



# Cowlitz Indian Tribe

April 5, 2016

Marc Boldt, Chair  
Jeanne E. Stewart  
Julie Olson  
David Madore  
Tom Mielke

Clark County Board of Councilors  
Public Service Center  
1300 Franklin Street  
Vancouver, WA 98660

Dear Councilors:

Clark County's recent, repeated threats against the Tribe shows that Clark County does not understand the fundamental legal principles which form the backbone of the Cowlitz Indian Tribe's sovereign authority over its federally-protected reservation. As a matter of law, the County has no jurisdiction there. Rather, the Cowlitz Indian Tribe has the exclusive right to control construction and related activities on its reservation, and full authority to develop its property and manage the existing rights of way which run across it.

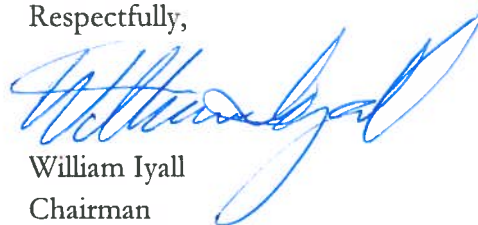
The Tribe has been reaching out to the County for nearly three years to provide notice of, and updates on, our construction activities, yet the County has failed to respond in any substantive way until last month when it posted a "stop work" order at the reservation, and filed a Motion for Emergency Relief seeking to enjoin the Tribe from continuing the ongoing construction. Accordingly, the County has breached the commitment it made in its February 5, 2008 letter in which it agreed that construction on the reservation would be governed by the federally-approved tribal law known as the "Environmental, Public Health and Safety Protections for the Construction and Operation of the Cowlitz Indian Tribe Gaming Facility Ordinance" (hereinafter EPHS Ordinance). As you know, in the EPHS Ordinance the Tribe committed to developing its facility consistent with certain County codes. The Tribe conscientiously has lived up to that commitment. But the Tribe's EPHS Ordinance does not require the Tribe to submit to County jurisdiction or permit requirements, nor does it require the Tribe to comply with County law on the Tribe's reservation.

Likely the County hoped that the United States Court of Appeals for the D.C. Circuit would enjoin the Tribe's construction based on the "Motion for Emergency Relief" filed by Perkins Coie, the law firm apparently representing both the Card Rooms and the County. The Court of Appeals has so far declined to consider, much less grant the County's request. In the absence of any favorable action by the Court of Appeals on the County's motion, the decision by the United States District Court and the subsequent actions by the U.S. Department of the Interior remain lawful and fully binding on all parties to the litigation, including the County. Under these circumstances, the County cannot at this time seriously believe that its March 3, 2016 motion justifies the County's "stop work order" or otherwise gives it authority over the Tribe's reservation. To the contrary, continued actions by the County in derogation of the orders of the District Court may expose the County and its officer to an action for contempt.

The Cowlitz project is one of the largest economic development engines in Clark County. We are creating thousands of new jobs that will greatly benefit County residents and County businesses. We urge the County to reconsider the relentlessly provocative rhetoric with which it addresses the Tribe, and refrain from unnecessarily dramatic (and legally indefensible) statements as "*Please do not put the county in a position of arresting people.*" (See March 10, 2016 email from County Deputy Prosecutor Chris Horne -- in which he copies the Sheriff -- relating to the Tribe's plan to install a storm water pipe under the portion of NW 319th Street that runs across our reservation.)

The County's harassment of our construction workers must cease. The Tribe will use all legal means available to protect the Tribe's lawful exercise of its jurisdiction on the reservation, and to recover its costs and damages incurred as a result of the County's interference with the Tribe's on-reservation development.

Respectfully,



William Iyall  
Chairman

cc: Chuck E. Atkins  
Clark County Sheriff

Tony Golik  
Clark County Prosecuting Attorney