

UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF COLUMBIA

CLARK COUNTY, WASHINGTON,
1300 Franklin Street,
Vancouver, WA 98666;

CITY OF VANCOUVER, WASHINGTON,
210 E. 13th St.
Vancouver, WA 98668;

CITIZENS AGAINST RESERVATION
SHOPPING (CARS)
703 Broadway, Suite 610
Vancouver, WA 98660;

AL ALEXANDERSON
4219 NW 328th Street
Ridgefield, WA 98642;

GREG AND SUSAN GILBERT
2600 NW 329th Street
Ridgefield, WA 98642;

DRAGONSLAYER, INC.
225 W. 4th Street
La Center, WA 98629

and,

MICHELS DEVELOPMENT, LLC
8200 Tacoma Mall Blvd.
Lakewood, WA 98499

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF THE
INTERIOR
1849 C Street, N.W.
Washington, D.C. 20240;

KEN L. SALAZAR, in his official capacity as
Secretary of the Interior

Case No. 1:11-cv-00278-RWR
Judge Richard W. Roberts

ANSWER OF THE FEDERAL
DEFENDANTS TO
PLAINTIFFS' COMPLAINT
FOR DECLARATORY AND
INJUNCTIVE RELIEF

U.S. Department of the Interior)
1849 C Street, N.W.)
Washington, D.C. 20240;)
)
BUREAU OF INDIAN AFFAIRS)
U.S. Department of the Interior)
1849 C Street, N.W.)
Washington, D.C. 20240;)
)
LARRY ECHO HAWK, in his official capacity as)
Assistant Secretary of the Interior – Indian Affairs)
U.S. Department of the Interior)
1849 C Street, N.W.)
Washington, D.C. 20240;)
)
NATIONAL INDIAN GAMING COMMISSION)
1441 L. Street, NW)
Suite 9100)
Washington, D.C. 20005)
)
and,)
)
TRACIE STEVENS, in her official capacity as)
Chairwoman of the National Indian Gaming)
Commission)
1441 L. Street NW)
Suite 9100)
Washington, D.C. 20005;)
)
Defendants.)

INTRODUCTION

Defendants, Kenneth Salazar, in his official capacity as Secretary of the Interior, Larry Echohawk, in his official capacity as Assistant Secretary of Indian Affairs, Tracie Stevens, in her official capacity as Chairwoman of the National Indian Gaming Commission, the United States Department of the Interior, the Bureau of Indian Affairs, and the National Indian Gaming Commission (collectively referred to herein as “Defendants”) hereby answer the correspondingly numbered paragraphs of Plaintiffs’ Complaint for Declaratory and Injunctive Relief

(“Complaint”) as follows:

1. The allegations contained in Paragraph one set forth the Plaintiffs’ characterization of this suit and conclusions of law, to which no response is required. To the extent a response is required, denied.

2. The allegations contained in Paragraph two set forth the Plaintiffs’ characterization of this suit, to which no response is required. To the extent a response is required, denied.

3. The allegations contained in Paragraph three set forth the Plaintiffs’ characterization of this suit and conclusions of law, to which no response is required. To the extent a response is required, denied.

4. The allegations contained in Paragraph four set forth Plaintiffs’ characterization of this suit and conclusions of law, to which no response is required. To the extent a response is required, denied.

JURISDICTION

5. The allegations in Paragraph five state legal conclusions and require no response. To the extent a response is required, denied.

6. The allegations in Paragraph six state legal conclusions and require no response. To the extent a response is required, denied.

PARTIES

7. Defendants are without knowledge or information sufficient to determine the truth of the allegations in Paragraph seven, and therefore deny those allegations.

8. Defendants admit the allegations contained in the first sentence of Paragraph eight of the Complaint. Defendants are without knowledge or information sufficient to determine the

truth of the remainder of Paragraph eight, and therefore deny those allegations.

9. Defendants are without knowledge or information sufficient to determine the truth of the allegations in Paragraph nine, and therefore deny those allegations.

10. Defendants are without knowledge or information sufficient to determine the truth of the allegations in Paragraph ten, and therefore deny those allegations.

11. Defendants are without knowledge or information sufficient to determine the truth of the allegations in Paragraph eleven, and therefore deny those allegations.

12. Defendants are without knowledge or information sufficient to determine the truth of the allegations in Paragraph twelve, and therefore deny those allegations.

13. Defendants are without knowledge or information sufficient to determine the truth of the allegations in Paragraph thirteen, and therefore deny those allegations.

14. Defendants admit the allegations contained in Paragraph fourteen of the Complaint.

15. Defendants admit the allegations contained in Paragraph fifteen of the Complaint.

16. The Bureau of Indian Affairs is the Bureau within the Department of the Interior that is charged with overseeing Indian Affairs.

17. Defendants admit the allegations contained in Paragraph seventeen of the Complaint.

18. Defendants admit that NIGC is charged with overseeing gaming on Indian lands for the federal government.

19. Defendants admit the allegations contained in Paragraph nineteen of the Complaint.

FACTS

20. Defendants admit that the Reconsidered Final Determination for the Federal Acknowledgment of the Cowlitz Indian Tribe was published on January 4, 2002 and that the Tribe filed with the Department of the Interior (“DOI”) a fee-to-trust (“FTT”) application on the same date. The allegations contained in the last sentence of Paragraph twenty of the Complaint constitute conclusions of law to which no response is required.

21. Defendants admit that the Tribe’s fee lands, tribal offices, and casino parcel are located in the areas alleged in Paragraph twenty-one. Defendants are without knowledge or information sufficient to determine the truth of the allegations in the remainder of the paragraph, and therefore deny those allegations.

The First NEPA Review

22. The allegations contained in the first sentence of Paragraph twenty-two characterize a federal regulation, which speaks for itself and is the best evidence of its contents. To the extent that the allegations are inconsistent with the regulation, Defendants deny the allegations. The allegations in the second sentence of Paragraph twenty-two characterize the FTT application, which speaks for itself and is the best evidence of its contents. To the extent the allegations are inconsistent with the FTT application, Defendants deny the allegations.

23. Defendants admit the allegation contained in Paragraph twenty-three of the Complaint that the County and Card Rooms objected to the FTT on or about the time alleged in the paragraph. The remaining allegations contained in the paragraph characterize the Plaintiffs’ claims and no response is required. To the extent a response is required, denied.

24. Defendants lack information and knowledge sufficient to admit or deny the allegations contained in the first sentence of Paragraph twenty-four of the Complaint. Defendants admit the allegations contained in the second sentence of the paragraph.

The County's Efforts to Negotiate an MOU to Protect Its Interests

25. Defendants admit the allegations contained in the first sentence of Paragraph twenty-five. Defendants are without knowledge or information sufficient to determine the truth of the remainder of Paragraph twenty-five, and therefore deny those allegations.

26. The allegations contained in Paragraph twenty-six of the Complaint characterize the MOU between the County and the Tribe, which speaks for itself and is the best evidence of its content. To the extent the allegations are inconsistent with the MOU, Defendants deny the allegations.

The Tribe's 2004 FTT

27. Defendants admit that the Tribe filed a FTT application. Defendants are without knowledge or information sufficient to determine the truth of the remaining part of Paragraph twenty-seven, and therefore deny those allegations.

28. Defendants admit that the notices referenced in Paragraph twenty-eight of the Complaint were sent to the County. Defendants lack information and knowledge sufficient to admit or deny the remaining allegations contained in the paragraph.

29. Paragraph twenty-nine of the Complaint characterizes a federal statute, which speaks for itself and is the best evidence of its content. To the extent the allegations are inconsistent with the statute, Defendants deny the allegations.

30. Defendants are without knowledge or information sufficient to determine the truth of the allegations contained in Paragraph thirty of the Complaint, and therefore deny those allegations.

The Second NEPA Review

31. Defendants lack information and knowledge sufficient to admit or deny when the

Tribe prepared the subject Environmental Assessment (“EA”) and admit the remaining allegations contained in Paragraph thirty-one of the Complaint.

32. Defendants admit that the subject EA was made available for public comment at the time alleged in Paragraph thirty-two of the Complaint. The remaining allegations contained in the paragraph characterize the Plaintiffs’ claims and constitute legal conclusions to which no response is required. To the extent a response to the allegations is required, denied.

33. Defendants lack information and knowledge sufficient to admit or deny the allegations contained in the first sentence of Paragraph thirty-three of the Complaint. The remainder of Paragraph thirty-three characterizes a federal register notice, which speaks for itself and is the best evidence of its contents. To the extent the allegations are inconsistent with the Federal Register notice, the allegations are denied.

The Restored Tribe/Restored Lands Request

34. Defendants admit that the Tribe submitted a gaming ordinance to the NIGC on the date alleged in Paragraph thirty-four of the Complaint. The remaining allegations contained in Paragraph thirty-four characterize a federal statute and a federal regulation, each of which speaks for itself and is the best evidence of its content. To the extent the allegations are inconsistent with the federal statute and federal regulation, Defendants deny the allegations.

35. Defendants admit the allegations in the first sentence of Paragraph thirty-five of the Complaint. The allegations in the remainder of Paragraph thirty-five characterize a federal regulation, which speaks for itself and is the best evidence of its contents. To the extent that the allegations are inconsistent with the federal regulation, Defendants deny the allegations. The remaining allegations contained in the paragraph characterize the Plaintiffs’ claims and constitute legal conclusions to which no response is required. To the extent a response is

required, denied.

36. The allegations contained in the first and second sentences of Paragraph thirty-six of the Complaint characterize Plaintiffs' suit and legal conclusions to which no response is required. To the extent a response to the allegations is required, denied. Defendants deny the allegations contained in the last sentence of the paragraph.

37. Defendants admit that the National Indian Gaming Commission ("NIGC") notified the State of Washington's Office of Attorney General of its pending consideration of the Tribe's ordinance. The remaining allegations contained in the first sentence of Paragraph thirty-seven of the Complaint characterize Plaintiffs' suit and constitute conclusions of law to which no response is required. To the extent that a response to the remaining allegations in the first sentence is required, denied. The remaining allegations contained in the paragraph characterize certain documents, each of which speaks for itself and is the best evidence of its content. To the extent the allegations are inconsistent with those documents, Defendants deny the allegations.

38. Defendants are without knowledge or information sufficient to determine the truth of the allegations in Paragraph thirty-eight, and therefore deny those allegations.

39. Defendants admit that the NIGC Acting General Counsel provided a legal opinion, entitled "Cowlitz Restored Lands Opinion," to the NIGC Chairman, dated November 22, 2005. Defendants further admit that the legal opinion concluded that the Tribe qualified as a restored tribe and that if the Department of the Interior were to take the Lewis River property into trust, it would then qualify under the restored lands exception of section 20 of the Indian Gaming Regulatory Act, 25 U.S.C. § 2719. The Chairman issued his decision to approve the gaming ordinance on November 23, 2005, adopting the legal analysis and conclusions of the legal opinion. The remaining allegations contained in Paragraph thirty-nine attempt to

characterize the subject opinion, which speaks for itself and is the best evidence of its contents. To the extent the allegations are inconsistent with the opinion, Defendants deny the allegations.

40. The allegations contained in Paragraph forty characterize testimony before the Senate Committee on Indian Affairs, which speaks for itself and is the best evidence of its content. To the extent the allegations are inconsistent with that testimony, Defendants deny the allegations.

41. The allegations contained in Paragraph forty-one of the Complaint characterize Plaintiffs' claims to which no response is required. To the extent a response is required, denied.

42. The allegations contained in Paragraph forty-two of the Complaint characterize Plaintiffs' claims to which no response is required. To the extent a response is required, denied.

43. The allegations contained in Paragraph forty-three of the Complaint characterize a federal regulation, which speaks for itself and is the best evidence of its contents. To the extent the allegations are inconsistent with the federal regulation, Defendants deny the allegations.

44. Defendants deny that the allegations contained in Paragraph forty-four of the Complaint fully or fairly characterize the extent of DOI's consideration of the NIGC's Restored Lands Opinion in the Record of Decision ("ROD"). Further, the allegations contained in Paragraph forty-four characterize a portion of the ROD, which speaks for itself and is the best evidence of its contents. To the extent the allegations are inconsistent with the ROD, Defendants deny the allegations.

The Draft EIS Process

45. Defendants admit the allegations contained in the first sentence of Paragraph forty-five of the Complaint. DOI issued the draft Environmental Impact Statement ("EIS") on April 12, 2006. The remaining allegations contained in the paragraph characterize the Plaintiffs' claims and constitute legal conclusions to which no response is required. To the extent a

response to the allegations is required, denied.

46. Defendants admit the allegations contained in the first and second sentences of Paragraph forty-six of the Complaint. Defendants admit that the Tribe submitted a revised application but lack information and knowledge sufficient to admit or deny the remaining allegations contained in the paragraph. To the extent a response to the allegations is required, denied.

47. The allegations contained in Paragraph forty-seven characterize the Plaintiffs' claims and constitute legal conclusions to which no response is required. To the extent a response to the allegations is required, denied. Further, the allegations contained in the paragraph reference, attempt to summarize and characterize a portion of the draft EIS, which speaks for itself and is the best evidence of its contents. Defendants further deny that the allegations fully or fairly characterize the full extent of the DOI's consideration of the impacts of acquiring the lands at issue in trust.

Substitution of the MOU with the Environment, Health and Safety Ordinance

48. The allegations contained in the paragraph reference and attempt to summarize a portion of the draft EIS, which speaks for itself and is the best evidence of its contents. To the extent the allegations are inconsistent with the draft EIS, Defendants deny the allegations.

49. Defendants admit that DOI was informed of the Western Washington Growth Management Hearing Board determination. The remaining allegations contained in Paragraph forty-nine of the Complaint characterize the draft EIS, which speaks for itself and is the best evidence of its contents, and Plaintiffs' claims and constitute conclusions of law to which no response is required. To the extent a response to the allegations is required and to the extent the allegations are inconsistent with the draft EIS, Defendants deny the same.

50. Defendants deny the first sentence of Paragraph fifty. On October 6, 2007, the Tribe amended its 2005 tribal gaming ordinance by referencing and incorporating an amendment, entitled “Environment and Public Health and Safety Protections for the Construction and Operation of the Cowlitz Indian Tribe Gaming Facility.” The allegations contained in the second sentence of Paragraph fifty of the Complaint attempt to characterize and summarize the ordinance amendment, which speaks for itself and is the best evidence of its contents. The remaining allegations contained in the paragraph characterize Plaintiffs’ claims and constitute legal conclusions to which no response is required. To the extent a response to the allegations is required, denied.

51. The allegations contained in Paragraph fifty-one of the Complaint constitute legal conclusions to which no response is required. Further, the allegations contained in the paragraph reference, attempt to summarize and characterize a federal regulation, which speaks for itself and is the best evidence of its contents. To the extent the allegations are inconsistent with the federal regulation, Defendants deny the allegations.

52. Defendants deny that the allegations fully or fairly characterize DOI’s consideration of the Environment and Public Health and Safety Protection ordinance (“EPHS”) and Tribal Enforcement and Compliance Officer (“TECO”) in formulating the final EIS and ROD. Further, the final EIS and ROD speak for themselves and are the best evidence of their contents. To the extent the allegations are inconsistent with the final EIS or ROD, Defendants deny the allegations. Finally, Defendants deny that there were “EPHS and TECO ordinances,” as there was only an ordinance amendment.

Final EIS Review

53. Defendants admit that the Regional BIA released the preliminary final EIS to

cooperating agencies on or about March, 2007. The remaining allegations contained in Paragraph fifty-three characterize the preliminary final EIS, which speaks for itself and is the best evidence of its contents. To the extent the allegations are inconsistent with the preliminary final EIS, Defendants deny the allegations.

54. The allegations contained in the first sentence of Paragraph fifty-four of the Complaint characterize the Tribe's Unmet Needs Report, the final EIS and the ROD, each of which speaks for itself and is the best evidence of its contents. To the extent the allegations are inconsistent with the Tribe's Unmet Needs Report, the final EIS and the ROD, Defendants deny the allegations. Defendants deny further that Paragraph fifty-four accurately characterizes the full extent of the DOI's consideration of the Unmet Needs Report in formulating the draft EIS, final EIS and ROD.

55. The allegations contained in Paragraph fifty-five of the Complaint characterize Plaintiffs' claims and constitute conclusions of law to which no response is required. To the extent a response is required, denied. Further, the paragraph references and characterizes the final EIS, which speaks for itself and is the best evidence of its contents. To the extent that the allegations are inconsistent with the final EIS, Defendants deny the allegations.

56. Defendants admit that the parties alleged in Paragraph fifty-six of the Complaint objected to the proposed land transfer and/or casino project.

DOI's Lack of Oversight Over EIS Process

57. The allegations contained in the first sentence of Paragraph fifty-seven of the Complaint reference, characterize and summarize a federal regulation, which speaks for itself and is the best evidence of its contents. Defendants admit that the contractor Analytical Environmental Services ("AES") conducted the environmental studies related to the FTT but

deny the remaining allegations set forth in the paragraph. The allegations contained in the remainder of the paragraph state legal conclusions to which no response is required. To the extent a response to the allegations is required, denied.

58. Defendants admit the allegations contained in the first sentence of Paragraph fifty-eight of the Complaint. The remaining allegations contained in the paragraph reference, attempt to summarize and characterize the subject MOU, which speaks for itself and is the best evidence of its contents. To the extent the allegations are inconsistent with the MOU, Defendants deny the allegations.

59. The allegations contained in Paragraph fifty-nine of the Complaint characterize Documents obtained by the Card Rooms through a FOIA request, which speak for themselves and are the best evidence of their contents. To the extent the allegations are inconsistent with the documents obtained by the Card Rooms, Defendants deny the allegations.

60. The allegations contained in Paragraph sixty of the Complaint characterize the ROD, which speaks for itself and is the best evidence of its contents. To the extent the allegations are inconsistent with the ROD, Defendants deny the allegations.

Review of the Tribe's Status under Carcieri

61. The allegations contained in Paragraph sixty-one of the Complaint reference and attempt to summarize a federal statute, which speaks for itself and is the best evidence of its contents. To the extent that the allegations are inconsistent with that federal statute, Defendants deny the allegations.

62. The allegations contained in the Paragraph sixty-two of the Complaint reference and attempt to summarize the *Carcieri* opinion, which speaks for itself and is the best evidence of its contents. To the extent that the allegations are inconsistent with the *Carcieri* opinion,

Defendants deny the same. Further, the allegations contained in the paragraph characterize Plaintiffs' claims and state legal conclusions to which no response is required. To the extent a response to the allegations is required, denied.

63. The allegations contained in the Paragraph sixty-three of the Complaint reference and summarize a legal opinion provided by the NIGC General Counsel to the NIGC Chairman in 2005, which speaks for itself and is the best evidence of its contents. Defendants deny that the legal opinion standing alone constitutes a "determination." To the extent the allegations are inconsistent with the legal opinion, Defendants deny the allegations.

64. The allegations contained in Paragraph sixty-four of the Complaint characterize Plaintiffs' claims and state legal conclusions to which no response is required. To the extent a response to the allegations is required, denied.

65. The allegations contained in Paragraph sixty-five of the Complaint characterize the ROD, which speaks for itself and is the best evidence of its contents. To the extent the allegations are inconsistent with the ROD, Defendants deny the allegations.

66. Defendants admit the allegations contained in the first sentence of Paragraph sixty-six of the Complaint. The remaining allegations contained in the paragraph characterize a federal statute and a federal regulation, which speak for themselves and are the best evidence of their contents. To the extent the allegations are inconsistent with the federal statute and the federal regulation, Defendants deny the allegations.

FIRST CLAIM

67. Defendants hereby incorporate by reference its answers to Paragraphs one through sixty-six of the Complaint.

68. The allegations contained in Paragraph sixty-eight of the Complaint reference,

attempt to summarize and characterize a federal statute, which speaks for itself and is the best evidence of its contents, and state legal conclusions to which no response is required. To the extent the allegations are inconsistent with the federal statute, Defendants deny the allegations.

69. The allegations contained in Paragraph sixty-nine of the Complaint characterize a federal statute, which speaks for itself and is the best evidence of its contents, and states conclusions of law to which no response is required. To the extent the allegations are inconsistent with the federal statute, Defendants deny the allegations and to the extent that the allegations in Paragraph sixty-nine contend that Cowlitz was not under Federal jurisdiction in 1934, the allegation is denied.

70. Defendants deny the allegations contained in Paragraph seventy of the Complaint.

SECOND CLAIM

71. Defendants hereby incorporate by reference its answers to Paragraphs one through seventy of the Complaint.

72. The allegations contained in Paragraph seventy-two of the Complaint reference, attempt to summarize and characterize a federal statute and its implementing regulations, each of which each speaks for itself and is the best evidence of its contents. To the extent the allegations are inconsistent with the documents, Defendants deny the allegations.

73. The allegations contained in Paragraph seventy-three of the Complaint characterize Plaintiffs' claims and state legal conclusions to which no response is required. To the extent a response is required, denied.

74. The allegations contained in Paragraph seventy-four of the Complaint characterize Plaintiffs' claims and state legal conclusions to which no response is required. To the extent a response is required, denied.

75. Defendants deny the allegations contained in Paragraph seventy-five of the Complaint.

THIRD CLAIM

76. Defendants hereby incorporate by reference its answers to Paragraphs one through seventy-five of the Complaint.

77. The allegations contained in Paragraph seventy-seven of the Complaint characterize a federal statute, which speaks for itself and is the best evidence of its contents. To the extent the allegations are inconsistent with the federal statute, Defendants deny the allegations.

78. The allegations contained in Paragraph seventy-eight of the Complaint characterize a federal regulation, which speaks for itself and is the best evidence of its contents. To the extent the allegations are inconsistent with the federal statute, Defendants deny the allegations.

79. The allegations contained in Paragraph seventy-nine of the Complaint characterize Plaintiffs' claims and state legal conclusions to which no response is required. To the extent a response is required, denied.

80. Defendants deny the allegations contained in Paragraph eighty of the Complaint.

FOURTH CLAIM

81. Defendants hereby incorporate by reference its answers to Paragraphs one through eighty of the Complaint.

82. The allegations contained in Paragraph eighty-two of the Complaint characterize a federal statute and its implementing regulations, which speak for themselves and are the best evidence of their contents. To the extent that the allegations are inconsistent with the federal

statute and its implementing regulations, Defendants deny the allegations. Further, the allegations contained in the paragraph characterize Plaintiffs' claims and state legal conclusions to which no response is required. To the extent a response is required, denied.

83. The allegations contained in Paragraph eighty-three of the Complaint characterize Plaintiffs' claims and state legal conclusions to which no response is required. To the extent a response is required, denied.

84. Defendants deny the allegations contained in Paragraph eighty-four of the Complaint.

FIFTH CLAIM

85. Defendants hereby incorporate by reference its answers to Paragraphs one through eighty-four of the Complaint.

86. The allegations contained in Paragraph eighty-six of the Complaint characterize Plaintiffs' claims and state legal conclusions to which no response is required. To the extent a response is required, denied.

87. The allegations contained in Paragraph eighty-seven of the Complaint characterize Plaintiffs' claims and state legal conclusions to which no response is required. To the extent a response is required, denied.

88. The allegations contained in Paragraph eighty-eight of the Complaint characterize Plaintiffs' claims and state legal conclusions to which no response is required. To the extent a response is required, denied.

89. The allegations contained in Paragraph eighty-nine of the Complaint characterize Plaintiffs' claims and state legal conclusions to which no response is required. To the extent a response is required, denied.

90. The allegations contained in Paragraph ninety of the Complaint characterize Plaintiffs' claims and state legal conclusions to which no response is required. To the extent a response is required, denied.

91. The allegations contained in Paragraph ninety-one of the Complaint characterize Plaintiffs' claims and state legal conclusions to which no response is required. To the extent a response is required, denied.

92. The allegations contained in Paragraph ninety-two of the Complaint characterize Plaintiffs' claims and state legal conclusions to which no response is required. To the extent a response is required, denied.

93. The allegations contained in Paragraph ninety-three of the Complaint characterize Plaintiffs' claims and state legal conclusions to which no response is required. To the extent a response is required, denied.

94. Defendants deny the allegations contained in Paragraph ninety-four of the Complaint.

ANSWER TO PRAYER FOR RELIEF

The remainder of the Complaint, including the WHEREFORE clause and paragraphs that follow, contain Plaintiffs' requests for relief to which no responsive pleading is required. To the extent that any response to those portions of the Complaint is deemed to be required, Defendants deny all of the allegations set forth therein and deny that Plaintiffs are entitled to and of the relief requested, or to any other forms of relief.

GENERAL DENIAL

Defendants deny each and every allegation of the Complaint that has not herein been specifically admitted or responded to.

Dated: June 10, 2011

Respectfully submitted,

IGNACIA S. MORENO
Assistant Attorney General
Environment and Natural Resources Division

/s/ Gina L. Allery
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