

**DETERMINATION OF SIGNIFICANCE
AND AMENDED ADOPTION OF EXISTING ENVIRONMENTAL DOCUMENT**

Description of current proposal: The Federal Highway Administration (FHWA), Washington Department of Transportation (WSDOT), City of La Center, and the Cowlitz Indian Tribe (the "Tribe") are collectively pursuing improvements to the Interstate 5 (I-5) Interchange at NW 319th Street/La Center Road, including modifications to frontage roads (Paradise Park Road and 31st Avenue), as well as a partial relocation of 319th Street (see Exhibit A for Figure 1 Regional Location and Figure 2 Project Site and Vicinity). These improvements are collectively referred to as the "Project" or "La Center Interchange Improvements" (see Exhibit A for Figure 3 Proposed La Center Interchange Improvements). The La Center Interchange Improvements are proposed pursuant to an Interchange Justification Report Process as provided for and regulated by 23 United States Code Sections 111,134,135 and 450.

The Project is needed to provide safe and efficient access to and from I-5 given the anticipated increase in traffic and corresponding need for safety improvements due to the Cowlitz Indian Tribe's planned resort and casino, as well as local and regional growth. Based on a detailed planning and operations analysis, the overall interchange project will include the following:

- Construction of a new overpass structure located immediately south of the existing structure, which will accommodate four travel lanes and pedestrian and bicycle facilities.
- Modification of the existing northbound and southbound interchange ramp terminals to include multi-lane roundabouts.
- A modified northbound off-ramp that is lengthened and includes a second exit lane.
- A modified southbound on-ramp that includes two receiving lanes off of the ramp terminal that transition to a single lane prior to merging with I-5 mainline traffic.
- A partial relocation of Paradise Park Road and the development of a new intersection with NW La Center Road. This new intersection would be located approximately 450 feet (centerline-to-centerline) east of a northbound roundabout terminal to meet Washington State Department of Transportation (WSDOT) guidelines for intersection spacing of 350 or more feet. The new intersection will operate as a two-way stop-control intersection in the near-term, and eventually need to be converted to a roundabout or traffic signal with future development.
- Relocation of NW 319th Street approximately 350 feet south of the current alignment to accommodate the new overpass, and provide an enhanced east-west circulation network that is more compatible with the Cowlitz Reservation Development.
- A partial relocation of NW 31st Avenue and the development of a new intersection with NW 319th Street. This new intersection would be located approximately 600 feet west of the southbound roundabout terminal to meet WSDOT intersection spacing guidelines. The new intersection will operate as a roundabout to accommodate near-term and long-term traffic flow.

Proponent: Salishan Mohegan, LLC, a Washington Limited Liability Company, and the Cowlitz Indian Tribe.

Location of current proposal: The Project is located at the existing I-5/NW La Center Road - 319th Street interchange along with portions of the adjacent frontage and related road network.

Title of documents being adopted: Multiple, please see below.

Document 1: *Final Environmental Impact Statement*, Cowlitz Indian Tribe Trust Acquisition and Casino Project (dated May 20, 2008);

Document 2: Cowlitz Indian Tribe Trust Acquisition and Casino Project *Final EIS Evaluation of Adequacy* (April 2013);

Document 3: Department of the Interior Bureau of Indian Affairs *Record of Decision* (dated April 22, 2013);

Document 4: *Environmental Reevaluation Report* for I-5/La Center Road Interchange Improvements (dated May 2015);

Document 5: The FHWA *Record of Decision* (dated July 2015);

Document 6: *Critical Areas Report* for I-5/La Center Road Interchange Improvements (dated January 2016);

Document 7: *Environmental Reevaluation Report* for I-5/La Center Road Interchange Improvements (dated February 2016);

Document 8: WSDOT NEPA/SEPA Documentation Letter (dated February 2016).

Agency that prepared documents being adopted: The Department of the Interior, Bureau of Indian Affairs, Washington State Department of Transportation (Cooperating Agency) and Federal Highway Administration.

Date adopted documents were prepared: Please see dates included in the sections entitled Title of Documents above and Description of Documents below.

Description of document (or portion) being adopted:

Document 1: Final Environmental Impact Statement (FEIS), Cowlitz Indian Tribe Trust Acquisition and Casino Project (dated May 20, 2008). Prepared in accordance with NEPA and the Council on Environmental Quality's regulations implementing NEPA (40 C.F.R. Parts 1500-1508) to address the environmental impacts of taking approximately 151.87 acres in Clark County, Washington into federal trust status for the Tribe, issuing a reservation proclamation, and developing the site with a casino resort, tribal government facilities, and related infrastructure (herein these actions are referred to as the Cowlitz Reservation Development). The FEIS analyzed the environmental consequences of transportation improvements related to the Cowlitz Reservation Development, including the La Center Interchange Improvements. FHWA, WSDOT, City of La Center and Clark County served as Cooperating Agencies throughout the NEPA environmental review process. The portions of the FEIS that are being adopted are limited to those that address the environmental effects of the La Center Interchange Improvements.

Document 2: Cowlitz Indian Tribe Trust Acquisition and Casino Project - Final EIS Evaluation of Adequacy (dated April 22, 2013) prepared by the Department of the Interior Bureau of Indian

Affairs to evaluate whether the EIS remained adequate to meet NEPA compliance requirements given the passage of time. The reevaluation concluded that the current conditions of the project site remained largely unchanged from the time of preparation of the 2008 FEIS, and that the 2008 FEIS continued to be adequate to meet NEPA compliance requirements.

Document 3: 2013 Department of the Interior Bureau of Indian Affairs Record of Decision (ROD) for Trust Acquisition of, and Reservation Proclamation for the 151.87-acre Cowlitz Parcel in Clark County, Washington, for the Cowlitz Indian Tribe (dated April 22, 2013). The 2013 ROD made a final agency determination to implement the Preferred Alternative identified within the 2008 FEIS. The Preferred Alternative included acquisition in trust of the 151.87-acre site located adjacent to the La Center Interchange and west of I-5; proclamation of the parcel as the Tribe's reservation; and construction of a casino resort complex, tribal government offices, and associated facilities. Practicable means to avoid or minimize environmental harm from the Preferred Alternative were identified and adopted as part of the ROD. The adopted measures included improvements to the La Center Interchange that would reduce project-related traffic impacts from development of the Preferred Alternative.

Document 4: Environmental Reevaluation Report (Reevaluation) for I-5/La Center Road Interchange Improvements, (dated May 2015). The Reevaluation was prepared for the purpose of supporting the FHWA, WSDOT, City of La Center, and Clark County in complying with NEPA and SEPA in connection with the Project. The Reevaluation was completed in accordance with NEPA, the Council on Environmental Quality's regulations implementing NEPA (40 C.F.R. Parts 1500-1508), and Chapter 400.06 (1) Reevaluations of the WSDOT Environmental Manual M 31-11.13, and concluded that the 2008 FEIS is adequate to meet NEPA compliance requirements for the La Center Interchange Improvements.

Document 5: FHWA Record of Decision (ROD) for the I-5/La Center Road Interchange Improvements Project (dated July 2015). The 2015 Reevaluation Report (finalized in May 2015) provided additional analysis of the I-5/La Center Road Interchange Improvements Project and documented current information regarding the environmental conditions within the project area. FHWA, as the federal lead agency, found that the I-5/La Center Road Interchange Improvements Project met all applicable standards and that all NEPA requirements were met, as documented in the 2013 Record of Decision. Based upon consideration of the BIA 2008 FEIS, the BIA 2013 Evaluation of Adequacy, the 2015 Reevaluation Report, and the mitigation measures outlined, FHWA approved the I-5 La Center Interchange Improvements.

Document 6: Critical Areas Report for the I-5/La Center Road Interchange Improvements Project (dated January 2016). Prepared in accordance with La Center Municipal Code (LCMC) 18.300 – Critical Areas to address the environmental impacts of proposed Project to critical areas. The document concludes that the avoidance and minimization activities and the proposed mitigation measures satisfies LCMC 18.300, and project will effectively result in no net loss of critical area functions and values.

Document 7: Environmental Reevaluation Report (Reevaluation) for I-5/La Center Road Interchange Improvements, (dated February 2016). The Reevaluation was prepared for the purpose of supporting the FHWA, WSDOT, and City of La Center in complying with NEPA and SEPA in connection with the Project. The Reevaluation was completed in accordance with NEPA, the Council on Environmental Quality's regulations implementing NEPA (40 C.F.R. Parts 1500-1508),

and Chapter 400.06 (1) Reevaluations of the WSDOT Environmental Manual M 31-11.13, and concluded that the 2008 FEIS and May 2015 Reevaluation are adequate to meet NEPA compliance requirements for the La Center Interchange Improvements.

Document 8: WSDOT NEPA/SEPA Documentation Letter (dated February 2016). Federal Highway Administration (FHWA) and WSDOT completed NEPA and SEPA reviews of the recently completed NEPA reevaluation documents (Document 7) and determined that the project updates related to stormwater and road frontage design changes did not change the environmental impacts that were addressed in the 2015 ROD and 2015 SEPA determination and these decision for the project stand with no further action required.

If the documents being adopted have been challenged (WAC 197-11-630), please describe: The 2013 BIA ROD and the 2008 FEIS were unsuccessfully challenged in the United States District Court for the District of Columbia. That decision is on appeal to the United States Court of Appeals for the D.C. Circuit. See Confederated Tribes of Grand Ronde Cmty. Of Oregon v. Jewell, et al., 2014 WL 7012707 (D.D.C. Dec. 12, 2014), appeal docketed, No. 14-5326 (D.C. Cir. Dec. 29, 2014) (as consolidated with Clark County, Washington, et al. v. Jewell, No. 15-5033 (Feb. 19, 2015). Please refer to Exhibit B for Court of Appeals order consolidating the cases in the appellate litigation.

The document is available to be read at (place/time): March 9th, 2016 La Center City Hall, 214 East 4th Street, La Center, WA 98629 between the hours of 8:30 AM and 4:30 PM and on line at: http://www.ci.lacenter.wa.us/city_departments/pw_landuse.php.

EIS REQUIRED. The lead agency has determined this proposal is likely to have a significant adverse impact on the environment. To meet the requirements of RCW 43. 21C.030 (2) (c), the lead agency is adopting the documents described above. Under WAC 197-11-360, there will be no additional scoping process for the EIS.

We have identified and adopted these documents as being appropriate for this proposal after independent review. The document meets our environmental review needs for the current proposal and will accompany the proposal to the decision maker. Nothing in this Determination of Significance shall be interpreted as amending or requiring reconsideration of the environmental analysis or conclusions in the above-listed documents.

Lead Agency. La Center shall be the lead agency for SEPA compliance pursuant to this Notice of Adoption as it applies to those portions of the interchange reconstruction project that are within the municipal boundary of La center. This includes but is not limited to relocation of Paradise Park Road within La Center. See Washington Administrative Code 197-11-932.

Name of agency adopting document: City of La Center

Contact person, if other than responsible official: Jeff Sarvis Phone: 360 263 7661

Responsible official: The Honorable Greg Thornton

Position/title: Mayor, City of La Center

Phone: 503 263 5700

Pursuant to WAC 197-11-610(5), If the lead agency has not held a public hearing within its jurisdiction to obtain comments on the adequacy of adopting a federal environmental document as a substitute for preparing a SEPA EIS, a public hearing for such comments shall be held if, within thirty days of circulating its statement of adoption, a written request is received from at least fifty persons who reside within the agency's jurisdiction or are adversely affected by the environmental impact of the proposal. The agency shall reconsider its adoption of the federal document in light of public hearing comments.

Address: 214 East 4th Street, La Center, WA 98629

Date: 3-3-16

Signature: 

EXHIBIT A

Figure 1. Regional Location

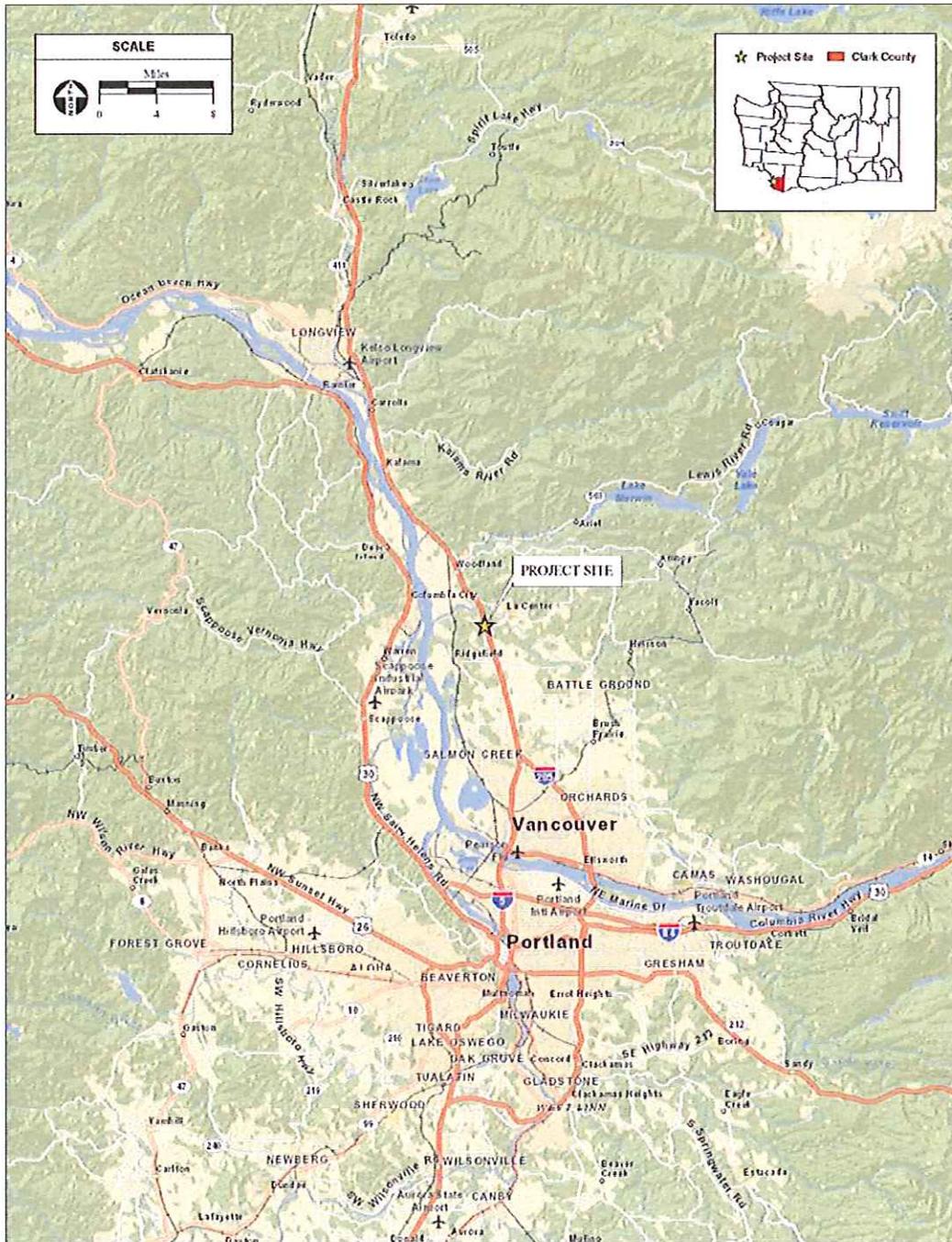


Figure 2. Project Site and Vicinity

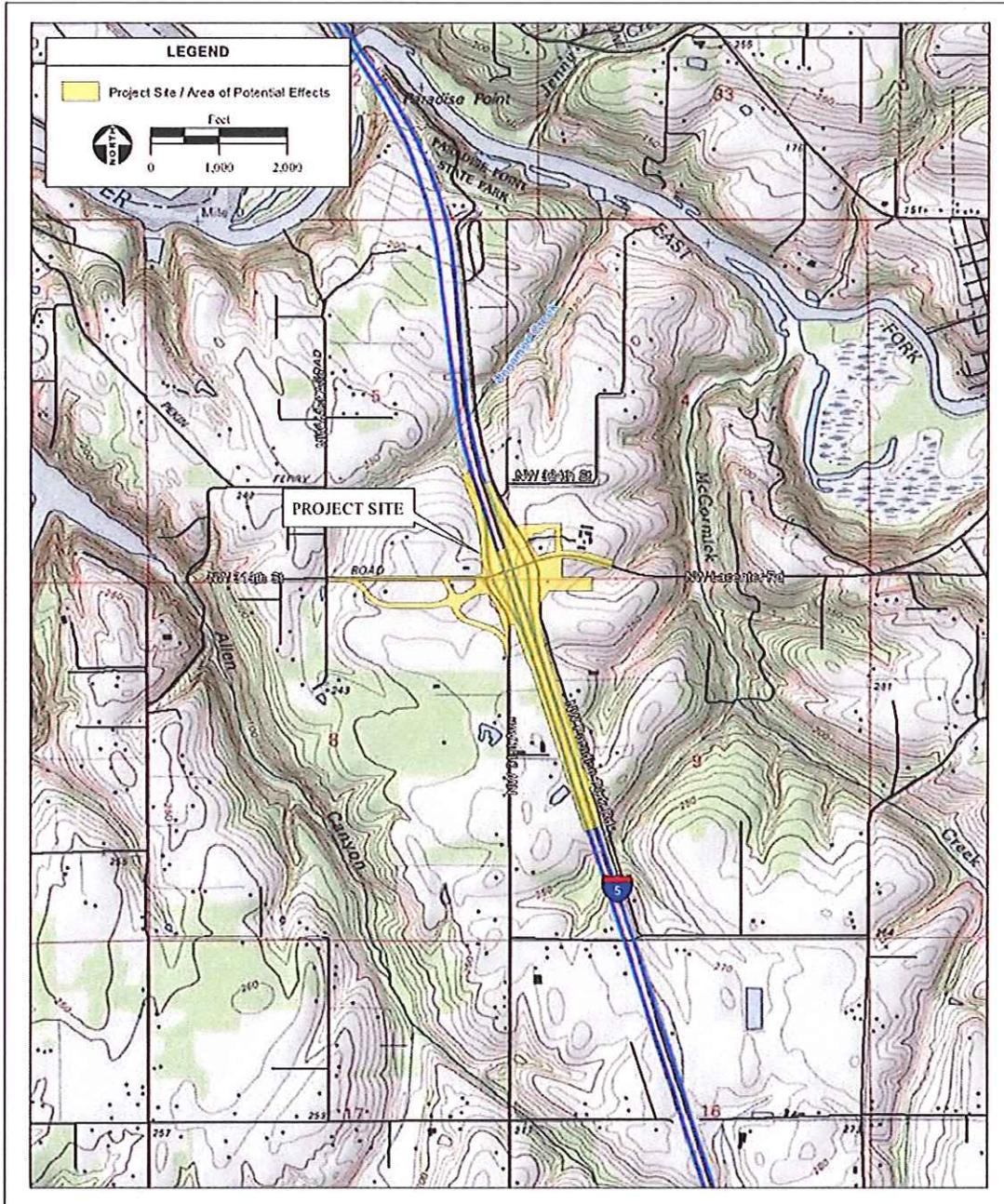


Figure 3. Proposed La Center Interchange Improvements

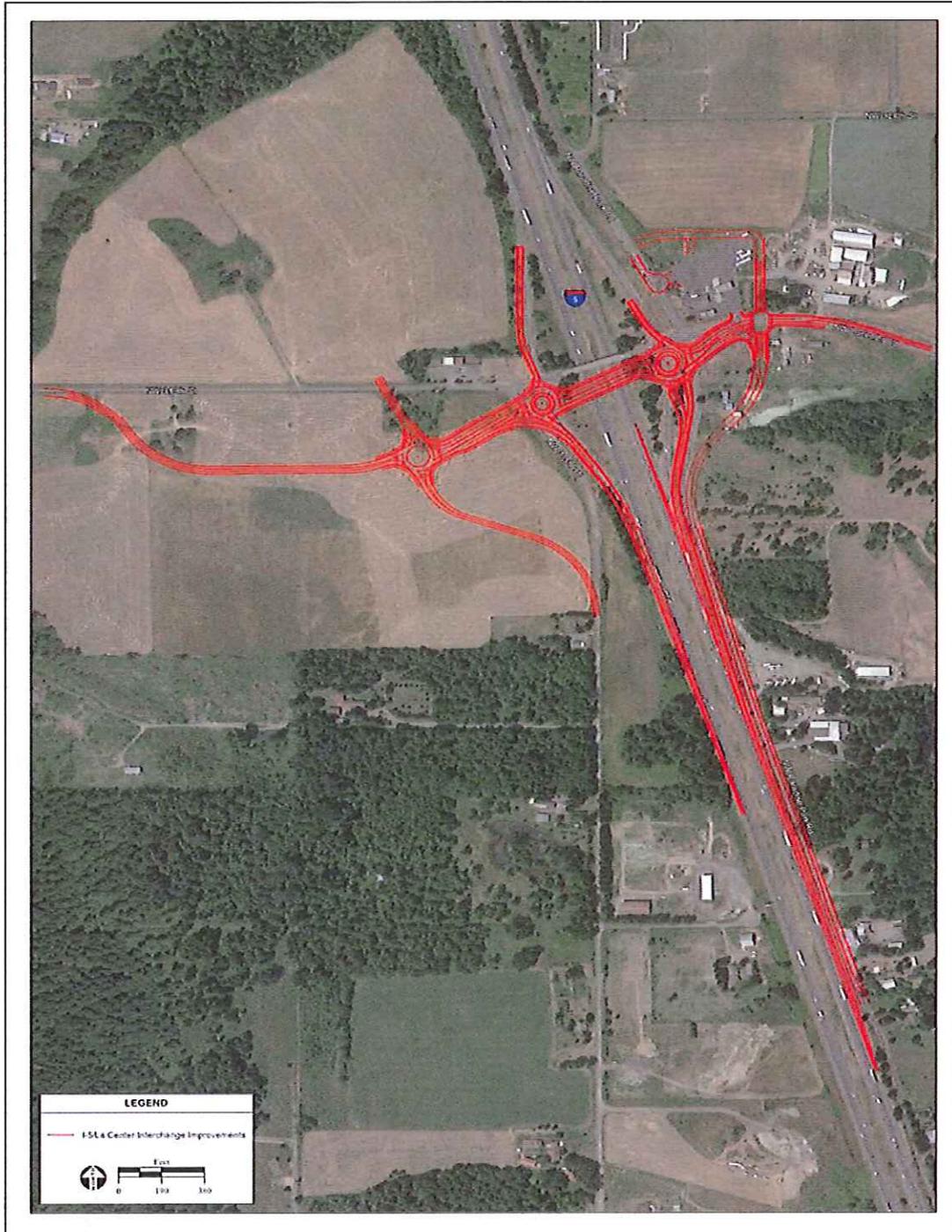


EXHIBIT B

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 14-5326

September Term, 2014

1:13-cv-00849-BJR

Filed On: February 19, 2015 (1538276)

Confederated Tribes of the Grand Ronde
Community of Oregon,

Appellant

Clark County, Washington, In case no.:
13-cv-850, et al.,

Appellees

v.

Sally Jewell, In her official capacity as
Secretary of the United States Department
of the Interior, et al.,

Appellees

Consolidated with 15-5033

ORDER

It is **ORDERED**, on the court's own motion, that these cases be consolidated. Appellant(s) in case No.15-5033 are directed to file the following document(s) by the indicated date(s):

| | |
|----------------------------------|----------------|
| Docketing Statement Form | March 23, 2015 |
| Statement of Issues to be Raised | March 23, 2015 |

FOR THE COURT:
Mark J. Langer, Clerk

BY: */s/*
Laura M. Chipley
Deputy Clerk

The following forms and notices are available on the Court's [website](#):
[Agency Docketing Statement Form](#)