

# Tribe supports those seeking to stop casino construction

By Dean Rhodes  
Smoke Signals editor

The Confederated Tribes of Grand Ronde is supporting Clark County, Wash., and Clark County residents who are seeking to stop construction of the Cowlitz Tribal casino going up near La Center by filing a motion for emergency relief with the U.S. Court of Appeals for the District of Columbia on Thursday, March 3.

According to the motion, the Cowlitz Tribe ramped up construction on its casino 15 miles north of the Portland-Vancouver metropolitan area in January despite the fact that oral arguments regarding the Secretary of the Interior's authority to take land into trust for the Tribe are scheduled for Friday, March 18, in Washington, D.C.

The Department of the Interior took 152 acres into trust for the Cowlitz Tribe in 2010 and Clark County, the Grand Ronde Tribe and nearby landowners, among others, filed suit, claiming, among other things, that the federal government did not have authority to take land into trust for the Cowlitz because

they were not a federally recognized Tribe in 1934 when the Indian Reorganization Act was passed by Congress.

U.S. District Judge Barbara Rothstein ruled in favor of the Department of the Interior in December 2014 and the case was subsequently appealed.

"Despite the court's imminent consideration of the lawfulness of the trust acquisition – and therefore construction – the (Cowlitz) Tribe began full-scale construction in mid-January," the motion states. "The Tribe's decision to build as much of the casino as possible before the court rules is a calculated risk – one that also appears intended to undercut the court's review and limit available remedies. Any injury to the Tribe from an injunction would therefore be self-inflicted."

In the request for an injunction, the plaintiffs argue they are likely to succeed on appeal and that irreparable environmental and jurisdictional harms are occurring in Clark County, and that casino construction is destroying protected

agricultural land in Washington state.

The motion states that the Cowlitz Tribe's plan to inject up to 390,000 gallons of wastewater per day into an underground injection well above the only-source aquifer underlying the parcel will degrade critical water resources and create risks to public health. The motion says that the Troutdale Aquifer System supplies 99 percent of Clark County's drinking water.

"Grand Ronde, among other things, is very concerned that the injection wells Cowlitz is now proposing to use at the La Center site will pollute the Troutdale aquifer," said Grand Ronde Tribal Attorney Rob Greene. "That water source is a primary source of fresh water for Clark County and is a backup water supply for the city of Portland. As recently as last summer, the Troutdale aquifer was tapped by Portland to supplement the water supply from Bull Run."

The Grand Ronde Tribe has talked with the Oregon congressional offices of Earl Blumenauer and Jeff Merkley about the potential threat to Portland's water supply and Tribal Council member Brenda Tuomi raised the issue directly with Sen. Merkley at a recent Polk County Town Hall meeting.

In addition, Clark County issued a stop work order on Feb. 24, which the Cowlitz Tribe has ignored.

"The Tribe has been an active participant in this litigation and

thus aware of the prospect of an unfavorable result and the possibility of injunctive relief," the motion states. "U.S. Rep. Jaime Herrera Beutler questioned the Secretary's trust transfer before this case is resolved and its impact on the availability of remedies, as well as the environmental impacts of the Tribe's construction. ... The Tribe, therefore, clearly knew that any investment made before resolution of the appeal could be lost.

"Indeed, the litigation risk is likely why Moody's Investor Service assigned a B3 Corporate Family Rating to the Cowlitz Gaming Authority's \$485 million financing for its casino, a rating that is considered speculative and subject to high credit risk. The Tribe decided to commence full construction two months before argument despite these risks on an informed basis and any economic harm it might experience if enjoined would be self-inflicted."

The motion also criticizes the Cowlitz Tribe for no longer informing Clark County about its timing or plans for the property after the land was officially acquired by the federal government in March 2015.

Other plaintiffs include Citizens Against Reservation Shopping, nearby landowners Al Alexanderson and Greg and Susan Gilbert, and operators of La Center's cardrooms.

If the Court of Appeals does not grant an injunction, the motion asks for a quick ruling on the appeal. ■

## Adult Members' Trust and Minors' Custodial & Rabbi Trust Funds

Investments in the Adult Members' Trust Fund and the Minors' Custodial and Rabbi Trust Funds are updated each business day. If you are a trust participant and/or if you are the parent/guardian of a minor member, you can access and review your balance and your minor child's balance by visiting [www.401Save.com](http://www.401Save.com). To log-in, the initial User ID is your (or your child's) Social Security number, and the initial Password is "00" followed by your (or your child's) membership number. Once logged in, you can customize your User ID and password for security purposes. If you have any trouble logging in to or using the system, contact the 401Save Call Center at 1-888-700-0808 between 9 a.m. and 5 p.m. Pacific Time, Monday through Friday. ■

## Need something notarized?

Tribal Court staff is available at no charge for notaries 8 a.m. to 5 p.m. Monday through Friday with the exception of noon to 1 p.m.

Please be sure to bring a photo ID with you.

If you have any questions, contact the court at 503-879-2303. ■



Come watch the best High School Senior Basketball players in the country entering college (Team USA), play against the best players from around the world (Team World).

For Who: 6-12 grade Tribal member youth

When: Saturday, April 9th

(Leaving CTOR 9:30am – Return approx. 4pm)

Meal: Lunch will be provided

Requirements: GPA 2.5 or higher & 2 unexcused absences or less (Proficiency grades requirements: Meeting or working toward)

How do you sign up? Turn in permission slip with your latest grade attendance report at the Youth Education Department.

**Limited Openings!**

For more information, Contact Amber at 503-879-2101

## Canoe Meetings

**Hello Community! We would like to invite you all to the Canoe meetings set for this year.**

**When: April 9, May 14, June 12**

**Who: Those people interested in participating in Canoe Journey**

**Time: 12-3pm (Lunch is provided)**

**Where: Grand Ronde Tribal Gym**

**Please contact Cristina Lara for more information  
503.879.2040**