



proud past, promising future

CLARK COUNTY
WASHINGTON

February 5, 2008

Carl Artman
Assistant Secretary
Bureau of Indian Affairs
US Department of the Interior
1849 C Street, NW
Washington, DC 20240

George T. Skibine, Director
BIA Indian Gaming Management Office
US Department of the Interior
1849 C Street, NW
Washington DC 20240

Stanley Speaks, Director
Northwest Region
US Department of the Interior
911 NE 11th Avenue
Portland OR 97232

Dear Messrs. Artman, Skibine and Speaks:

On January 8, 2008, the National Indian Gaming Commission approved the Cowlitz Indian Tribe's Ordinance No. 07-03. The approved ordinance incorporates Cowlitz Tribal Ordinance No. 07-02 entitled, "Environmental, Public Health and Safety Protections for the Construction and Operation of the Cowlitz Indian Tribe Gaming Facility," which establishes standards for construction, maintenance and operation of any gaming facility and other development on the proposed trust land in Clark County and which provides an irrevocable limited waiver of sovereign immunity by the Tribe in favor of Clark County. Clark County is also in receipt of the attached January 24, 2008 letter from John Barnett, Chairman of the Cowlitz Indian Tribe.

The purpose of this letter is to notify the Department and to establish for the record in the fee-to-trust proceedings certain understandings by Clark County regarding these ordinances.

1. The Cowlitz Tribal ordinances establish environmental, public health and safety standards for the construction, maintenance and operation of any gaming facility and other development on the proposed trust land in Clark County which are consistent with and based upon the Tribe's obligations under the March 2004 Memorandum of Understanding between Clark County and the Cowlitz Indian Tribe.

2. The Cowlitz Tribal ordinances establish an irrevocable limited waiver of sovereign immunity by the Tribe in favor of Clark County for enforcement of the Ordinance and provide that the Tribe will not revoke or modify either the waiver of sovereign immunity nor the environment, health and safety mitigation provisions of the Ordinance. Clark County's future decisions and actions on all matters related to the Tribe's Clark County site will rely upon the Tribe's promises, as confirmed in the Barnett letter, that the Tribe's limited waiver of sovereign immunity and the environment, health and safety mitigation provisions of the Ordinance are irrevocable and cannot be withdrawn by any future action of the Tribal Council.

3. The comments submitted by the County on the Bureau's Environmental Impact Statement relating to the MOU apply equally to the Ordinance.

Sincerely,

A handwritten signature in cursive script that reads "Betty Sue Morris".

Betty Sue Morris
Chair
Clark County Commission

cc: Chairman John Barnett
Maria Wiseman, Esq., Office of the Solicitor