

WRITTEN TESTIMONY

OF

CAROL YORK
HOOD RIVER COUNTY COMMISSIONER
601 STATE STREET
HOOD RIVER, OR 97031-2093

Presented to the
COMMITTEE ON INDIAN AFFAIRS
UNITED STATES SENATE

OVERSIGHT HEARING ON OFF-RESERVATION GAMING:
LAND INTO TRUST AND THE TWO-PART DETERMINATION

WASHINGTON, D.C.
FEBRUARY 28, 2006

Good morning, Chairman McCain and Members of the Senate Committee on Indian Affairs. My name is Carol York. I am one of five locally elected County Commissioners in Hood River County, Oregon. I appear before you today to describe our County's efforts and activities regarding a proposed off-reservation casino in our County. I am honored to be here and thank you for the invitation to testify.

Hood River County is located east of the Portland, Oregon metropolitan area. It is bordered by the Columbia River on the north, the Mount Hood National Forest on the South and Wasco County on the east. Hood River County is also the home of Representative Greg Walden, a strong supporter of the Warm Springs proposal to build a casino in the far western portion of our County. I submit this testimony to you today on behalf of the entire Hood River County Commission.

For the last 8 years – since 1998 -- Hood River County has been actively involved in a local debate about Class III gaming in our County. The Confederated Tribes of the Warm Springs own trust property located immediately east of the City of Hood River – the largest city in our County. While the Warm Springs own and operate a casino in a temporary location on their reservation located approximately 38 miles south of Hood River, since 1998, they have explored the possibility of moving their casino from its existing location to their trust property in Hood River.

However, in *response* to local community opposition to the citing of a casino on their trust property in Hood River – property which happens to be located on beautiful

and prominent headlands overlooking the Columbia River Gorge National Scenic Area - the Warm Springs have chosen instead, to pursue the acquisition of vacant industrial zoned land in the economically disadvantaged City of Cascade Locks, a community located at the western edge of Hood River County, 17 miles west of Hood River. While the City of Cascade Locks, like the City of Hood River is located within the Columbia Gorge National Scenic Area, the Act creating the National Scenic Area recognized the need for continued economic development in the Gorge and specifically carved out Urban Growth Boundaries within the National Scenic Area where new economic development activity is both permissible and encouraged. The Act also specifically excludes lands held in trust for Tribes (PL 99-663-Nov.17, 1998, Columbia River Gorge National Scenic Act, Sec. 17(a)(7)).

Despite the significant hurdles faced by the Warm Springs to go through the Section 20 two-part determination process to move their casino to an area in the Gorge that has been designated for economic development, out of respect for the scenic integrity of the Gorge, respect of the local community desire to preserve the natural characteristics of the Tribe's trust land in Hood River, and in response to an *invitation* from the City of Cascade Locks and the Port of Cascade Locks, to locate their casino in Cascade Locks, the Warm Springs have pursued this option.

I am here today to testify that the Hood River County Commission *unanimously* supports efforts to locate the Warm Springs Class III gaming facility in Cascade Locks, as does the Wasco County Commission to our east, and the Skamania and Klickitat

County Commissions, which are located across the Columbia River from Cascade Locks in Washington State. The Cascade Locks City Council is also strongly supportive, and the City of North Bonneville, Washington (located across the river from Cascade Locks) is also on record in support of the proposal. *None* of these local units of government has come to support this casino proposal on a whim or without deliberate, open public debate which has taken place over many years. In our County alone, the issue was discussed at countless meetings -- all open to the public -- before our County Commission came to its unanimous decision to support the casino in Cascade Locks. And in the City of Cascade Locks, despite that City's limited budget and dwindling tax base, the City Councilors spent significant financial resources to conduct a professionally managed and tightly controlled public survey on the sense of the community about the development of a casino within the city limits. Survey results show that 68% of survey respondents either strongly or somewhat strongly support development of a casino in Cascade Locks.

Is there opposition to this proposal? Yes, of course there is - what significant public works or economic development project doesn't have some level of opposition? Is it overwhelming? No, it is not. Is a majority of the opposition coming from within our County or from within the community of Cascade Locks ? Absolutely not. Opposition to this project is largely coming from outside the community and is being funded and fanned by interests that have direct financial interests in limiting additional gaming in Oregon or, in the name of protecting the environment, oppose even the smallest forms of economic development in the Gorge. Today these groups oppose this proposed

development of the Cascade Locks Industrial Park. A few months ago, this same friends group opposed reopening a historic roadside inn in the Gorge as a bed and breakfast because it, in their minds, was incompatible with the National interest of protecting the Gorge as a national scenic area. Where does it end?

The Columbia River Gorge *is* a national treasure. But not every square inch of the Gorge is suitable to be protected as if it were wilderness – Congress recognized that when it passed the Scenic Act in 1986. The images at the conclusion of this testimony provide for the Committee a perspective on the “scenic quality” of the industrial park where this proposed project will be located, and where in compliance with the National Scenic Act, economic development activities are targeted.

As a local public official, I talk on a frequent basis to the constituents who elect me. I see them in the grocery store, I buy gas from them for my car. I know them, they know me. I believe I am representing their interests and their desires. If they disagree, I hear about it in person, not in a letter or email.

Furthermore, this casino proposal has been debated for a long enough period that numerous local elections have taken place since it was first proposed. In the last Port election, the pro-casino candidate won 79% of the vote. The voters support candidates supportive of the Warm Springs, of a casino in Cascade Locks, and the jobs that it would bring to this depressed community. I submit that local elections are the

ultimate public process. Opponents claim they haven't been heard -- maybe they just aren't voters eligible to vote in our own local elections?

Proposed Federal Legislation

For some time now, we have closely followed the national debate about off-reservation gaming and whether the Indian Gaming Regulatory Act of 1988 needs to be amended at this time. In some instances, we too, have heard of abuses of the current system. In other instances – particularly our own – we can point to how the current system with the checks and balances included in the Section 20 two-part determination has led to a lively public debate, and we hope is leading to the successful resolution of the gaming question now facing our County, our cities, our Governor, the peoples of the Confederated Tribes of the Warm Springs, and the Secretary of the Interior.

Regardless of whether this Committee feels that it is time to amend Section 20 of the Indian Gaming Regulatory Act, or whether the existing rules governing off-reservation gaming are adequate or inadequate, we urge the Committee to include in any final legislative proposal affecting off-reservation gaming, a clause grandfathering certain in-process gaming proposals, much in the way that Section 10 of S.2078 already proposes. We applaud the Chairman for including this provision in his introduced bill since it appears to recognize the substantial investment of time and money that tribes such as the Warm Springs have already expended, and the fairness involved in allowing them to continue to play out the process under the existing rules.

Because of possible confusion however, about what it means to be “under review at the Central office” as of the date of introduction of S.2078, we submit that Section 10 could be further clarified by specifying that on or before November 18, 2005, the Secretary had received a letter from the Indian tribe requesting initiation of a determination, or that the Secretary had received an application from the Indian tribe pursuant to 25 CFR 151 to take land into trust for gaming and that the application remains current and on file in the Central Office of the Bureau of Indian Affairs, or that a binding contract had been entered into between the Tribe and the Governor of the state in which the gaming facility is proposed and that environmental studies on the proposed project have commenced pursuant to 42 USC 4321 et seq.

The proposed Warm Springs gaming facility in Cascade Locks would meet each of the above thresholds, and then some. The proposed project in Cascade Locks would also meet qualitative thresholds associated with being located within the same state where the proposing tribe’s reservation is now located. Further, the Warm Springs proposal also seeks to locate the facility on exclusive aboriginal land as well as Treaty ceded territory. These types of qualitative thresholds could only be met by a very few the proposed projects.

By grandfathering only those proposals that were active and pending in the Central office on the date of bill introduction, communities such as ours and the Tribes they have been working with -- communities and Tribes that have toiled for years under the current rules of the game – will be treated fairly and reasonably.

I can attest to the fact that the current off-reservation gaming language in IGRA is anything but easy to comply with or permissive in nature. For years, our community, and the Warm Springs have worked to comply with the rules of game that were in affect when the debate was begun. We have completed major tests and passed major thresholds that exist under the current system. Will we reach our ultimate goal? It is not yet clear, but we want to keep trying and we urge the Committee to not only include Section 10 in any bill that it reports out, but to further clarify Section 10 so that there can be no confusion that pending projects such as the Warm Springs/Cascade Locks/Hood River County proposal will be permitted to continue under the rules that were in place when we began this journey some 8 years ago.

I suggest that our County's experiences to date should be viewed as the "model" for how the process is supposed to work when conducting a thorough investigation and vigorous community debate about off-reservation gaming. Opponents to this proposal argue that they have not had adequate time or opportunity to be heard. Is it the outcome they are objecting to or the process? I submit that it is the outcome. They are not pleased that every unit of local government directly involved has endorsed the project. They are not pleased that the Governor has endorsed the proposed project and signed a Compact to allow it to move forward. And they are not pleased that even nearby local governmental units located across state boundary lines have also endorsed the project.

In conclusion, changing the rules of the game now without including a grandfather clause such as a revised Section 10 of S.2078 would be devastating to our County. Amending IGRA to prevent model projects, such as this one, from moving forward to build on ceded aboriginal territory in a community where they are welcomed, would ultimately force the Warm Springs -- for their own economic welfare and viability - - to revisit building a casino on their Trust land in Hood River. Such an outcome would be a tragedy for all parties – the Confederated Tribes of the Warm Springs, the Cities of Cascade Locks and Hood River, Hood River County, the region including Oregon and Washington, and the Columbia River Gorge National Scenic Area.

Thank you for your consideration of these comments. I would be happy to answer any questions that you may have.

Friends of Gorge continue to present misleading information over casino scale & scope.



As posted on Friends of the Gorge Website
*FOG states that this entire 120 acre parcel
constitutes the Casino site.*



Actual Tribal Resort Highlighted in Yellow
*The amount of land taken into trust is only 25
acres. Thirty-five acres within the yellow
highlighted area will be leased and remain in
public ownership.*



**SIGNIFICANT PORTIONS OF THE CASCADE LOCKS INDUSTRIAL PARK
ACTUALLY LOOK LIKE THIS**

LIST OF LOCAL SUPPORTERS

- City of Cascade Locks
- Port of Cascade Locks
- Hood River County
- Hood River Chamber of Commerce
- 12 Former Columbia Gorge Commissioners
- Oregon Tourism Commission
- Klickitat County, WA
- Skamania County, WA
- City of North Bonneville, WA
- Skamania County EDC
- Mid-Columbia Economic Development District
- Wasco County