe Fee-to-Trust and Casino Project

It has long been held that federally recognized Native American tribes are considered sovereign nations that hold the right to self-government within the boundaries of their tribal lands. This includes the right to engage in economic activity on reservation lands, specifically gambling. While tribal casinos are largely thought of as competition only to state lotteries, the truth is they enjoy a competitive advantage in comparison to other hospitality industry businesses as well. Oregon has some of the highest labor costs in the nation, and the rising costs associated with employee benefits is creating an escalating challenge for Oregon's restaurant and lodging properties. The local economic impact of additional casino location proposals is and will continue to be of serious concern to ORLA members. Our position since April of 2008 has been as follows – Changes to current federal and state gaming policies should not be made for the purpose of allowing off-reservation casinos, tribal or private. The Medford casino proposal is just that – an off-reservation casino.

Approval of new casinos in Metro areas is a Pandora's Box

Oregon currently has 2 federally recognized Native American tribes who operate both Class 2 and Class 3 casinos. But approval of a Class 2 casino in an Oregon urban area would be a first and unprecedented. If approved, a new Class 2 casino inside Medford's city limits will launch new expectations amongst Oregon's other Native American tribes to expand gambling operations within their broad service areas off reservation land. Approval of the first and only casino in an established metro area will trigger many additional proposals in other large urban areas across the state. Any momentum for casino proliferation is broadly opposed by Oregonians as proven by multiple ballot measures seeking voter approval for casino projects. In addition, increased gambling access will further strain Oregon's social service network providing addiction treatment and mental health

services. These social service needs are a prime focus of Oregon's political leaders. Approval of an additional casino in Oregon will directly conflict with Oregon's current efforts to better manage addiction treatment and mental health services based on existing gaming supply.

Casinos in Metro Areas will Trigger Significant Market Disruptions

As stated above, ORLA continues to support the rights of sovereign nations and the importance of their operations and services. But if casinos emerge in service areas off reservation land, then we expect competitive inequities to emerge within the hospitality industry in these markets. Restaurant and lodging members are aggressively competing for talent in a challenging marketplace for employers. We expect these conditions to persist for the foreseeable future. Casino operations in metro areas will result in workforce migrations that further exacerbating the challenges faced by these small businesses. Gambling revenue unavailable to others within the industry's competitive set can upend workforce conditions. If restaurant and lodging locations can't compete with total compensation packages offered to industry employees by casinos in the same marketplace, then we can expect further erosion of Oregon's hospitality industry. Workforce shortfalls in the industry remain a top issue for Oregon's small, independent lodging and restaurant owners and operators who are already struggling to keep their doors open. Casinos, whether tribal or private, in urban areas will make an existing problem worse.

Thank you,

A handwritten signature in black ink, appearing to read 'Greg Astley', with a stylized flourish extending to the right.

Greg Astley

Director of Government Affairs, Oregon Restaurant & Lodging Association

From: Maggie Walker <maggie.walker@cowcreek-nsn.gov>

Sent: Thursday, December 19, 2024 10:50 AM

To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>

Subject: [EXTERNAL] FEIS Comments, Coquille Indian Tribe Fee-to-Trust and Casino Project

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- Oregon does not need another casino, disrupting “One casino per Tribe”
- The Coquille Tribe is from the Oregon Coast, 170 miles away from Medford
- An off-reservation casino in an urban area will lead to many more casinos across the state from Tribes that have zero ancestral ties
- This decision puts not just one Tribe, but five Tribes, at an extreme disadvantage
- The government should not be picking winners and losers
- New governments elected in November should have adequate time and representation when it comes to transformational decisions that will affect a community for decades to come

Maggie Walker, RN | Registered Nurse, Case Management

Cow Creek Band of Umpqua Tribe of Indians



Maggie.Walker@cowcreek-nsn.gov

480 Wartahoo Lane, Canyonville, OR. 97417

www.cowcreek-nsn.gov

Office: (541) 839-1345

Teekwàlthkwiiiph. Take care of yourself.

She/Her

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From: Betty Jo Reynolds <jrandbjo@mind.net>
Sent: Thursday, December 19, 2024 11:03 AM
To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>
Subject: [EXTERNAL] No to the proposed casino in Medford Oregon.

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Betty Jo Reynolds
Ashland Oregon

From: Rachael Hand <rachael2hand@gmail.com>
Sent: Thursday, December 19, 2024 1:00 PM
To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>
Subject: [EXTERNAL] FEIS Comments, Coquille Indian Tribe Fee-to-Trust and Casino Project

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Please do not allow this casino to be built in Medford, OR or in Jackson County, OR. It would be detrimental to the community. There are already many state gambling venues here and Tribe Casinos nearby. Gambling addiction damages peoples lives and should not be encouraged further.

Thank you for your consideration,

Rachael Hand
629 Altamont St.
Ashland, OR 97520
530-859-2999

From: Linda Moran <lindazmoran@msn.com>
Sent: Thursday, December 19, 2024 1:33 PM
To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>
Subject: [EXTERNAL] MEDFORD COQUILLE CASINO

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I vote AGAIN - a big NO!

The county of Jackson and City of Medford have voted down the plans to build a casino in Medford, Oregon. In other words, the voters have spoken on numerous elections regarding the plans for a casino.

It is also my understanding that there is a tribal rule that each tribe owns ONE casino. The Coquille Tribe already owns a casino. The Cow Creek Umpqua Tribe is against this and so are the citizens of Jackson County. There are plenty of casinos within driving distance of Southern Oregon. If they add another in Medford, it will reduce the potential of the other casinos - plus the Medford Casino would be in close proximity to suburban Medford. This whole thing is a travesty of justice both the the Cow Creek Umpqua Tribe and the voters.

Linda Moran
2834 Joy Circle
Medford, OR 97504
541-761-8886

From: Amy Gunter <amygunter.planning@gmail.com>
Sent: Friday, December 20, 2024 11:51 AM
To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>
Subject: [EXTERNAL] FEIS Comments, Coquille Indian Tribe Fee-to-Trust and Casino Project

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I am writing to express great concern and encourage the denial of the requested Coquille Indian Tribes Tier II casino in Medford, Oregon.

Though the 1989 Coquille Tribe Restoration Act includes Jackson County as a tribal service area, it is flawed to believe that a casino is what was envisioned when the tribal service area was designated nor should a casino be considered necessary to service the tribal members that reside in Jackson County. Tribal service areas are based on not only historical land use but also census data, it would appear that the inclusion of Jackson County was due to the number of Coquille tribal members that lived in the county, but there is a distinct lack of ethnographical information that southern Jackson County, specifically where Medford is located was part of the territory of the Coquille tribe.

The purchase of the property many years ago and the assertion that this is near reservation land for the Coquille is flawed and will have great implications on the balance of gaming casinos and where they can be located. It appears that the purchase of the land and the desire to develop a casino is more directly related to Medford's location on the I-5 corridor and the large population of Medford and less about tribal service.

Additionally, the type of casino proposed, with gaming machines only is no different than the abundance of Purple Parrots and other Oregon Lottery locations that already exist in large numbers in Medford Oregon. There are 10 Purple Parrots in Medford or the communities directly adjacent. Nearly every bar and pizza restaurant in Medford has Oregon Lottery gaming machines. There are a prolific number of ways one can gamble in southern Oregon, and with the depressed financial economy of the area. This casino will further the economic depression that comes with gambling and will not provide a service to the community or the tribe.

If a person wants to gamble at a casino, there is one in Yreka, California approximately 45 minutes south of Medford. Another is located in Canyonville, Oregon approximately 1.25 hours to the north of Medford both are located on the I-5 corridor. The Coquille tribe has a large casino in Coos Bay, Oregon and there are other smaller casinos on the Oregon coast

all within three hours of Medford. Medford has enough gambling, alcohol, and drug addictions, and another casino or gambling venue will not help the economy as there are no plans for the now-shuttered bowling alley, no concert venue, or other entertainment, just gambling which does not generate jobs but depresses the economy.

As a resident of Medford, approximately one mile from the casino I believe the casino will have negative implications on our local neighborhoods, and regionally for the tribes that lived, traded, and hunted in the Medford area.

Please, consider the windfall of comments in opposition to the proposal and do not allow the development of the proposed Coquille casino in Medford, Oregon.

Amy Gunter

Resident and business owner in Medford, Oregon

From: ALAN DEBOER <awdb@aol.com>
Sent: Sunday, December 22, 2024 9:17 AM
To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>
Cc: Jacksonville Mayor Donna Bowen <mayor@jacksonvilleor.us>;
Mayor Randy Sparacino <Randysparacino@gmail.com>; Phoenix Chris
Luz <Chrisluz777@yahoo.com>; YMCA Board Dave Dotterrer
<DotterDG@jacksoncounty.org>; Jackson Co Comm Rick Dyer
<dyerrr@jacksoncounty.org>; Jackson Co Com Colleen Roberts
<RobertCL@jacksoncounty.org>; Rep Kim Wallan
<Rep.KimWallan@oregonlegislature.gov>; Rep Pam Marsh
<pam.marsh@gmail.com>; Golden Senator Jeff
<sen.jeffgolden@oregonlegislature.gov>
Subject: [EXTERNAL] FEIS Comments. Coquille Indian Tribe Casino
Project

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Alan DeBoer 2260 Morada Lane Ashland Oregon 97520 FEIS Comments
Coquille Indian Tribe Fee-to-Trust and Casino Project ;

Just say No! Expanding Tribal Casino's is a really bad idea for
so many reasons. One per nation on their own tribal land is
enough. Gambling is bad for the public but respect Tribal rights
on their land. Expanding to Cities and number of Casinos would
put severe harm to social services, Education, Law enforcement
and Health care. For what reason is this even under
consideration?

Alan DeBoer 541-944-1600 Former Oregon State Senator, Ashland
Mayor, Ashland School Board Member

From: Kathie Crume <katzway3949@gmail.com>

Sent: Sunday, December 22, 2024 3:24 PM

To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>

Subject: [EXTERNAL] FEIS Comments, Coquille Indian Tribe Fee-to-Trust and Casino Project

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I would like to comment on the proposed Medford Oregon casino by the Coquille Tribe. I hear that no tribe can have more than one casino but there are 2 Three Rivers Casinos, one in Florence and one in Coos Bay, not even 3 miles from the Mill Casino. The Mill Casino had no issues with another one in their area. Casinos can contribute a lot of money to the county they are in and Seven Feathers is being ridiculous stating it will devastate them if one comes to Medford which is an hour away. I lived in a county that has 3 large Casino Resorts within 20 minutes of each other and they are all doing extremely well. I believe a Casino in our area would be a great benefit. People would stop by, stay at hotels, eat at restaurants and shop at our stores. I have never seen any traffic problem at any casino I have ever been to. I think this issue has gone on long enough with excuse after excuse being thrown at the tribe for all these years. We took every good thing away from them. Let them have something to sustain their people. Thank you and have a blessed day.

Alice K. Crume
Rogue River,OR

From: Shelly Lehman <shellydlehman@gmail.com>
Sent: Sunday, December 22, 2024 7:19 PM
To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>
Subject: [EXTERNAL] Coquille Tribe Casino

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I'm really hoping you will reconsider allowing the Coquille tribe to put in a casino over 170 miles away from their location on the Oregon coast. They are not located near Medford and should not be allowed to build a casino there. This is opposed by many law makers and they are still trying to make this happen. This will hurt other tribes in Oregon that go by the rules. Please don't allow this to happen. Our tribe will not be able to keep all our families employed and will hurt our people and many others employed by our tribe. Please don't allow this to devastate our casino, tribal people and others employed by our tribe. Many lives will be negatively affected. This could cause a ripple effect to other tribes in Oregon and across the United States. Casinos should only be allowed on tribal land. Coquille tribe is lying. This is not their tribal land. The Cow Creek Band of Umpqua Tribe has fought tirelessly to stop this from happening to our people and many other tribes in Oregon. This would be the wrong decision to let this happen. The federal government has not properly consulted with the Cow Creek Umpqua tribe or other tribes that could help harmed. sincerely, Shelly Lehman. Cow Creek Band of Umpqua tribal member

From: Gina Kaesemeyer <wayhalf@yahoo.com>
Sent: Sunday, December 22, 2024 8:47 PM
To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>
Subject: [EXTERNAL] Medford casino

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Hello,

Thank you for sending the link for the FEIS. Although we couldn't read it in its entirety, my husband and I are both opposed to the construction of a casino in Medford for the Coquille Tribe. As he stated, and I agree, this will severely impact the ability for his tribe to maintain the services they provide for the Cow Creek Band.

There is already a casino in North Bend and expansion of that facility is the only option we think is fair.

Sincerely,
Steve and Gina Kaesemeyer

From: Eugene Majeski <genelmajeski@gmail.com>
Sent: Sunday, December 22, 2024 9:37 PM
To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>
Subject: [EXTERNAL] FEIS Comments Coquille Indian Fee to Trust & Casino Project

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To whom it may concern,

As long time property owners in Jackson County, we are completely & totally against the development of any casino or gambling establishment anywhere in Jackson County, including the current proposed location at the old Roxy Ann Bowling Lanes.

Within about an hour's drive in every direction ...north, south, east & west there is already a casino. We simply do not need another casino or gaming venue in Jackson County.

People who want to game and gamble have many choices that are close by . These existing casinos do not need more competition. Some are already struggling. Also, we are against introducing gambling into our community.

Thank you.
Eugene Majeski' & Syl Zucker

From: Jim Fleischer <jflash52@yahoo.com>

Sent: Sunday, December 22, 2024 10:24 PM

To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>

Subject: [EXTERNAL] FEIS Comments, Coquille Indian Tribe Fee-to-Trust and Casino Project

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As a lifelong resident of the Rogue Valley (72 yrs) I know that a casino is not wanted or needed here. Coquille tribe has a casino. They don't need another. I am opposed to any casino , especially here in town. It doesn't seem like we have any say here locally or state. No casino please! Jim F.

From: Leigh Nelson <oh2bncarolina@gmail.com>

Sent: Monday, December 23, 2024 12:13 AM

To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>

Subject: [EXTERNAL] "FEIS COMMENTS, COQUILLE INDIAN TRIBE FEE-TO-TRUST AND CASINO PROJECT"

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Medford, OR, is a small community with big traffic problems. The proposed location is one of the busiest highways in Medford with a high number of accidents. This would be compounded greatly.

The impact of casinos on local property values is negative, according to the National Association of Realtors. Casinos do not revive local economies. They act as parasites upon them. Communities located within 10 miles of a casino exhibit double the rate of problem gambling... CNN

Casinos can, and often do, have a negative impact on home prices of neighborhoods around them. That's because they attract gamblers and partiers flocking to their resorts, leaving some cities facing issues like bankruptcies, crime, traffic and congestion, which can play a heavy role on home values.

From an IAV study:

“Modern slot machines are highly addictive because they get into people’s heads as well as their wallets. They engineer the psychological experience of being in the ‘zone’ - a trance-like state that numbs feeling and blots out time/space.

HARMS OF CASINOS

1. Financial harms

- Erosion of savings
- Filing for bankruptcy
- **2. Relationship conflicts**
 - Neglect of relationship with significant other
 - Neglect of relationships with children, extended family and friends
 - Social isolation

3. Emotional or psychological distress

- Feelings of guilt, loneliness and isolation
- Distorted cognition
- Suicidal behaviours

4. Health issues

- Reduced levels of self-care
- Increased consumption of alcohol
- Use of illegal substances
- **NO! TO A CASINO IN MEDFORD OR!**

From: Carissa Bussard <cbussard32@gmail.com>
Sent: Monday, December 23, 2024 6:47 AM
To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>
Subject: [EXTERNAL] FEIS COMMENTS, COQUILLE INDIAN TRIBE FEE-TO-TRUST AND CASINO PROJECT

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Ayukii (hello),

I am a Karuk Tribal member in Northern California. I do not support the building of the casino in the old Roxy Ann Lanes by the Coquille Indian Tribe in Medford, OR. Our tribe just recently built a casino in Yreka and the Coquille Tribe already has a class 3 casino on the coast. I do not think that any tribe should be allowed to run more than one casino. It's unfair to those who have yet to even have a voice and chance. There is not a need for a casino in Medford and I think that building a casino will ruin the legacy of Roxy Ann Lanes. The building should be restored, not converted. If anything, it should be converted to a homeless shelter as that is the largest problem facing southern Oregon and Northern California. A casino could compound that issue especially if it's only a class 2 casino, because it will be providing less jobs without table games and dealers.

Yootva (Thank you) for listening,

Carissa Bussard

From: Herbert Rothschild <herbertrothschild6839@gmail.com>

Sent: Monday, December 23, 2024 8:41 AM

To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>

Subject: [EXTERNAL] FEIS Comments, Coquille Indian Tribe Fee-to-Trust and Casino Project

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I live about 5 miles south of the proposed casino in Medford Oregon. I am strongly opposed to its creation.

I'm not opposed to casinos, and I'm pleased that, in many cases, Native Americans have been able to enhance their economic well-being with casinos on their lands. But the Coquille nation already has a casino in Oregon, and opening a casino in an urban area that isn't part of its sovereign territory isn't proper.

It also violates a longstanding agreement among the nations that each would have only one casino. The immediate loser would be the Cow Creek Band of the Umpqua Nation. That would be especially sad because that nation has been extraordinarily generous with its profits from the Seven Feathers casino in Canyonville, funding social services throughout SW Oregon.

I urge you not to authorize a casino in Medford.

Herbert Rothschild
722 Hartley Rd,
Phoenix, OR 97535

From: Rose Crane <rosemcrane@yahoo.com>
Sent: Monday, December 23, 2024 9:07 AM
To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>
Subject: [EXTERNAL] FEIS COMMENTS, COQUILLE INDIAN TRIBE FEE-TO TRUST AND CASINO PROJECT

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Medford needs an activity for the large senior population. Casinos are well maintained and secure. When you become too old for biking and hiking there is no entertainment in this area. Medford could attract many retirement dollars. Currently people have to travel over a mountain pass, both North or South to reach a casino. This becomes dangerous during the fall/winter months.

A casino would also provide more jobs, which are badly needed here.

Medford's goal is to expand tourism and this would certainly give that a big boost.

Regards
Rose Crane

Sent from my iPad

From: Standard Financial <stdsis@standardfinancial.us>
Sent: Monday, December 23, 2024 9:10 AM
To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>
Subject: [EXTERNAL] FEIS Comments, Coquille Indian Tribe Fee -to-Trust and Casino Project

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Bureau of Indian Affairs,

I'm not opposed to Tribes having casinos located in their ancestral homeland but has everyone lost their mind. If you allow a Tribe that already has a full-blown casino in Coos Bay (their aboriginal historical territory) to build a casino in Medford near I-5 where the Tribe has no aboriginal history, we will have Indian casinos popping up like mushrooms all over the state. Please do everything you can to stop this madness.

Sincerely
Reginald Breeze & Annette Breeze
185 Mariposa Terrace
Medford, OR 97504

From: Lorie Hancock <lorie.owls@gmail.com>

Sent: Monday, December 23, 2024 10:13 AM

To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>

Subject: [EXTERNAL] FEIS Comments, Coquille Indian Tribe Fee-to-Trust and Casino Project - It's time to proceed - do not extend comment perion

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Please do not extend the comment period for FEIS Comments, Coquille Indian Tribe Fee-to-Trust and Casino Project. The requests for extension are disingenuous and only a delay tactic. There have been plenty of opportunities for comment over the past 12 years. No requestor has cited a valid reason to delay. Move this project forward now.

L. Hancock

From: favor@tigerbydesign.com <favor@tigerbydesign.com>

Sent: Monday, December 23, 2024 10:27 AM

To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>

Subject: [EXTERNAL] FEIS Comments, Coquille Indian Tribe Fee-to-Trust and Casino Project

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Hello Tobiah

I am a resident and my family owns several businesses in south Medford and I am writing to tell you that my family does NOT want a casino located within the city of Medford. The plans to convert the Roxy Ann Lanes bowling alley into a casino are terrible.

My biggest issue is this is city property, not reservation land. I have lived in several states, all have casinos operated by native American tribes, ALL on reservation land. Casinos should not be allowed to operate within normal city limits. What is to stop anyone else from being able to open a casino in town? This is setting a terrible precedence. I do not accept that we should allow native Americans to purchase property outside of a reservation and then start using that land as a casino. Once it is allowed here, it will become common practice everywhere. We cannot allow this.

Casinos attract a crowd that is already at risk for addiction. Placing a casino in the middle of a town, specifically in an area that is densely residential, is asking for problems. We already have a big issue with homelessness and drugs. Adding a casino in town will make these issues worse, attracting more vagrants and people who do not have the communities best interest at heart.

Who is going to be responsible for the increase in crime, vagrancy, public camping, loitering? Who is going to bare the cost of the community when more people become addicted to gambling, ruining their financial lives and leading to more and more risky and possible illegal behavior. This is not something we want to add into our community.

We already have a casino near Roseburg and one in Northern California. That is plenty close enough. I have been living in Medford for 12 years now. I work remotely from my parent company in Scottsdale, AZ and my husband owns two retail stores and one advertising specialty company in town. We employ several other residents in town and none of us want the casino. It will attract the wrong crown and lead to destructive behaviors that will negatively impact out community.

Please keep your casino out of our town. We do not want it and this is a dangerous precedence to start allowing Native Americans to operate casinos off their reservation land. That is unacceptable.

From: Favor Larson <messagebox758@gmail.com>
Sent: Monday, December 23, 2024 10:37 AM
To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>
Subject: [EXTERNAL] FEIS Comments, Coquille Indian Tribe Fee-to-Trust and Casino Project

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Hello

I am writing to let you know that I do not want a casino within town in Medford OR. I have lived here for over a decade, and this town is already dealing with too many issues to add a business that will create even more crime and bad behavior within city limits.

I understand this is one of the first times a First People's tribe is going to be allowed to open a casino outside of reservation land. We cannot start allowing this. Once one tribe is allowed to put a casino anywhere they want, we will have casinos all over the place.

Casinos lead to gambling addiction, attracting criminals and vagrants. In a town already struggling with too many homeless and an avalanche of drug addicts, why should we attract people who are not going to have this community's best interest in mind.

The location on Pacific Highway, replacing the bowling alley, is an awful spot. This is a densely populated area with more residential than business neighbors. The increased traffic will make it more difficult for residents to get where they need to go. The casino is likely to attract more crime and loitering, which will overflow into the surrounding residential neighborhoods.

I have talked to many of my friends, coworkers, neighbors and community members and no one wants this casino. Why should we let an Indian tribe open a casino in a location that NO ONE else would be able to open? The bowling alley was a family friendly activity that makes sense to have in a residential community. A casino is NOT family friendly and is a terrible replacement for something meant for the entire family to enjoy.

We do not want this casino to go in. It is unfair to start allowing casinos to go anywhere, it creates a bad/unsafe environment, it does not foster a family focused neighborhood. Do not put it here, it is not wanted.

Matthew

From: karenjharris@charter.net <karenjharris@charter.net>
Sent: Monday, December 23, 2024 11:43 AM
To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>
Subject: [EXTERNAL] FEIS Comments, Coquille Indian Tribe Fee-to-Trust and Casino Project"

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Dear Mr. Mogavero,

I feel a casino added to our valley in southern Oregon would be detrimental to the community.

I was personally affected by an addicted gambler. She was a friend and co-worker who embezzled hundreds of thousands of dollars from our employer over a period of time. The money was used to enable her gambling habits. Her embezzlement earned her a prison sentence and hurt many people, including our employer. It ruined friendships and caused a lack of trust and a lot of pain.

Although I realize each of us is responsible for our own actions, some people do not have the self-control to limit their time and spending on this type of activity. Any benefits that might exist such as increased jobs do not compensate for the damage that could result from having a casino here.

I urge you to consider the negative impact going forward with this plan in our community. Thank you.

Sincerely,

Karen Harris

From: Cara Davis-Jacobson <renaissancewmn@hotmail.com>
Sent: Monday, December 23, 2024 12:24 PM
To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>
Subject: [EXTERNAL] FEIS comments, Coquille Indian Tribe Fee-To-Trust
and Casino Project

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I am writing this email to express my opposition to the development of a casino in Medford, Oregon. I and this community have many times rejected this potential development. I simply do not understand why we are being put through this yet again. Is the will of the people not sufficient? Should the will of a few who will profit outweigh our voices and votes? I certainly hope not.

There are ample gambling opportunities in the community and online already. I do not see the value in adding more. If the tribe wishes to do good for the community (and I know they do, because they have donated to many deserving organizations—was that to soften our negative position on this matter one wonders?), they should not proceed. They did not occupy this land. Their casinos should stay where they have authority over their own lands. Gambling addiction in our state is a serious matter, and we don't need to continue adding to it in this fashion.

Thank you for registering my opinion. By the way, asking for such a subject line only makes it harder for people to respond. I had to pause a TV recording to have it up long enough to write it all down. Shame!

Cara Davis-Jacobson
2509 Lyman Ave.
Medford, OR 97504

Sent from my iPad

From: Sherry Davis Fielder <roguedrifter54@gmail.com>

Sent: Monday, December 23, 2024 5:33 PM

To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>

Subject: [EXTERNAL] FEIS COMMENTS, COQUILLE INDIAN CASINO FEE-TO-TRUST AND CASINO

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We do not support another casino. While we enjoy casinos, the area this one is intended for already has an unsavory component to it. Since the drug laws were repealed many areas have become areas of drug trafficking which makes it more difficult for our already burdened police resources. We also feel it preys on our impoverished citizens who are lured to these types of smaller venues. We love and visit the Mill Casino whenever we go to Coos Bay/North Bend but we do not feel this type of casino would be a good fit for our area. I hope you will take our thoughts into consideration. We live in Rogue River in a small retirement community and I can share with you that our feelings are in the majority of our community.

Sincerely and in good faith,

Mr. & Mrs. Richard Fielder

From: Ceili Widmann <ceilirw@gmail.com>
Sent: Monday, December 23, 2024 6:22 PM
To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>
Subject: [EXTERNAL] FEIS Comments, Coquille Indian tribe fee-to-trust
and casino project

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Dear Sir,

I am a community member of the Rogue Valley and writing to you to express my concern about the Medford casino project. It is my opinion that the project prioritizes the needs of a tribe that is not local to our area, and the project ignores the needs and opinions of many tribes in the immediate vicinity. This area does not belong to the Coos Bay tribe, and casino projects in the Rogue Valley should be undertaken only to benefit our local tribes. I urge you to do what you can to halt the project.

Thank you,
Ceili Widmann
Medford Resident

From: Fred Arnett <farnett@aol.com>
Sent: Monday, December 23, 2024 6:46 PM
To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>
Subject: [EXTERNAL] FEIS Comments, Coquille Indian Tribe Fee-to Trust and Casino Project

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Apologies if this is late. I thought the deadline for comment had passed but was corrected.

I urge approval of the Coquille tribe's application and project.

I know there are many who object to this, but I feel some issues need surfacing.

First, some people object to gambling outlets, feeling this will open the door to much more. You should know that Oregon already has many gambling locations, simply not Indian owned. We have several mini-casinos (privately owned) that have up to (meaning the max in place) 5 machines, plus state lottery and scratch-offs. Then there are the various other industries, such as restaurants, bars, and taverns which all offer these same venues. Gambling is already well established in Medford!

Secondly, there is the competition/monopoly issue. The opposing parties, other tribes as well as the State of Oregon, simply do not want competition, fearing loss of revenue. Competition is good for the consumer. This is a basic premise of commerce, one which those opposing wish to stifle. Having a casino in Medford will no doubt have an impact on the revenues of the opposing parties, but that is good for Medford as a whole.

Thirdly there is the concern by some of increased crime. I feel that is not only a non-issue, but a false one. It seems as though every week or so we hear a news story of one of the local existing gambling locations getting robbed, sometimes with injury to the employees or other patrons. I cannot remember the last time I heard of such at one of the various Indian casinos. They all employ armed security! So, obviously, would the Coquille casino. This is a much safer environment.

Casinos, as whole, are positive (depending upon your particular views) entity in a community, setting aside those opposed on moral grounds, which, as already stated, have already been broached.

Lastly, I must confess my dog in this fight. I am not a gambler, but my wife does from time to time. I am a retired businessman, looking at this topic from that perspective. I see this as a beneficial move for the community and those who choose to participate. I also see this a situation wherein a certain subset of people wish to prevent other people from enjoying something they disdain, without justification other than, "I don't like it." As long as it is legal, why not?

~Fred Arnett
Medford, Oregon

From: michael framson <mframson@q.com>
Sent: Monday, December 23, 2024 5:18 PM
To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>
Subject: [EXTERNAL] FEIS Comments, Coquille Indian Tribe Fee-to-Trust and Casino Project,

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FEIS Comments, Coquille Indian Tribe Fee-to-Trust and Casino Project

Rudy Peone, Acting Northwest Regional Director, Bureau of Indian Affairs,
Northwest Region,
911 N.E. 11th Ave.
Portland, OR 97232

From:

Michael Framson
207 Bradford Way
Medford, OR 97504
mframson@q.com

Dear Mr. Peone,

I am opposed to a casino, a gambling facility in the Rogue Valley. Gambling is a vice that in my opinion needs to be deterred because it preys on those who can least afford to become one of its victims. There already is a casino, a short beautiful drive from the Rogue Valley. And yes, I know people who make that drive on occasion, usually combined with some other entertainment at that casino.

Please, do not construct a casino in the Rogue Valley. It will be a detriment to our community.

Sincerely,

Michael Framson

From: Jerry Colton <fastthinking2014@gmail.com>
Sent: Monday, December 23, 2024 7:01 PM
To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>
Subject: [EXTERNAL] "FEIS Comments, Coquille Indian Tribe Fee-To-Trust and Casino Project"

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Hello Mr. Mogavero -

I am a long time Southern Oregon resident. I reside in Medford.

I am writing to express my position regarding the Coquille Casino project to develop the property of the old Roxy Ann bowling alley into a gambling casino.

We do not need this gambling property in Medford. There are casinos to the North, South and West of Medford. All close enough to serve those who want to partake in gambling.

The casino's mentioned are more than enough for our population base.

I sincerely hope there will be a decision to deny the development of this property or any other in Southern Oregon into a casino.

Please note, I understand the the casinos provide jobs and revenue for the respective tribes and I do not want to deny anyone the opportunity to create a business and make money. But, there must be a limit.

Lastly, I cannot speak to the territorial rights of each tribe, in this case the Cow Creek Band of the Umpqua Tribe of Indians and Coquille.

I am not in favor of this casino.

Thank you for your consideration.

Sincerely,
Jerry Colton

From: mike medina <mikemmedina612003@yahoo.com>

Sent: Monday, December 23, 2024 7:10 PM

To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>

Subject: [EXTERNAL] "FEIS COMMENTS,COQUILLE INDIAN TRIBE FEE-TO-TRUST AND CASINO PROJECT"

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I WOULD LIKE TO VOICE SUPPORT FOR THE CASINO.I BELIEVE IT WOULD HELP COMPETITION AND IT WOULD BE A SIGNIFICANT OPPORTUNITY FOR THE MEDFORD OREGON AREA ECONOMICALLY.

THANK YOU, MICHAEL M MEDINA

From: Kim Tripp <kims89us@gmail.com>

Sent: Monday, December 23, 2024 3:19 PM

To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>

Subject: [EXTERNAL] FEIS COMMENTS, COQUILLE INDIAN TRIBE FEE-TO-TRUST AND CASINO PROJECT

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I AM NOT IN AGREEANCE WITH THEM PUTTING A CASINO IN THE BUILDING. FIRST AND FORMOST IT IS NOT ON TRIBAL LAND. TWO YEARS THE OWNER OF DUTCH BROTHERS COFFEE TRIED TO OPEN A AUTOMATED HORSE RACING/CASINO/GAMING PLACE HERE IN GRANTS PASS AND WAS TOLD NO BECAUSE ONLY THE INDIAN'S ON TRIBAL LAND COULD DO THAT DUE TO OREGON'S LAW. I DO NOT FEEL THAT IT IS FAIR TO HIM, NOR THE OTHER INDIAN NATIONS THAT ARE FOLLOWING THE LAW AND KEEPING THEIR CASINOS ON TRIBAL LAND AND STILL TRYING TO MAKE A LIVING. THE COQUILLE INDIAN TRIBE ALREADY HAS A CASINO IN COOS BAY THAT IS WITHIN THE LAW AND MAKES THEM A GOOD PROFIT. THEY ARE NOT ABOVE THE LAW. I FEEL IT WOULD BE A SEVERE IN JUSTICE TO THE OTHER TRIBES HERE IN OREGON FOR COQUILLE TO BE ABLE TO PUT A CASINO JUST WHERE EVER THEY WANT. PLEASE DO NOT ALLOW THIS CASINO TO TAKE PLACE, IT IS NOT RIGHT LEGALLY OR MORALLY.
SINCERELY,
KIMBERLEE TRIPP

From: Kathleen Ortiz <frances54ortiz@gmail.com>
Sent: Monday, December 23, 2024 8:25 PM
To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>; Kathleen Ortiz <frances54ortiz@gmail.com>
Subject: [EXTERNAL] tobiah.mogavero@bia.gov FEIS coments

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I have lived in the Rogue Valley since the 70s. I think it's a fantastic idea to have a casino here in Medford. Please, please build it.

Thank u

Kathleen Ortiz

From: J Shoemaker <skidoo_j@yahoo.com>

Sent: Monday, December 23, 2024 11:55 PM

To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>

Subject: [EXTERNAL] FEIS COMMENTS, COQUILLE INDIAN TRIBE FEE-TO-TRUST AND CASINO PROJECT

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I have one point that I really feel needs to be stressed while listening to the tribes surrounding the proposed Medford site. Where were they when the Siuslaw Indians built and opened the Three Rivers Casino just three miles from the Coquille Indian Tribe's Mill Casino? The Cow Creek casino is over 70 miles from the new proposed site and they are actually closer to the Three Rivers built near Coos Bay...

Thank you for your time

Jerred

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From: Sharon Gross <wsgross@msn.com>

Sent: Tuesday, December 24, 2024 10:58 AM

To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>

Subject: [EXTERNAL] FEIS Comments, Coquille Indian Tribe Fee-to-Trust and Casino Project

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Sharon Gross
12705 SE River Rd Apt 603D
Portland OR 97222

FEIS Comments, Coquille Indian Tribe Fee-to-Trust and Casino Project

I object to allowing the Coquille tribe to build a casino in Medford. For a long time Oregon has had the policy of one casino per tribe operated on reservation land. Oregon's policy helps prevent a gambling arms race. Allowing casinos in urban areas likely draws more of the population to the unhealthy aspects of gambling and erodes the economies of smaller communities on reservations or near them. I urge you not to open the door to more gambling addiction.

From: Joan Hill <hill.joan@gmail.com>
Sent: Tuesday, December 24, 2024 5:46 PM
To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>
Cc: Joseph.Biden@wh.gov; Secretary-
Deb.Haaland@boi.gov; Jeff.Merkeley@senate.gov; Clifford.Bentz@house.gov; Governor.Kotek@oregon.gov; info@cowcreek-nsn.gov; rbacon@yuroktribe.nsn.us; Ron.Wyden@senate.gov
Subject: [EXTERNAL] FEIS Comments, Coquille Indian Tribe Fee-to-Trust and Casino Project

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RE: FEIS Comments, Coquille Indian Tribe Fee-to-Trust and Casino Project
Attention Tobiah Mogavero, NEPA Coordinator

Secretary Haaland and Regional Director Mercier:

I am writing to protest President Biden's approval of the Oregon Coquille Tribe's request for a non-reservation casino gambling site in Medford Oregon, and to argue that the short-sighted Federal approval circumvents the will, policy and practice of the state, the Tribal Consultation with Oregon's nine tribes and Oregonians. I urge you to reconsider the Coquille Tribes casino approval in Medford.

1. Both Governors Tina Kotek and Gavin Newsom have opposed Coquille's request to expand casino gaming.

- Oregon Governor's **one tribe, one casino policy** was established in 1991 and affirmed by each successive Governor.
- In 1992 Cow Creek entered the first tribal gambling casino compact with the State of Oregon. Gov Kotek has affirmed her commitment to the one tribe, one casino policy, and Gov Kotek has disapproved of the Coquille request to expand casino gambling to non-reservation land.

- Oregon retains the responsibility of regulatory authority for casino gaming.
- In 2010, Oregonians defeated an initiative to expand a casino near Portland.

The federal decision ignores Tribal consultation and overrides state decision. Perhaps someone should follow the money!

2. Oregon's Tribal casinos are located in small rural communities, thus generating jobs and revenue to local economies. The Yurok Tribe in Northern California operates a small, rural tribal casino and also faces adverse economic impact if this federal approval is not rescinded.

3. The federal approval upends delicate balances in Oregon and is precedent changing:

- Oregon budget relies on state run lottery games, which are balanced with the one Tribe, one casino policy. Expanding casinos to urban locales and non-reservation land potentially risks the significant role of lottery funds to the state budget.
- Expanding tribal casinos to urban areas will adversely impact the existing casinos in rural communities throughout the state. Requests are pending for casinos in Salem and Portland.

Allowing this federal decision circumvents state policy and upends the delicate balance with Oregon's nine Tribes. And opens larger cities such as Medford, Bend, Eugene, Salem and Portland to extended financial pressure campaigns to allow non-reservation casinos, all efforts that circumvent state policy, State approval, and support of Oregonians statewide and in the affected communities.

4. Oregon allows gambling including the state lottery and regulation of the Tribal casinos. Evenso, the societal impact of increased gambling online, sports betting, and expanding tribal casinos to non-reservation land are concerning developments.

Federal decisions superseding Oregon dialogue are unacceptable.

5. Unfortunately, Tribes have the option of circumventing state approval as Coquille has done. At a minimum, Oregonians expect transparency and reasonable public comment consideration including financial transparency as Coquille perseveres to secure federal and local officials' approval.

I urge you to reconsider and reject the Coquille Tribe request for the Medford Oregon casino site.

Regards

/Joan G Hill

1311 Neil Creek Road, Ashland, Oregon 97520

From: Carma Mornarich - GO \ Foundation Director <CMornarich@cowcreek-nsn.gov>
Sent: Tuesday, December 24, 2024 4:13 PM
To: Of Trust Services, Office <OTS@bia.gov>
Cc: bmercier@bia.gov; Mercier, Bryan K <Bryan.Mercier@bia.gov>
Subject: [EXTERNAL] Oregon's Policy- "One Tribe, One Casino"

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Dear Mr. Mercier,

I am writing to you as the Executive Director of The Cow Creek Umpqua Indian Foundation which is the philanthropic arm of the Cow Creek Band of Umpqua Tribe of Indians. Hundreds of nonprofit organizations have been fortunate to benefit from the generosity of the Cow Creek Umpqua Indian Foundation since 1997. In January, the Cow Creek Umpqua Indian Foundation will award \$751,580 to 86 non-profit organizations that provide basic needs, abuse prevention, education, health and wellness and community support to vulnerable rural communities in Oregon.

The unwavering support of the Cow Creek Umpqua Tribe and the Foundation has allowed us to award \$25,680,828 to community nonprofit organizations who are making a meaningful impact in seven counties in Southwest Oregon.

However, we have recently learned that a pending decision within your department could negatively affect the Cow Creek Umpqua Tribe in several ways. An off-reservation casino in Medford, Oregon would cut into the Cow Creek Umpqua Tribe's ability to provide services to their Tribal members, but subsequently affect their ability to donate funds to deserving nonprofit organizations.

We are concerned that the Cow Creek Umpqua Indian Foundation is at risk of losing critical resources because of a decision made by the Bureau of Indian Affairs, and I wish to respectfully appeal for your reconsideration.

The Cow Creek Umpqua Indian Foundation has donated millions of dollars in Southern Oregon for years now, and nonprofits all over have greatly benefited. Their work has a proven track record of creating sustainable, positive change, and this decision risks undoing years of progress. Without grant funding from the Cow Creek Umpqua Indian Foundation, many of the nonprofit programs — and the vulnerable individuals who rely on them—will face irreparable consequences.

Oregon has always had a "One Tribe, One Casino" policy. Your pending decision voids that longstanding tradition and opens Pandora's Box for unlimited gaming in Oregon. On behalf of the countless beneficiaries of our philanthropic program, I urge the Bureau of Indian Affairs to reevaluate this decision, and put a stop to the Medford Casino project.

Yours sincerely,

Carma Mornarich, Executive Director
Cow Creek Umpqua Indian Foundation

Carma Mornarich | Executive Director, Cow Creek Umpqua Indian Foundation
Cow Creek Band of Umpqua Tribe of Indians

cmornarich@cowcreek-nsn.gov

2371 NE Stephens St., Roseburg, OR. 97470

www.cowcreek-nsn.gov

www.cowcreekfoundation.org

Office: (541) 957-8945

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this e-mail in error, please notify us immediately by returning it to the sender and delete this copy from your system.
Thank you for your cooperation.

From: BRET BREEZE <bogie05@aol.com>
Sent: Sunday, December 29, 2024 12:48 PM
To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>
Subject: [EXTERNAL] Coquille casino in Medford, Oregon

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Board of Indian Affairs,

I have had a lot of fun at Indian Casinos in Oregon and California. I am a fan.
But it is a mistake to have one in Medford Oregon.

This will punish the Indian Casinos in Canyonville, Oregon, and Yreka, California, which are both a short drive from Medford.

What's worse is the Coquille Tribe never lived in Medford. Does this mean the tribe that has the best political relationship with the Board of Indian Affairs can pop up casinos anywhere they want regardless of where they lived?

Even if the Rogue Indian Tribe wanted a casino in Medford it would be a mistake because of the effect it has on the two tribes' casinos close in proximity, but at least it would make sense since they are the tribe that lived in and around Medford, Oregon.

Sincerely,

Bret A. Breeze, CFP
164 Greenway Circle
Medford, OR 97504

Sent from Bret Breeze's iPhone

EXHIBIT 3—GMA RESPONSE TO COMMENTS



To: Acorn Environmental
From: GMA
Date: January 7, 2025
RE: Coquille Final EIS Comment Response

OVERVIEW

GMA was engaged by Analytical Environmental Services (“AES”) to conduct a Gaming Market Assessment (2018) and a subsequent Impact and Substitution Effects Analyses (2019), for the potential Cedars at Bear Creek Casino in Medford, Oregon (“Project”). As part of these analyses, GMA projected the sources of local market gaming revenue for the Project and evaluated the substitution effects the Project might have on local market gaming revenue for other tribal gaming facilities in the regional market.

In 2023, at the request of Acorn Environmental, GMA conducted an updated Substitution Effects Analysis, specifically addressing how these impacts would vary during each phase of construction if the Project opted for a phased opening approach, as well as providing current projections of the analysis at the time.

This document has been prepared to address comments surrounding GMA’s analysis being outdated, as well as specific comments made by Meister Economic Consulting (“Meister” or “MEC”) dated December 18, 2024 on the Final Environmental Impact Statement (Final EIS). In reference to MEC’s comments, the consultant made multiple critiques to GMA’s analysis regarding the proposed Medford casino. These critiques include, but are not limited to, the following items:

1. FEIS Competitive Effects Analysis Fails to Account for All Relevant Factors
2. FEIS Competitive Effects Analysis Fails to Capture Proper Sizing of Seven Feathers Casino Resort
3. FEIS Competitive Effects Analysis Fails to Properly Account for the Contribution of the Existing Hotel to the Proposed Medford Casino’s Cannibalization of Gaming Revenue

4. FEIS Competitive Effects Relies on Irrelevant Data
5. FEIS Competitive Effects Analysis Underestimates Total Competitive Impact Given it Erroneously Focuses Only on Local Market Gaming Revenue, Ignoring Outer Market Revenue
6. FEIS Competitive Effects Analysis Fails to Account for Non-Gaming Revenue Losses
7. Without Explanation, FEIS Competitive Effects Analysis Presents Different Results than the DEIS Competitive Effects Analysis
8. FEIS Competitive Effects Analysis Significantly Underestimates Detrimental Economic Impact to Seven Feathers Casino Resort and Cow Creek Band
9. FEIS Erroneously Claims Detrimental Economic Impact to Seven Feathers Casino Resort is Acceptable and Recoverable
10. FEIS Confirms Proposed Medford Casino Will Yield Only a Small Net Economic Benefit to the Region Because It Largely Cannibalizes Existing Casinos

This memorandum was prepared in response to claims made surrounding concerns of the analysis being outdated, as well as comments from MEC regarding GMA's methodologies and modeling practices.

RESPONSE TO CONCERNS SURROUNDING THE ANALYSIS BEING OUTDATED

GMA, the leading authority in gaming consultancy, employs rigorous, objective, and data-driven methodologies to ensure the accuracy and reliability of its findings. At the core of GMA's analysis for this engagement is the gravity model, which evaluates the Project's potential local market gaming revenue impact by assessing changes by assumed scenario. This overarching methodology is the industry standard framework for examining the effects of new developments. GMA has made numerous proprietary enhancements to its gravity model to more accurately and effectively evaluate gaming markets. For the purposes of this analysis, three primary sources of local market gaming revenue were identified for the Project: new market growth, substitution effects on regional competitors, and impacts to the VLT market.

The results provided within GMA's report remain substantively accurate, with its key findings unchanged since the studies were initiated. The competitive impacts are expected to remain consistent due to the stability of the regional gaming landscape. Social impacts are anticipated to be minimal, as gaming is already deeply integrated into the area, and the proposed facility is unlikely to contribute significantly to problem gambling. Additionally, the local labor force is sufficient to meet increased demand, and no adverse effects on housing availability are expected. These conclusions remain valid, even as minor adjustments to specific outputs may occur over time due to evolving economic factors.

Social impacts—including labor market disruptions, housing shortages, or increases in problem gambling—are expected to remain negligible. The region’s established gaming culture and sufficient workforce should allow the proposed facility to integrate seamlessly within the market without creating undue strain on existing resources. These findings are supported by robust analysis and support that the societal effects of the Project are unlikely to change materially, even with periodic updates to economic conditions.

RESPONSE TO COMMENTS FROM MEISTER ECONOMIC CONSULTING ON BEHALF OF THE COW CREEK TRIBE

Regarding specific comments provided by Meister Economic Consulting, GMA adheres to a disciplined approach grounded in empirical evidence and proven economic models. GMA does not rely upon “subjective” modeling practices when establishing its gaming factors. GMA’s proprietary methodologies have been fine-tuned through decades of practice, ensuring results that are consistent, replicable, and tailored to the unique characteristics of each market.

The firm has completed over 500 gravity model analyses throughout its tenure, leveraging robust knowledge of gaming market dynamics, with equal weighting from Oregon and the western United States. GMA’s insights extend beyond raw data to encompass a deep understanding of the factors that drive gaming facility performance, from non-gaming amenity mix to competitive pressures. This disciplined approach minimizes variability and inconsistencies often found in subjective analyses, ensuring that clients receive clear, objective, and defensible results.

GMA’s reputation as one of the most trusted consultants in the gaming and hospitality industry stems from its steadfast commitment to transparency, accuracy, and rigorous testing. Clients consistently rely on GMA’s analyses for their precision and reliability. While some consultants may attempt to discredit findings based on alternative methodologies, GMA’s proven track record and expertise stand as a testament to the validity of its approach.

Furthermore, MEC’s critiques of GMA’s use of data—specifically regarding alleged inaccuracies in the reported number of slot machines at Seven Feathers—are unfounded when considering the inherent sensitivity tribal casinos maintain with their data. Minor differences of these often occur due to one consultant utilizing data available in the public domain versus another being privy to the actual slot count at the facility. These are assumptions that are necessary in any gravity model that is constructed for the gaming industry. Further, the claim that GMA’s inclusion of 950 slot machines, as opposed to the actual 890, in its gravity model significantly impacts the results, lacks merit. This level of discrepancy is insufficient to meaningfully alter the model’s outcomes as it is one of many factors that drives the output of the model.

Moreover, the assertion that GMA attempted to “overcompensate” by incorporating Mill Casino’s players club data while excluding similar data from tribal casinos that would be impacted by the Project is a misrepresentation of the realities of data availability in this context. Players’ club data is widely recognized as highly sensitive and is rarely accessible for analysis unless provided by the subject client. To criticize GMA’s methodology on the basis of unavailable data from competing tribal casinos misleads the audience and demonstrates a disregard for the practical constraints of such analyses.

Again, although economic conditions may evolve over time, the percentage impacts of the proposed Medford facility are expected to remain consistent. GMA reiterates its confidence in its findings and stands firmly behind the integrity of its methodologies and the validity of its results. The company’s commitment to objectivity and excellence ensures it remains a trusted partner for clients seeking dependable and actionable analysis in the gaming industry.

CONCERNS SURROUNDING INCONSISTENT REPRESENTATION OF GMA METHODOLOGIES BY MEC

GMA would like to highlight the contradictions in MEC's claim from one project to the next. In this letter Meister explicitly states, “What GMA typically calls “outer market” revenue in its studies includes gaming and nongaming revenue from tourists to the region, long-haul truck traffic, and other pass-through traffic.” However, in another active BIA submission project Meister states that GMA credits the proposed facility with new markets from “nowhere” in reference to GMA’s outer market revenue projections. In this, MEC shows that it is aware of GMA’s usage of the outer market when it is convenient for their argument; however, claims that this revenue is created out of “nowhere” at other times when it is convenient for them.



Attachment 4
Tribal Resolution



COQUILLE INDIAN TRIBE

3050 Tremont Street North Bend, OR 97459
Phone: (541) 756-0904 Fax: (541) 756-0847
www.coquilletribe.org

RESOLUTION CY24128

BEST MANAGEMENT PRACTICES AND MITIGATION MEASURES— MEDFORD PROJECT

WHEREAS, the Coquille Indian Tribe ("Tribe") is a federally recognized Indian tribe pursuant to the Coquille Indian Restoration Act of June 28, 1989, 25 U.S.C. §§ 715, et seq. ("the Act"); AND

WHEREAS, the Tribe is governed by the Coquille Tribal Council pursuant to the Tribal Constitution adopted by eligible voters of the Tribe on August 27, 1991, and approved by the Secretary of the Interior on September 9, 1991; and the Tribal Council is empowered to establish Tribal policies, enact Tribal laws and act for the Tribe; AND

WHEREAS, through a wholly owned subsidiary, the Tribe has acquired real property (the "Parcel") in Medford, Oregon for which it has applied to the Department of Interior's Bureau of Indian Affairs ("BIA") seeking trust and reservation status and requesting a determination for eligibility under the Indian Gaming Regulatory Act (25 U.S.C §§ 2701 et seq.) ("IGRA"); AND

WHEREAS, upon the BIA's approval of the Tribe's application, the Parcel will comprise a portion of the Tribe's reservation upon which the Tribe intends to develop and operate a gaming facility (the "Medford Project"); AND

WHEREAS, subject to Coquille Indian Tribal Code ("CITC") 315.150 the Tribal Council previously adopted the following to provide, among other things, for the regulation of construction, repair, maintenance, expansion, modification, operation or renovation of all structures on Tribal Land, including the Medford Project, in order to ensure that all such activities are conducted in a safe manner to protect persons, property, and the Tribe, and to provide for the regulation and oversight of workplace safety and personal safety on Tribal lands:

1. International Building Code, as amended and updated;
2. International Residential Code, as amended and updated;
3. International Mechanical Code, as amended and updated;
4. International Plumbing Code, as amended and updated; and
5. International Fire Code, as amended and updated.

; AND

WHEREAS, the Tribe has cooperated with the BIA’s process to prepare a Final Environmental Impact Statement (“FEIS”) pursuant to the National Environmental Policy Act (“NEPA”) in order to identify potentially significant environmental impacts related to the BIA’s acquisition of the Parcel as tribal reservation lands and the Tribe’s development of the Medford Project as described in Alternative A under the FEIS; AND

WHEREAS, the FEIS describes certain mitigation or protective measures and Best Management Practices as described in Exhibit A, to be implemented and specific to the Medford Project described in Alternative A under the FEIS (“BMPs”); AND

WHEREAS, it is in the Tribe’s best interests to affirmatively commit to performing the BMPs in and at the Medford Project; NOW

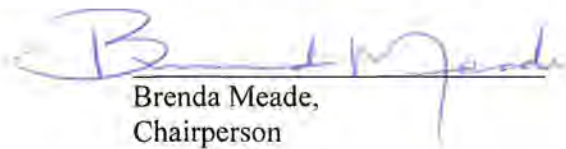
THEREFORE, BE IT RESOLVED, that the Tribal Council commits to adopting and implementing the BMPs identified in Exhibit A during the development and operation of the Medford Project as described in Alternative A of the FEIS; AND

THEREFORE, BE IT FINALLY RESOLVED, that the Tribal Council Chairperson or in her absence or unavailability, the Tribal Council Vice Chairperson, shall have the authority to sign all documents needed to give this resolution full force and effect.

CERTIFICATION

The foregoing Resolution was duly adopted at the Tribal Council Meeting held on the Coquille Indian Tribe Reservation in North Bend, Oregon, on December 13, 2024, with the required quorum present by a vote of

5 For; 0 Against; 1 Absent; 0 Abstaining.


Brenda Meade,
Chairperson



Jen Procter Andrews,
Acting Secretary-Treasurer

Exhibit A

BEST MANAGEMENT PRACTICES (BMPS)

Resource Area	Best Management Practices
<p>Water Resources</p>	<p>Hazardous Material BMPs shall be followed for filling and servicing construction equipment and vehicles.</p> <p>Fertilizer use shall be limited to the minimum amount necessary and shall be adjusted for the nutrient levels in the water used for irrigation. Fertilizer shall not be applied immediately prior to any anticipated rain events.</p> <p>The runoff from trash collection areas shall be directed to the sanitary sewer system for treatment at a wastewater treatment plant (WWTP) prior to discharge.</p> <p>Landscape irrigation shall be adjusted based on weather conditions and shall be reduced or eliminated during the wet portion of the year in order to prevent excessive runoff.</p> <p>Water conservation measures shall be implemented, including low-flow fixtures and electronic dispensing devices in faucets.</p>
<p>Air Quality (Construction)</p>	<p>The following dust suppression BMPs shall be implemented by the Tribe to control the production of fugitive dust (PM₁₀ and PM_{2.5}) and prevent wind erosion of bare and stockpiled soils.</p> <ul style="list-style-type: none"> ○ Spray exposed soil with water or other suppressant two times per day. ○ Restrict traffic speeds on site to 15 miles per hour to reduce soil disturbance. ○ Minimize dust emissions during transport of fill material or soil by wetting down loads, ensuring adequate freeboard (space from the top of the material to the top of the truck bed) on trucks, and/or covering loads. ○ Promptly clean up spills of transported material on public roads. ○ Restrict traffic on site to reduce soil disturbance and the transport of material onto roadways. ○ Locate construction equipment and truck staging areas away from sensitive receptors as practical and in consideration of potential effects on other resources. ○ Cover dirt, gravel, and debris piles as needed to reduce dust and wind-blown debris. <p>The following BMPs shall be implemented by the Tribe to reduce emissions of criteria pollutants, greenhouse gases (GHGs) and diesel particulate matter (DPM) from construction.</p> <ul style="list-style-type: none"> ○ It is recommended that the Tribe control criteria pollutants and GHG emissions whenever reasonable and practicable by requiring all diesel-powered equipment be properly maintained and minimize idling time to 5 minutes when construction equipment is not in use, unless per engine manufacturer's specifications or for safety reasons more time is required. Since these emissions would be generated primarily by construction equipment, machinery engines shall be kept in good mechanical condition to minimize exhaust emissions. The Tribe shall employ periodic and unscheduled inspections to accomplish the above mitigation. ○ Require at least 85% of construction equipment with a horsepower rating of greater than 50 be equipped with diesel particulate filters, which would reduce approximately 85% of DPM.
<p>Air Quality (Operation)</p>	<p>The Tribe shall reduce emissions of criteria air pollutants and GHGs during operation through the following actions, as applicable.</p> <ul style="list-style-type: none"> ○ The Tribe shall use clean fuel vehicles in the vehicle fleet where practicable. ○ The Tribe shall provide at least 20% of parking spaces with electric service capacity to enable future installation of electric vehicle (EV) charging stations. ○ The Tribe shall provide preferential parking for vanpools and carpools, which would reduce criteria pollutants and GHGs. ○ The Tribe shall offer 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. ○ The Tribe shall use low-flow appliances where feasible and utilize non-potable water to the extent practicable. The Tribe shall use drought resistant landscaping where practicable and provide "Save Water" signs near water faucets throughout the development. ○ It is recommended that the Tribe control criteria pollutants, GHG, and DPM emissions during operation whenever reasonable and practicable by requiring all diesel-powered vehicles and equipment be properly maintained and minimizing idling time to five minutes at loading docks when loading or unloading food, merchandise, etc. or when diesel-powered vehicles or equipment are not in use; unless per engine manufacturer's

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Resource Area	Best Management Practices
	<p>specifications or for safety reasons more time is required. The Tribe shall employ periodic and unscheduled inspections to accomplish the above mitigation.</p> <ul style="list-style-type: none"> ○ The Tribe shall use energy efficient lighting (e.g., light emitting diodes [LEDs]), which would reduce indirect criteria pollutants and GHG emissions. Using energy efficient lighting would reduce energy usage, thus, reducing indirect GHG emissions from the project. ○ The Tribe shall use energy-efficient appliances. ○ The Tribe shall install recycling bins throughout the casino for glass, cans, and paper products. Decorative trash and recycling receptacles shall be placed strategically outside to encourage people to recycle and not to litter. Security guards shall be trained to discourage littering on site.
Socioeconomic Conditions	<p>The Tribe shall prominently display (including on any automatic teller machines [ATMs] located on-site) materials describing the risk and signs of problem and pathological gambling behaviors. Materials shall also be prominently displayed (including on any ATMs located on-site) that provide available programs for those seeking treatment for problem and pathological gambling disorders, including but not limited to a toll-free hotline telephone number.</p> <p>The Tribe shall conduct annual customer surveys in an attempt to determine the number of problem and pathological gamblers and make this information available to state or federal gaming regulators upon request.</p> <p>The Tribe shall undertake responsible gaming practices that at a minimum require that employees be educated to recognize signs of problem gamblers, that employees be trained to provide information to those seeking help, and that a system for voluntary exclusion be made available.</p> <p>Procedures shall be implemented to allow for voluntary self-exclusion, enabling gamblers to ban themselves from the gaming establishment for a specified period of time.</p> <p>Responsible gaming policies currently in place at the Mill Casino shall be instituted by the Coquille Indian Gaming Commission at the proposed gaming facility, including monitoring customers for signs of problem gaming, providing information about problem gaming to customers suspected of having an unhealthy gaming habit, and maintaining and enforcing policies to monitor and respond to problem gaming, including the most stringent possible self-ban rule (a lifetime ban from the facility grounds).</p>
Land Use	<p>Light fixtures would not extend above 30 feet in height, and the lighting would be designed to confine direct rays to the premises.</p> <p>Signage would be architecturally compatible with the buildings and would be of appropriate size and content.</p>
Solid Waste	<p>Construction waste shall be recycled to the fullest extent practicable by diverting green waste and recyclable building materials (including, but not limited to, metals, steel, wood, etc.) away from the solid waste stream.</p> <p>Environmentally preferable materials, including recycled materials, shall be used to the extent readily available and economically practicable for construction of facilities.</p> <p>During construction, the site shall be cleaned daily of trash and debris to the maximum extent practicable.</p>
Law Enforcement	<p>Parking areas shall be well lit and monitored by parking staff and/or roving security guards at all times during operation. This will aid in the prevention of auto theft and other similar criminal activity.</p> <p>Areas surrounding the gaming facilities shall have “No Loitering” signs in place, be well lit, and be patrolled regularly by roving security guards.</p> <p>The Tribe shall conduct background checks for all gaming employees and ensure that all employees meet licensure requirements established by IGRA and the Tribe’s Gaming Ordinance.</p> <p>The Tribe shall adopt a Responsible Alcoholic Beverage Policy that shall include, but not be limited to, checking identification of patrons and refusing service to intoxicated individuals.</p> <p>The Tribe shall provide an adequate level of on-site security at the site during all hours of operation.</p> <p>The Tribe shall use best efforts to assist the City of Medford and/or Jackson County in law enforcement matters and to detain individuals when requested by either municipality, to the extent allowable under applicable law. As is current practice at the Mill Casino, the Tribe shall not tolerate any criminal act or attempted criminal act on the facility’s premises, and any such act shall be investigated, and when practical, charges shall be brought against suspects to the fullest extent of the law; in cases of suspected criminal activity calls will be made to local dispatch for law enforcement assistance.</p>

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	Employees shall be trained in the proper involvement of law enforcement officials in disturbances on-site.
Fire Protection and Emergency Medical	<p>During construction, any construction equipment that normally includes a spark arrester shall be equipped with an arrester in good working order. This includes, but is not limited to, vehicles, heavy equipment, and chainsaws. Staging areas, welding areas, or areas slated for development using spark-producing equipment shall be cleared of dried vegetation or other materials that could serve as fire fuel. To the extent feasible, the contractor shall keep these areas clear of combustible materials in order to maintain a firebreak.</p> <p>The Tribe will provide medical and fire training to staff (i.e., cardiopulmonary resuscitation and fire extinguisher training).</p>
Electricity and Natural Gas	<p>The selected heating, ventilation, and air conditioning (HVAC) system shall minimize the use of energy by means of using high efficiency variable speed chillers, high efficiency low emission steam and/or hot water boilers, variable speed hot water and chilled water pumps, variable air volume air handling units, and air-to-air heat recovery where appropriate.</p> <p>Energy-efficient lighting (e.g., LEDs) shall be installed throughout the facilities. Dual-level light switching shall be installed in support areas to allow users of the buildings to reduce lighting energy usage when the task being performed does not require all lighting to be on. Day lighting controls shall be installed near windows to reduce the artificial lighting level when natural lighting is available. Controls shall be installed for exterior lighting, so it is turned off during the day.</p>
Hazardous Materials	<p>Personnel shall follow BMPs for filling and servicing construction equipment and vehicles. The BMPs, that are designed to reduce the potential for incidents involving the hazardous materials, shall include the following:</p> <ul style="list-style-type: none"> ○ To reduce the potential for accidental release, fuel, oil, and hydraulic fluids shall be transferred directly from a service truck to construction equipment and shall not be stored on site. ○ Catch pans shall be placed under equipment to catch potential spills during servicing. ○ Refueling shall be conducted only with approved pumps, hoses, and nozzles. ○ All disconnected hoses shall be placed in containers to collect residual fuel from the hose. ○ Vehicle engines shall be shut down during refueling. ○ No smoking, open flames, or welding shall be allowed in refueling or service areas. ○ Refueling shall be performed away from bodies of water to prevent contamination of water in the event of a leak or spill. ○ Service trucks shall be provided with fire extinguishers and spill containment equipment, such as absorbents. ○ Should a spill contaminate soil, the soil shall be put into containers and disposed of in accordance with local, state, and federal regulations. ○ All containers used to store hazardous materials shall be inspected at least once per week for signs of leaking or failure. All maintenance, refueling, and storage areas shall be inspected monthly. ○ Results of inspections shall be recorded in a logbook that shall be maintained on site. <p>Hazardous materials must be stored in appropriate and approved containers in accordance with applicable regulatory agency protocols.</p> <p>Potentially hazardous materials, including fuels, shall be stored away from storm drainage systems, and secondary containment shall be provided for all hazardous materials stored during construction and operation.</p> <p>In the event that contaminated soil is encountered during construction related earth-moving activities, all work shall be halted until a professional hazardous materials specialist or other qualified individual assesses the extent of contamination. If contamination is determined to be hazardous, representatives of the Tribe shall consult with the USEPA to determine the appropriate course of action, including development of a Sampling and Remediation Plan if necessary. Any and all contaminated soils that are determined to be hazardous shall be disposed of in accordance with federal regulations.</p> <p>The Tribe shall ensure, through the enforcement of contractual obligations, that all contractors prepare hazardous materials business plans and that they transport, store, and handle construction and remediation-related hazardous materials in a manner consistent with applicable regulations and guidelines. Recommendations may include, but are not limited to, transporting and storing materials</p>

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	<p>in appropriate and approved containers, maintaining required clearances, and handling materials in accordance with the applicable federal, state, and/or local regulatory agency protocols.</p> <p>Prior to demolition activities associated with renovations to the Roxy Ann Lanes building, all construction areas will be inspected and tested for the presence of potentially asbestos containing materials, lead-based paint and polychlorinated biphenyls (PCBs) in accordance with EPA recommended testing procedures. Should potentially asbestos containing materials, PCBs, and/or lead paint be encountered during construction activities, construction personnel will follow proper federal regulations. This includes properly identifying, classifying, managing, and disposing of any hazardous materials or wastes in accordance with title 40 CFR parts 260 through 273.</p>
Aesthetics	<p>Placement of lights on buildings shall be designed so as not to cast light or glare offsite.</p> <p>Shielding, such as with a horizontal shroud, shall be used for all outdoor lighting so as to ensure it is downcast.</p> <p>Timers shall be utilized so as to limit lighting to necessary times.</p> <p>All exterior glass shall be non-reflective low-glare glass.</p>

FINAL EIS MITIGATION MEASURES (MM)

Mitigation Number and Resource Area	Proposed Mitigation
<p>MM 5.2 Geology and Soils</p>	<p>The following mitigation measure shall be implemented in accordance with federal regulatory requirements for Alternatives A and B:</p> <p>A. The Tribe shall obtain coverage under the USEPA General Construction NPDES permit under the federal requirements of the CWA. As required by the NPDES General Construction Permit, a SWPPP shall be prepared that addresses potential water quality impacts associated with construction of the project alternatives. The SWPPP shall make provisions for erosion prevention and sediment control and control of other potential pollutants.</p> <p>The SWPPP shall describe construction practices, stabilization techniques, and structural BMPs that are to be implemented to prevent erosion and minimize sediment transport. BMPs shall be inspected, maintained, and repaired to assure continued performance of their intended function. Reports summarizing the scope of these inspections, the personnel conducting the inspection, the dates of the inspections, major observations relating to the implementation of the SWPPP, and actions taken as a result of these inspections shall be prepared and retained as part of the SWPPP</p> <p>To minimize the potential for erosion to occur on the site, the following items shall be addressed in the SWPPP and implemented pursuant to the NPDES General Construction Permit.</p> <ol style="list-style-type: none"> 1. Stripped areas shall be stabilized through temporary seeding using dryland grasses. 2. Conveyance channels and severe erosion channels shall be mulched or matted to prevent excessive erosion. 3. Exposed stockpiled soils shall be covered with plastic covering to prevent wind and rain erosion. 4. The construction entrance shall be stabilized by the use of rip-rap, crushed gravel, or other such material to prevent the track-out of dirt and mud. 5. Construction roadways shall be stabilized through the use of frequent watering, stabilizing chemical application, or physical covering of gravel or rip-rap. 6. Filter fences shall be erected at all on-site stormwater exit points and along the edge of graded areas to stabilized non-graded areas and control siltation of onsite stormwater. 7. Dust suppression measures included in Section 2.3.3 shall be implemented to control the production of fugitive dust and prevent wind erosion of bare and stockpiled soils. 8. Prior to land-disturbing activities, the clearing and grading limits shall be marked clearly, both in the field and on the plans. This can be done using construction fences or by creating buffer zones. 9. Construction traffic shall be limited in its access to the site to a single entrance if possible. Haul roads and staging areas shall be developed to control impacts to on-site soil. All access points, haul roads, and staging areas shall be stabilized with crushed rock. Any sediment shall be removed daily and the road structure maintained. 10. Downstream waterways and properties shall be protected during construction from increased flow rates due to the higher impervious nature of the site. During construction, detention ponds can be

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	<p>combined with sedimentation ponds as long as the detention volume is not impacted by a buildup of sediment.</p> <ol style="list-style-type: none"> 11. Concentrated flows create high potential for erosion; therefore, any slopes shall be protected from concentration flow. This can be done by using gradient terraces, interceptor dikes, and swales, and by installing pipe slope drains or level spreaders. Inlets need to be protected to provide an initial filtering of stormwater runoff; however, any sediment buildup shall be removed so the inlet does not become blocked. 12. The SWPPP shall address maintenance and repair of heavy equipment on the site to remove the potential for pollution from oil, fuel, hydraulic fluid, or any other potential pollutant. 13. Staging areas and haul roads shall be constructed to minimize future over-excavation of deteriorated sub-grade soil. 14. If construction occurs during wet periods, sub-grade stabilization shall be required. Mulching or netting may be needed for wet-weather construction. 15. Temporary erosion control measures (such as silt fence, gravel filter berms, straw wattles, sediment/grease traps, mulching of disturbed soil, construction stormwater chemical treatment, and construction stormwater filtration) shall be employed for disturbed areas. 16. Exposed and unworked soils shall be stabilized by the application of effective BMPs. These include, but are not limited to, temporary or permanent seeding, mulching, nets and blankets, plastic covering, sodding, and gradient terraces. 17. The SWPPP shall address the maintenance of both temporary and permanent erosion and sediment control BMPs. <p>The following measure shall be implemented for Alternative C:</p> <ol style="list-style-type: none"> B. The Tribe shall adopt a tsunami evacuation plan consistent with the State of Oregon Tsunami Evacuation Map for the Coos Bay Peninsula.
<p>MM 5.3 Water Resources</p>	<p>Construction Impacts</p> <p>The following mitigation measure shall be implemented in accordance with federal regulatory requirements for Alternatives A and B.</p> <ol style="list-style-type: none"> A. As described under MM 5.2 (A), prior to construction, an NPDES General Construction permit from the USEPA shall be complied with and a SWPPP shall be prepared. The SWPPP shall describe construction practices, stabilization techniques, and structural BMPs that are to be implemented to prevent erosion and minimize sediment transport as outlined above. B. In accordance with the NPDES General Construction Permit, a sampling and monitoring program shall be developed and implemented to assess the quality of surface water entering and leaving the site. At a minimum, sampling sites shall include a location above all proposed development and a location downstream of all development. Analyses shall include total suspended solids (TSS), oils, and greases. <p>The following mitigation measure shall be implemented in accordance with federal regulatory requirements for Alternative B.</p> <ol style="list-style-type: none"> C. As described in detail under MM 5.5 (G), a 404 permit shall be obtained from the USACE prior to any discharge of dredged or fill material into waters of the U.S, and a 401 Water Quality Certification shall be obtained from the USEPA.
<p>MM 5.4 Air Quality Operation</p>	<p>The BMPs described in Section 2.3.3 will minimize potential effects to air quality resulting from construction and operation of the project alternatives; therefore, no mitigation is required.</p>
<p>MM 5.5 Biological Resources</p>	<p>The following mitigation measures shall be implemented in accordance with federal regulatory requirements (MBTA and ESA) for Alternatives A and B.</p> <ol style="list-style-type: none"> A. In accordance with the MBTA, a qualified biologist will conduct a preconstruction survey within 100 feet around the vicinity of the site for active nests should construction activities commence during the nesting season for birds of prey and migratory birds (between February 15 and September 15). In addition, and in accordance with the Bald and Golden Eagle Act, a qualified biologist will conduct at least two preconstruction surveys for bald and golden eagles should construction activities commence during the nesting season for eagles (between January 1 and August 31). Following the preconstruction nesting bird surveys, if any active nests of migratory birds are located within 100 feet of the Action Area, a no-disturbance buffer zone shall be established around the nests to avoid disturbance or destruction of the nest. Following the preconstruction survey for nesting bald and golden eagles, if any active eagle nests

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	<p>are located within 330 feet of the Action Area, a no-disturbance buffer zone shall be established around the nests and nesting resources must also be protected (perching and fledging trees, replacement nest trees, and forested area around the nest tree) to avoid disturbance or destruction of the nest. The distance around the no-disturbance buffer for either migratory birds or eagles shall be determined by the biologist in coordination with the USFWS, if needed, and will depend on the level of noise or construction activity, the level of ambient noise in the vicinity of the nest, line-of-sight between the nest and disturbance, and the species at hand. The biologist shall delimit the buffer zone with construction tape or pin flags. The no-disturbance buffer will remain in place until after the nesting season (to be lifted in August or September) or until the biologist determines that the young birds have fledged. A report shall be prepared and submitted to the Tribe and the USFWS following the fledging of the nestlings to document the results.</p> <p>B. Trees anticipated for removal will be removed between September 15 and December 31, prior to the nesting season. If trees are anticipated to be removed during the nesting season, a preconstruction survey will be conducted by a qualified biologist. If the survey shows that there is no evidence of active nests, then the tree will be removed within 10 days following the survey. If active nests are located within trees identified for removal, a species-specific buffer will be installed around the tree and additional measures outlined in section A above shall be implemented.</p> <p>C. As described under MM 5.2 (A), prior to construction, the project shall obtain coverage under the NPDES General Construction permit from the USEPA and a SWPPP shall be prepared. The SWPPP shall describe construction practices, stabilization techniques, and structural BMPs that are to be implemented to prevent erosion and minimize sediment transport as outlined above.</p> <p>D. The site shall incorporate BMPs for stormwater runoff, including sedimentation basins, vegetated swales, and runoff infiltration devices if necessary, to ensure that the water quality of on-site or nearby waters does not degrade. Stormwater runoff from the site shall be monitored according to BMPs to assess the quality of water leaving the site.</p> <p>E. All equipment refueling and maintenance shall occur in an approved staging area and an agency-approved spill prevention plan will implemented by the contractor.</p> <p>The following mitigation measures shall be implemented in accordance with federal regulatory requirements for Alternative B.</p> <p>F. A delineation of wetlands and waters of the U.S. shall be conducted within the Phoenix Site in accordance with Section 404 of the CWA and submitted to the USACE for verification. If it is determined that wetlands and/or Waters of the U.S. occur within the development footprint of Alternative B, the requirements of Mitigation Measure G shall apply.</p> <p>The following mitigation measures shall be implemented in accordance with federal regulatory requirements for Alternatives B and C.</p> <p>G. A USACE 401 Water Quality Certification permit and a nationwide 404 permit shall be obtained from USACE prior to any discharge of dredged or fill material into Waters of the U.S. The Tribe shall comply with all the terms and conditions of the permit and compensatory mitigation shall be in place prior to any direct effects to Waters of the U.S. Minimal mitigation measures would require the creation of wetlands at a 1:1 ratio for any wetlands impacted. Full mitigation will be carried out in compliance with any permits.</p> <p>The following mitigation measures shall be implemented in accordance with federal regulatory requirements for Alternative C.</p> <p>H. Reinforcement of the bulkhead shall occur in a timeframe agreed to with the USACE to minimize impacts to Oregon coast coho salmon (<i>Oncorhynchus kisutch</i>) egg and fry life stages, and Pacific eulachon (<i>Thaleichthys pacificus</i>) juveniles within the associated bay and estuarine waters.</p> <p>I. Consultation on Standard Local Operating Procedures for Endangered Species (SLOPES) with NMFS and the USACE shall occur to determine the BMPs required to minimize disturbance and mobilization of sediment during the bulkhead reinforcement. BMPs and sediment stabilization measures shall be implemented immediately after reinforcement of the bulkhead and the surrounding area to prevent erosion and discharge of sediment into Coos Bay. These measures include, but are not limited to, installation of erosion blankets, moveable silt or sediment containment curtains, and coffer dams, as well as other measures as outlined in MM 5.2 (A).</p>
<p>MM 5.6 Cultural and Paleontological Resources</p>	<p>The following mitigation measures shall be implemented in accordance with federal regulatory requirements for Alternatives A and B.</p>

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	<p>A. All earth disturbing activities involving excavation greater than 2 feet in depth shall be monitored by a qualified archaeologist. If intact archaeological deposits and/or cultural features including human remains are discovered during project construction and monitoring activities, the following measures will apply.</p> <p>B. In the event of any inadvertent discovery of prehistoric or historic archaeological resources during construction-related earth-moving activities, all such finds shall be subject to Section 106 of the NHPA as amended (36 CFR 800). Specifically, procedures for post-review discoveries without prior planning pursuant to 36 CFR 800.13 shall be followed. All work within 50 feet of the find shall be halted until a professional archaeologist can assess the significance of the find. If any find is determined to be significant by the archaeologist, then representatives of the Tribe shall meet with the archaeologist to determine the appropriate course of action, including the development of a Treatment Plan, if necessary. All significant cultural materials recovered shall be subject to scientific analysis, professional curation, and a report prepared by the professional archaeologist according to current professional standards.</p> <p>C. If human remains are discovered during ground-disturbing activities on Tribal lands, the Tribal Official and BIA representative shall be contacted immediately. No further disturbance shall occur until the Tribal Official and BIA representative have made the necessary findings as to the origin and disposition. If the remains are determined to be of Native American origin, the BIA representative shall notify a Most Likely Descendant (MLD). The MLD is responsible for recommending the appropriate disposition of the remains and any grave goods.</p> <p>D. In the event of accidental discovery of paleontological materials during ground-disturbing activities, a qualified paleontologist shall be contacted to evaluate the significance of the find and collect the materials for curation as appropriate.</p> <p>The following mitigation measures shall be implemented in accordance with federal regulatory requirements for Alternative B.</p> <p>E. Prior to approval of Alternative B, a comprehensive cultural resources survey will be required, utilizing shovel tests or similar subsurface testing as surface soil visibility is very poor. If any cultural resources are detected during the shovel testing program, all such finds shall be subject to Section 106 of the NHPA as amended (36 CFR 800). Specifically, sufficient subsurface exploration, evaluation, and/or research in the case of historic-era finds shall be performed to allow an evaluation of the finds for NRHP eligibility. If sites are found and are eligible to the NRHP, a Treatment Plan will be prepared and implemented in order to mitigate project impacts. Appropriate treatment may include site sampling, testing, data recovery, documentation, or a combination of measures. Any recommended treatment shall be completed prior to project construction.</p>
<p>MM 5.7 Socioeconomic Conditions</p>	<p>The BMPs described in Section 2.3.3 will minimize potential effects related to socioeconomic conditions resulting from construction and operation of the project alternatives; therefore, no mitigation is required.</p>
<p>MM 5.8 Transportation/ Circulation</p>	<p>Opening Year 2022</p> <p>To prevent violation of federal, state, and local policies related to traffic operations imposed for the protection of the environment (40 CFR 1508.27[b][10]), the following mitigation measures shall be implemented for Alternative A, with paragraph A below subject to specific negotiations between the Tribe and ODOT:</p> <p>A. In accordance with OAR 734 -051 (Division 51) the Tribe shall enter into discussions with ODOT regarding the two accesses along Hwy 99 and the applicability of the “moving in the direction” criteria. The collaboration may conclude with issuance of access permits. Improvements to the existing accesses as a result of this collaboration may include, but may not be limited to.</p> <ol style="list-style-type: none"> 1. Install a narrow median island on Hwy 99 to limit the access to the northern driveway (South Pacific Highway/Human Bean Driveway) to right-in, right-out movements. 2. Restripe the southern driveway on Hwy 99 (South Pacific Highway / Roxy Ann Lanes) with one entry lane and separated right turn and left turn exit lanes. 3. Design truck access locations to accommodate vehicles with a wheel base of 67 feet (WB-67 vehicles). <p>To prevent violation of federal, state, and local policies related to traffic operations imposed for the protection of the environment (40 CFR 1508.27[b][10]), the Tribe shall offer to pay a fair share contribution to the following mitigation measure for Alternative B.</p> <p>B. <u>North Phoenix Road and Juanipero Road</u>: Install traffic signal when signal warrants are met. Proportionate fair share of 2%.</p>

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	<p>C. <u>North Phoenix Road and E. Barnett Road</u>: Contribute to planned intersection improvements identified in 2018-2038 Medford Transportation System Plan. Proportionate fair share of 3%.</p> <p>Cumulative Year 2042</p> <p>To prevent violation of federal, state, and local policies related to traffic operations imposed for the protection of the environment (40 CFR 1508.27[b][10]), the Tribe shall offer to implement and pay a fair share contribution to the following mitigation measure for Alternative A.</p> <p>D. <u>South Pacific Highway and Garfield Street</u>: Restripe the westbound right-turn lane to a shared through-right and making appropriate changes to the signal head, controller and signage. Proportionate fair share of 2%.</p> <p>E. <u>South Pacific Highway and Charlotte Ann Road</u>: Access management via turn movement restrictions. Right-out only of the private driveway and striping the westbound movements to be separate movements. Proportionate fair share of 3%.</p>
<p>MM 5.9 Land Use</p>	<p>MM 5.8, and MM 5.11 and BMPs in Section 2.3.3 will reduce incompatibilities with neighboring land uses due to air quality, traffic, noise, and aesthetic impacts.</p>
<p>MM 5.10 Public Services</p>	<p>Off-Site Water and Wastewater Services</p> <p>To prevent violation of federal, state, and local policies related to water and wastewater services imposed for the protection of the environment (40 CFR 1508.27[b][10]), the following mitigation measures shall be implemented for Alternative B.</p> <p>A. The Tribe shall offer to enter into service agreement(s) prior to project operation to reimburse the MWC, RVSS, and/or other applicable service providers, as appropriate, for necessary new, upgraded, and/or expanded water and/or wastewater collection, distribution, or treatment facilities. This service agreement(s) shall include, but is not limited to, fair share compensation for new, upgraded, and/or expanded water supply and wastewater conveyance facilities necessary to serve development of the selected site, including development of appropriately sized infrastructure to meet anticipated flows. Such improvements shall be sized to maintain existing public services at existing levels. The service agreement shall also include provisions for monthly services charges consistent with rates paid by other commercial users.</p> <p>B. Field testing would be performed to verify the availability of sufficient fire flow (estimated to be 4,000 GPM). If sufficient flow is not achievable, additional design components consistent with RVSS standards, including but not limited to a secondary water pipeline, would be submitted and approved by RVSS prior to construction.</p> <p>Solid Waste</p> <p>The BMPs described in Section 2.3.3 will minimize potential effects related to solid waste resulting from construction of the project alternatives; therefore, no mitigation is required.</p> <p>Law Enforcement</p> <p>The following mitigation measure is recommended for Alternative A.</p> <p>C. Prior to operation, 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. The agreement shall include 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. In addition, the Tribe shall offer to enter into an agreement with Jackson County to reimburse law enforcement costs associated with the increase in demand for the District Attorney, jail, and Community Justice Department services as a result of Alternative A.</p> <p>The following mitigation measure is recommended for Alternative B:</p> <p>D. Prior to operation, the Tribe shall offer to enter into agreements to reimburse the Jackson County Sheriff's Department, District Attorney, jail, and Community Justice Department for direct and indirect costs incurred in conjunction with providing law enforcement services. The agreement shall include a provision requiring the Tribe to meet with Jackson County at least once a year, if requested, to discuss ways to improve police services and prosecution of crimes associated with the project.</p> <p>Fire Protection and Emergency Medical Services</p> <p>Implementation of the mitigation measures below would minimize potential impacts related to fire protection and emergency services. The following measure is recommended for Alternative A.</p> <p>E. Prior to operation, the Tribe shall offer to enter into an agreement to reimburse the Medford Fire Department for additional demands caused by the operation of the facilities on trust property. The</p>

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Mitigation Number and Resource Area	Proposed Mitigation
	<p>agreement shall address any required conditions and standards for emergency access and fire protection system.</p> <p>The following measure is recommended for Alternative B.</p> <p>F. Prior to operation, the Tribe shall offer to enter into an agreement to reimburse Jackson County Fire District 5 for additional demands caused by the operation of the facilities on trust property. The agreement shall address any required conditions and standards for emergency access and fire protection system.</p> <p>Electricity and Natural Gas</p> <p>The BMPs described in Section 2.3.3 will minimize potential effects related to electricity and gas resulting from construction and operation of the project alternatives; therefore, no mitigation is required.</p>
<p>MM 5.11 Noise</p>	<p>The following mitigation measures shall be implemented during construction for Alternatives A, B, and C to prevent violation of federal noise abatement criteria standards.</p> <p>A. Construction shall not be conducted between the hours of 6:00 p.m. and 7:00 a.m. Additionally, the following measures shall be used to minimize impacts from noise during work hours (7:00 a.m. to 6:00 p.m.):</p> <ol style="list-style-type: none"> 1. All construction vehicles or equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers and acoustical shields or shrouds, in accordance with manufacturers' specifications. 2. Haul trucks shall be operated in accordance with posted speed limits. 3. Loud stationary construction equipment shall be located as far away from residential receptor areas as feasible. To the extent feasible, existing barrier features (structures) shall be used to block sound transmission between noise sources and noise sensitive land uses. 4. Equipment shall not be left idling for more than 5 minutes. 5. All diesel engine generator sets shall be provided with enclosures. 6. The Tribe shall monitor construction noise and will designate a disturbance coordinator (such as an employee of the general contractor or the project manager for the Tribe), post the coordinator's contact telephone number conspicuously around the project site, and provide the number to nearby sensitive receptors. The disturbance coordinator shall receive all public complaints, be responsible for determining the cause of the complaints, and implement any feasible measures to alleviate the problem. <p>The following mitigation measures shall be implemented during operation for Alternatives A and B to prevent violation of federal noise abatement criteria standards.</p> <p>B. HVAC systems for the gaming facility will be roof mounted and shielded to minimize noise.</p>
<p>MM 5.12 Hazardous Materials</p>	<p>The following mitigation measure is recommended during construction of Alternative A:</p> <p>A. The Tribe shall ensure, through the enforcement of contractual obligations, that all contractors require construction personnel to wear appropriate personal protective equipment (PPE) and follow proper decontamination procedures subsequent to working in areas where native soils have been disturbed.</p>
<p>MM 5.13 Aesthetics</p>	<p>The BMPs described in Section 2.3.3 will minimize potential effects related to aesthetics resulting from operation of the project alternatives; therefore, no mitigation is required.</p>