

Final Programmatic Environmental Impact Statement Errata and Response to Comments

For
The
Integrated
Resource
Management
Plan

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“The future course
of our renewal”



Coeur d'Alene Tribe
Natural Resource Department
850 A Street
P.O. Box 408
Plummer, Idaho 83851
October 2007

Cover photos: (top) Historic Photo #1857: Men on horses in DeSmet (*Coeur d'Alene Tribe/Courtesy of Fr. Thomas Connelly, S.J.*); (bottom) Plummer Butte (*Courtesy of Alison Meyer*)



Coeur d'Alene Tribe

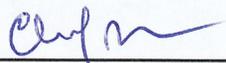
Integrated Resource Management Plan

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"The future course of our renewal"

Final Programmatic Environmental Impact Statement (FPEIS) Errata and Response to Comments

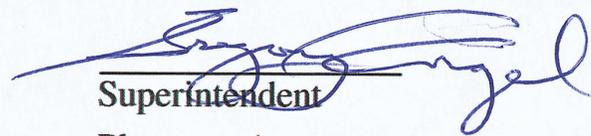
October 2007

Coeur d'Alene Tribe



Chief J. Allan
Chairman

Bureau of Indian Affairs



Superintendent
Plummer Agency

Final Programmatic Environmental Impact Statement (FPEIS) Coeur d'Alene Tribe Integrated Resource Management Plan

**Prepared by: Coeur d'Alene Tribe and
processed through the Bureau of Indian Affairs
Coeur d'Alene Indian Reservation
Plummer, Idaho**

Abstract:

The Coeur d'Alene Tribe is developing a programmatic level recommendation for land use, natural resource enhancement and protection, residential/commercial growth and development planning, and cultural preservation for the Coeur d'Alene Reservation. The Tribe is also developing programmatic level recommendations for the management of natural, cultural and environmental resources for the Tribe's aboriginal territory.

Input from an Interdisciplinary Team (IDT), Community Advisory Committee (CAC), the public, and government agencies has been used to establish both 100-year desired future conditions and 20-year management goals. These desired future conditions and goals have been developed for the IRMP resource categories and are assessed and compared in this FPEIS. The desired future condition for the Reservation is to maintain its current rural character.

A Preferred Alternative was developed to protect the natural and cultural environment while supporting overall social and economic needs. The Preferred Alternative is a combination of the agencies' and public's long-term vision for the Coeur d'Alene Reservation based on IDT, CAC, and public input. Specific alternative elements, desired future conditions and specific resource goals are discussed in Chapter 2, Alternatives Including the Proposed Action.

This FPEIS complies with the National Environmental Policy Act (NEPA) as set forth in 40 CFR Part 1500 through 1508. This FPEIS also complies with the U.S. Department of Interior (USDI) Bureau of Indian Affairs (BIA) regulations set forth in 516 Departmental Manual (DM) 6, Appendix 4 [61 Federal Register 67845 (1996)]. Additionally, it follows the BIA policy regarding protection and enhancement of environmental quality, as published in 30 Bureau of Indian Affairs Manual (BIAM) Supplement 1. The USDI BIA is the federal agency responsible for this FPEIS.

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Final Programmatic Environmental Impact Statement

Errata and Response to Comments

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Errata for the Final Programmatic Environmental Impact Statement for the Coeur d’Alene Tribe’s Integrated Resource Management Plan

Introduction

As part of the Bureau of Indian Affairs and Coeur d’Alene Tribe’s review of the Draft Programmatic Environmental Impact Statement (DPEIS) for the Integrated Resource Management Plan (IRMP), several minor corrections were identified. These corrections make insignificant modifications to the Programmatic Environmental Impact Statement (PEIS), are not considered significant new information and do not change the analysis or conclusions of the PEIS. These corrections merely clarify and amplify issues adequately addressed in the DPEIS.

Corrections

The tables below show the corrections to the IRMP DPEIS, for the complete document and Executive Summary, respectively. Additions are shown in italics, deletions are shown in strikethrough and notes are shown in underline. Page numbers are listed for both the DPEIS and FPEIS.

Chapter	Location	DPEIS Page	FPEIS Page	Change
Cover page		none	none	September 2005 August 2007
Inside cover page		none	none	...Plummer Butte (Courtesy of Alison Meyer)
Title page		i	Same	September 2005 August 2007
Title page		i	Same	Debra Rosenbaum; Superintendent
Abstract		ii	Same	Debra Rosenbaum
Table of Contents	Below 1.4.2 Issues	iii	Same	Bold and indentation changed for “1.5 Consistency with other Plans, Permits, Authorizations, and Approvals”
	Below 1.5	iii	Same	<u>1.6 Document Organization</u>
	In 2.2.2, next to Riparian	iv	Same	<u>Bold not needed on page number 24</u>

	In 3.3.10 Water, after Hangman Creek	vi	Same	Total Maximum Daily Load located on page 116
	In 4.3	vii	Same	Soils
Chapter 1, Purpose of and Need for Action	Below Table 3.3.5.8	ix	Same	Table 3.3.5.9 Total Estimated Cutthroat Trout Numbers in the Evans Creek Watershed located on page 101
	Section 1.6, Document Organization, at the beginning of the section	14	Same	Summary – This part volume of the document summarizes the entire IRMP FPEIS.
	Section 1.6, Document Organization, at the end of the section	15	Same	Comments, Responses to Comments & Errata – This volume of the document contains comments received on the IRMP DPEIS, responses to the comments, errata for the IRMP FPEIS, a summary of IRMP questionnaire responses and the distribution list for the IRMP DPEIS.
Chapter 2, Alternatives Including the Proposed Action	Section 2.2, Elements Common to All Alternatives, subsection Land Use 100-Year Desired Future Conditions	19	Same	2. Maintain the rural character of the Reservation in all LMRs except for areas designated for development (LMR1).
	Section 2.2, Elements Common to All Alternatives, subsection Land Use 100-Year Desired Future Conditions	19	Same	5. Discourage subdivision of property in all LMRs except for areas designated for development (LMR1).
	Section 2.2, Elements Common to All Alternatives, subsection LMR6: Forest, after first asterisk	22	Same	Encourage protection and enhancement of non-timber resources (wildlife, fisheries, riparian, recreation) to extent compatible with timber development.

	Section 2.2.2, 20-Year Goals Common to All, subsection Human Environment, Agriculture, after last asterisk	25	Same	*Develop a botanical garden and a youth garden.
	Section 2.2.2, 20-Year Goals Common to All, subsection Human Environment, Recreation, add footnote after first asterisk	26	Same	<i>The Tribe's management of the trail as a protective barrier is not being addressed by this document. Rather, the State of Idaho and the Tribe are performing this function pursuant to an agreement in connection with Coeur d'Alene Tribe v. Union Pacific Railroad (case # 91-0342 D. Idaho).</i>
	Section 2.3.2, Alternative B Stqhesiple' Integrated Resource Alternative, subsection Natural Environment, Biodiversity, second asterisk	30	Same	Develop and implement management plans to control noxious weeds by the year 20068.
	Section 2.3.2, Alternative B Stqhesiple' Integrated Resource Alternative, subsection Natural Environment, Forest, third asterisk	31	Same	Coordinate Tribal forest management practices with private forest land owners Encourage private landowners on the Reservation to coordinate their forest practices with Tribal forest management to provide consistent management.

	<p>Section 2.3.2, Alternative B Stqhesiple' Integrated Resource Alternative, subsection Natural Environment, Minerals, first asterisk</p> <p>Section 2.3.2, Alternative B Stqhesiple' Integrated Resource Alternative, subsection Natural Environment, Riparian, first asterisk</p> <p>Section 2.3.2, Alternative B Stqhesiple' Integrated Resource Alternative, subsection Human Environment, Agriculture, fourth asterisk</p> <p>Section 2.6, Implementation, Monitoring and Amendment Process for All Alternatives, subsection Implementation and Monitoring, first sentence</p>	31	Same	<p>Formulate an interdisciplinary team and implement a program to review all proposed mining activities and assess potential impacts based on submitted work plans by the year 20068.</p> <p>Inventory current riparian conditions in key watersheds to identify areas that are in need of restoration and to identify areas that currently function properly and need protection by the year 20068 (key watersheds are Evans, Alder, Benewah, Lake and Hangman).</p> <p>Evaluate Tribal agricultural lands for productivity and determine the suitability of other resource values by the year 20068.</p> <p>Once a decision has been made by the Coeur d' Alene Tribe and the U.S. Bureau of Indian Affairs on which alternative is selected, a Record of Decision (ROD) will be issued and published in the Federal Register. According to the U.S. Bureau of Indian Affairs National Environmental Policy Act Handbook, 59 IAM 3-H (May 6, 2005), the Record of Decision does not need to be published in the <u>Federal Register</u>.</p>
	31	Same		
	48	47		

<p>Section 2.6, Implementation, Monitoring and Amendment Process for All Alternatives, subsection Implementation and Monitoring, third paragraph, first sentence</p>	<p>48</p>	<p>Same</p>	<p>It will be the responsibility of each Tribal program and department to be aware of the goals in the IRMP and to monitor specific resource or development activities for consistency with the decision in the DPEIS ROD and the direction that will be outlined in the IRMP.</p>
<p>Table 2.7.2 Contains the Land Use 100-Year Desired Future Conditions and 20-Year Goals Common to All Alternatives, second bullet</p>	<p>50</p>	<p>Same</p>	<p>Maintain the rural character of the Reservation in all LMRs except for areas designated for development (<i>LMRI</i>).</p>
<p>Table 2.7.2 Contains the Land Use 100-Year Desired Future Conditions and 20-Year Goals Common to All Alternatives, fifth bullet</p>	<p>50</p>	<p>Same</p>	<p>Discourage subdivision of property in all LMRs except for areas designated for development (<i>LMRI</i>).</p>
<p>Table 2.7.2 Contains the Land Use 100-Year Desired Future Conditions and 20-Year Goals Common to All Alternatives, sixth bullet</p>	<p>50</p>	<p>Same</p>	<p>Develop a Land Use Plan for the Reservation, including a Shoreline Management Plan.</p>

	<p>Table 2.7.3 compares the 100-Year Desired Future Conditions and 20-Year Goals for each Alternative, under Air Quality resource category row, in Alternative A No Action column, first bullet</p>	52	Same	<p>At minimum, maintain air quality at the U.S. EPA status of a Class II Airshed (good quality but not pristine). <u>Two spaces were added; one between the words, "U.S." and "status" and the other between the words "good" and "quality."</u></p>
	<p>Table 2.7.3 compares the 100-Year Desired Future Conditions and 20-Year Goals for each Alternative, under Biodiversity resource category row, in Alternative B Preferred column, second bullet</p>	52	Same	<p>Develop and implement management plans to control noxious weeds by the year 20068.</p>
	<p>Table 2.7.3 compares the 100-Year Desired Future Conditions and 20-Year Goals for each Alternative, under Biodiversity resource category row, in Alternative C Conservation column, second bullet</p>	53	Same	<p>Develop and implement management plans to control noxious weeds by the year 20068.</p>

	<p>Table 2.7.3 compares the 100-Year Desired Future Conditions and 20-Year Goals for each Alternative, under Fish resource category row, in Alternative C Conservation column, last bullet on page</p>	56	Same	<p>Provide both short and long-term harvest opportunities (<u>hyphen added</u>) that support Tribal subsistence activities and a sport-angler harvest.</p>
	<p>Table 2.7.3 compares the 100-Year Desired Future Conditions and 20-Year Goals for each Alternative, under Forest resource category row, in Alternative B Preferred column, third bullet</p>	57	Same	<p>Coordinate Tribal forest management practices with private forest land owners <i>Encourage private landowners</i> on the Reservation to <i>coordinate their forest practices with Tribal forest management</i> to provide consistent management.</p>
	<p>Table 2.7.3 compares the 100-Year Desired Future Conditions and 20-Year Goals for each Alternative, under Minerals resource category row, in Alternative B Preferred column, first bullet</p>	58	Same	<p>Formulate an interdisciplinary team and implement a program to review all proposed mining activities and assess potential impacts based on submitted work plans by 20068.</p>

	<p>Table 2.7.3 compares the 100-Year Desired Future Conditions and 20-Year Goals for each Alternative, under Minerals resource category row, in Alternative C Conservation column, first bullet</p>	58	Same	<p>Formulate an interdisciplinary team and implement a program to review all proposed mining activities and assess potential impacts based on submitted work plans by 20068.</p>
	<p>Table 2.7.3 compares the 100-Year Desired Future Conditions and 20-Year Goals for each Alternative, under Riparian resource category row, in Alternative B Preferred column, top of the page (continuation of first bullet from previous page)</p>	59	Same	<p>Inventory current riparian conditions in key watersheds to identify areas that are in need of restoration and to identify areas that currently function properly and need protection by the year 20068 (key watersheds are Evans, Alder, Benewah, Lake and Hangman).</p>

	<p>Table 2.7.3 compares the 100-Year Desired Future Conditions and 20-Year Goals for each Alternative, under Riparian resource category row, in Alternative C Conservation column, top of the page (continuation of first bullet from previous page)</p>	59	Same	<p>Inventory current riparian conditions in key watersheds to identify areas that are in need of restoration and to identify areas that currently function properly and need protection by the year 20068.</p>
	<p>Table 2.7.3 compares the 100-Year Desired Future Conditions and 20-Year Goals for each Alternative, under Wetlands resource category row, in Alternative B Preferred column, first and only bullet</p>	60	Same	<p>Restore proper functioning conditions to a minimum of 30 percent (estimated at 6,425 acres) of the native riparian/wetland habitats to support vertebrate species to that use these habitats by the year 2024.</p>
	<p>Table 2.7.3 compares the 100-Year Desired Future Conditions and 20-Year Goals for each Alternative, under Wildlife resource category row, in Alternative B Preferred column, sixth bullet</p>	61	Same	<p>Protect and restore a mini-mum of 1000 acres of Palouse Steppe (<u>hyphen added</u>).</p>

<p>Table 2.7.3 compares the 100-Year Desired Future Conditions and 20-Year Goals for each Alternative, under Agriculture resource category row, in Alternative B Preferred column, fourth bullet</p>	<p>62</p>	<p>Same</p>	<p>Evaluate Tribal agricultural lands for productivity and determine the suitability of other resource values by the year 20068.</p>
<p>Table 2.7.3 compares the 100-Year Desired Future Conditions and 20-Year Goals for each Alternative, under Agriculture resource category row, in Alternative B Preferred column, after fifth bullet</p>	<p>62</p>	<p>Same</p>	<ul style="list-style-type: none"> • <i>Develop a botanical garden and a youth garden.</i>
<p>Table 2.7.3 compares the 100-Year Desired Future Conditions and 20-Year Goals for each Alternative, under Environmental Health resource category row, in Alternative B, C, and D columns</p>	<p>63</p>	<p>Same</p>	<p><u>Bullets removed prior to “Same as A” statements.</u></p>

<p>Table 2.7.3 compares the 100-Year Desired Future Conditions and 20-Year Goals for each Alternative, under Recreation resource category row, in Alternative B Preferred column, add a footnote after first bullet</p>	67	Same	<p><i>The Tribe's management of the trail as a protective barrier is not being addressed by this document. Rather, the State of Idaho and the Tribe are performing this function pursuant to an agreement in connection with Coeur d'Alene Tribe v. Union Pacific Railroad (case # 91-0342 D. Idaho).</i></p>
<p>Table 2.7.3 compares the 100-Year Desired Future Conditions and 20-Year Goals for each Alternative, under TES Species resource category row, in Alternative C Conservation, for Bald Eagle</p>	70	Same	<p>May affect, <i>not</i> likely to beneficially adversely affect</p>
<p>Table 2.7.3 compares the 100-Year Desired Future Conditions and 20-Year Goals for each Alternative, under TES Species resource category row, in Alternative B Preferred, for Bull Trout</p>	70	Same	<p>May affect, <i>not</i> likely to adversely beneficially affect</p>

	Chapter 3 Affected Environment	Table 2.7.3 compares the 100-Year Desired Future Conditions and 20-Year Goals for each Alternative, under TES Species resource category row, in Alternative C Conservation, for Bull Trout	70	Same	<u>May affect, not likely to adversely benefit</u>
		Section 3.3.7 Minerals	104	105	Move the header “Section 3.3.7 Minerals” to the area below “Table 3.3.6.1 Forested Habitat Types Identified on the Coeur d’ Alene Reservation” in order to place the header above its associated text.
		Section 3.3.13: Threatened and Endangered Species, under Bull Trout subsection, at the end of the fourth paragraph	121	Same	<i>On September 26, 2005, four days prior to the publication date of the IRMP DPEIS, the U.S. Fish and Wildlife Service published the Designation of Critical Habitat for the Bull Trout; Final Rule in the Federal Register (Vol. 70, No. 185). Critical habitat for bull trout is designated on the following water bodies in the Coeur d’Alene Basin: Beaver Creek, Coeur d’Alene Lake, Coeur d’Alene River, Eagle Creek, Fly Creek, North Fork Coeur d’Alene River, Prichard Creek, Ruby Creek, St. Joe River, Steamboat Creek and Timber Creek. Bull trout critical habitat is located on the Reservation in Tribal waters of Coeur d’Alene Lake and the St. Joe River. For exact locations of bull trout critical habitat, consult the Final Rule in the Federal Register.</i>
		Section 3.4.9.1 Solid Waste, at the end of the third sentence	134	133	See Table 3.4.9.1 for Reservation dumpster sites and map coordinates as of July-2002.

	Under subsection c. The Economic Role of The Coeur d'Alene Tribal Government, in footnote number 8	149	Same	8. Coeur d'Alene Tribe Enrollment Office 2003; personal communication with Richard Mullen of the Tribal Enrollment Office 2003. <u>(period added)</u>
Chapter 4 Environmental Consequences	Section 4.4.13: Threatened and Endangered Species, under Bald Eagle subsection, in the Effects calls, under Alternative C	208	Same	May Affect, <i>Not Likely to Adversely</i> Beneficially Affect
	Section 4.4.13: Threatened and Endangered Species, under Bull Trout subsection, at the end of the paragraph	209	Same	<i>The preferred alternative B, Integrated Resource and alternative C, Conservation are expected to have a "May affect, not likely to adversely affect" for designated bull trout critical habitat.</i>
	Section 4.4.13: Threatened and Endangered Species, under Bull Trout subsection, under Effects Calls	209	Same	Alternative B: May Affect, Not Likely to Beneficially Adversely Affect
	Section 4.4.13: Threatened and Endangered Species, under Bull Trout subsection, under Effects Calls	209	Same	Alternative C: May Affect, <i>Not Likely to Beneficially</i> Adversely Affect

Chapter 5 List of Preparers	Section 4.4.13: Threatened and Endangered Species, under Summary of Impacts, in the Bald Eagle subsection, under Alternative C	210	Same	May Affect, <i>Not Likely to Adversely Beneficially Affect</i>
	Section 4.4.13: Threatened and Endangered Species, under Summary of Impacts table, in Bull Trout column, under Alternative B	210	Same	May Affect, <i>Not Likely to Beneficially Adversely Affect</i>
	Section 4.4.13: Threatened and Endangered Species, under Summary of Impacts table, in Bull Trout column, under Alternative C	210	Same	May Affect, <i>Not Likely to Beneficially Adversely Affect</i>
	Section 4.5.8: Pesticides	225	Same	<u>The Pesticides section was numbered incorrectly. It will be corrected to read, 4.4.7: Pesticides. In addition, the numbering of the following sections will be corrected for the remainder of Chapter 4.</u>
	Section 5.1.1 Coeur d'Alene Tribe, Table 5.1.1	251	Same	<u>Norma Jean Louie*; Landscape and Culture; Land Services Manager Secretary-Treasurer of the Tribal Council, Natural Resource and Culture Committees</u>
	Section 5.1.1 Coeur d'Alene Tribe, Table 5.1.1	251	Same	Janel McCurdy †

	Section 5.1.1.1 Coeur d'Alene Tribe, Table 5.1.1	251	Same	Dee Bailey †
	Section 5.1.1.1 Coeur d'Alene Tribe, Table 5.1.1	252	Same	Clay Courtright †
	Section 5.1.1.1 Coeur d'Alene Tribe, Table 5.1.1	253	Same	Marcy Morris* †, Tribal Community Member, Casino Marketing and Sales
	Section 5.1.1.1 Coeur d'Alene Tribe, Table 5.1.1	253	Same	Garry Hendrickx*, IDT Member, Tribal Council member, Natural Resource Committee
	Section 5.1.1.1 Coeur d'Alene Tribe, Table 5.1.1	253	Same	Mike Simonson †
	Section 5.1.1.1 Coeur d'Alene Tribe, Table 5.1.1	253	Same	Jack Gunderman †
	Section 5.1.1.1 Coeur d'Alene Tribe, Table 5.1.1	253	Same	Debra Hanks †
	Section 5.1.1.1 Coeur d'Alene Tribe, Table 5.1.1	253	Same	Ernest Stensgar *, Tribal Council liaison to the IDT, Tribal Council Chairman for 18 years, currently Vice Chairman, Council Member for another 5 years
Chapter 6 List of Agencies, Organizations and Persons Receiving the Draft PEIS	Title of Chapter	255	Same	List of Agencies, Organizations and Persons Receiving the Final Draft PEIS
	Section 6.3.2 Development of the IRMP Community Advisory Committee, after last sentence	256	Same	The Tribe held 21 IRMP CAC meetings between May 31 st , 2000 and October 21 st , 2004 in order to obtain input into developing the IRMP DPEIS. Additional meetings will be held as needed to complete the IRMP.

	After Section 6.3.4 Formal public scoping	257	Same	<p>6.3.5 Public Review of the IRMP DPEIS</p> <p><i>The Notice of Availability for the IRMP DPEIS was published in the Federal Register on September 30, 2005 in Volume 70, No. 189, page number 57277. On the same date, a legal notice was published in the Spokesman-Review regional newspaper. Included in the NOA and legal notice was the announcement of the public hearing on the IRMP DPEIS. The Coeur d'Alene Tribe and Bureau of Indian Affairs held a public hearing on the IRMP DPEIS on October 19, 2005 at the Tribal Wellness Center conference rooms in Plummer, Idaho on the Coeur d'Alene Reservation. The public hearing was conducted in a workshop format, with stations for main resource categories and technical staff available to discuss specific issues with the public. There were four court reporters available for the public to give their comments to orally and comment sheets available for the public to provide written comments. Thirty-nine people signed in at the meeting. One person submitted a comment to a court reporter and two people submitted written comments at the public hearing. These comments are included in the comments and response to comments sections. The deadline for public comment was initially set for November 14, 2005. However, after a few requests for an extension, the Tribe and Bureau extended the deadline until December 14, 2005. The extension to the deadline was published in the Federal Register on November 10, 2005 in Volume 70, No. 217, page number 68443 and, on the same date, published in the legal notices section of the Spokesman-Review regional newspaper. For more detail on the public comments received, please refer to the IRMP Comments, Response to Comments & Errata.</i></p>
Section 6.4 Agency Coordination and Consultations, first sentence		257	Same	<p>The Coeur d'Alene Tribe and Bureau of Indian Affairs have worked at coordinating with federal agencies on the development of the IRMP DPEIS.</p>

	Section 6.4 Agency Coordination and Consultations, second paragraph	257	Same	The agencies listed above all received an preliminary IRMP DPEIS to review and provide informal comments upon.
	Section 6.5	257	Same	Distribution of the IRMP DPEIS (The list of people and organizations that the IRMP DPEIS was distributed to is now included in the IRMP Comments, Responses to Comments & Errata. The old list was updated to include additional people and organizations that commented on the IRMP DPEIS.)
	Section 6.5, first paragraph	257	Same	Copies of the IRMP DPEIS Executive Summary were distributed to the following government agencies, Tribes, organizations, libraries and individuals:
Appendix A History of the Coeur d'Alene Tribe	From Time Immemorial to 1873: 5 million acres of Tribal Territory, second paragraph, last sentence	263	265	The Coeur d'Alene Tribe was not even informed of this until 1871, when they rejected the offer because the land base was too small and did not include Coeur d'Alene Lake within the boundaries of the Reservation.
	1873: loss of several million acres, first paragraph, second sentence	263	265	The reservation described in Grant's order included all of Coeur d'Alene Lake except a part of the north shoreline.
	1873: loss of several million acres, second paragraph, first sentence	263	265	Contingent upon the Government's fulfillment of the terms of the 1873 Agreement and Executive Order, the Tribe agreed to In return , the Tribe-relinquish gave-up its claims to more than 4 million acres of its territories, and permitted allowed the government to build maintain roads through the reservation.
	1873: loss of several million acres, second paragraph, after first sentence	263	265	However, the Tribe expressly retained its right, title and interests in the beds and banks of waters within the 1873 Reservation, and insisted upon express assurance all waters entering the 1873 Reservation shall not be turned from their natural channel.

1873: loss of several million acres, second paragraph, second sentence	263	265	<i>In exchange, the Government was to provide the Tribe with, inter alia, Tribe was to receive from the government a school, a blacksmith shop, a mill, farm implements, and a payment of \$170,000 for its 4 million acres.</i>
1873: loss of several million acres, second paragraph, third sentence	263	265	<i>But Congress did not ratify this agreement, leaving the status of government title in these lands unresolved until Congress ratified the 1887 and 1889 bi-lateral agreements between the federal government and the Tribe. which meant that the Tribe did not actually receive title to the land or any payment for the lands taken from it.</i>
1891: loss of 200,000 acres, first paragraph, second sentence	263	266	<i>Again, the agreement was not ratified, leaving government title in lands outside the Reservation unresolved until the 1887 and 1889 Agreements were ratified by Congress in 1891. and the Tribe received nothing for its land cessions:</i>
1891: loss of 200,000 acres, second paragraph, second sentence	263	266	<i>The 1889 and 1887 Agreements This agreement was were ratified by Congress in 1891.</i>
1906-1922: Tribal land takings through the Allotment Process, first paragraph, last sentence	264	267	<i>Tribal members were forced away from their territorial waters in the process. (period added) even burned out when they refused to leave, so that non-Indians and the State of Idaho (with Heyburn Park, as described below) could have this most valuable land.</i>
1906-1922: Tribal land takings through the Allotment Process, second paragraph, first sentence	264	267	<i>Lands were made available for fee patent, while Tribal members were required to take parcels of lesser value.</i>
1906-1922: Tribal land takings through the Allotment Process, second paragraph, last sentence	264	267	<i>Tribal members essentially got what was left over, although the process was supposed to work the other way around in the opposite way.</i>

1906-1922: Tribal land takings through the Allotment Process, third paragraph, first sentence	265	267	Tribal members who had lived along Coeur d'Alene Lake since time immemorial were <i>refused allotments along the lake by the Indian allotting agent, William B. Sams, even though his instructions from the Department of Interior directed that Tribal members could select allotments anywhere on the Reservation were pushed off the land so that non-Indians could take title to it.</i>
1906-1922: Tribal land takings through the Allotment Process, third paragraph, second sentence	265	267	This was a calculated move on the part of the U.S. government to force. As a result, Tribal members lost to give up productive marsh lands along the St. Joe River, the best farmland, their traditional lakeside camps and homes, and they were relegated push them to the farthest edge of the Reservation on 160 acre allotments.
1906-1922: Tribal land takings through the Allotment Process, third paragraph, third sentence	265	267	On top of this, Tribal members could have only 160 acres each.
1908-1911: Other Tribal land takings by the federal and state governments, first paragraph, second sentence	265	267	Again in 1908, Congress approved the withdrawal of nearly 7,000 upland acres to establish for Heyburn Park.
1908-1911: Other Tribal land takings by the federal and state governments, first paragraph, fourth sentence	265	267	This amount was spent on so-called "administrative costs" <i>instead of being deposited in trust, as required, for the benefit of the Tribe rather than going to the Tribe's account as it was supposed to.</i>

	1908-1911: Other Tribal land takings by the federal and state governments, first paragraph, after the fourth sentence	265	267	<p><i>The United States' grant is contingent upon the State of Idaho maintaining the area consistent with park-like purposes, upon violation of which the area would revert to the United States on behalf of the Tribe.</i></p>
	1968-Present: Self Determination and Strides by Tribes, fourth paragraph, first sentence	268	270	<p>In 1998, the Tribe's retained ownership of the beds and banks of navigable waters within the Reservation was affirmed by the U.S. District Court for the District of Idaho, <i>United States v. Idaho</i>, 95 F. Supp.2d 1094 (D. Idaho 1998), <i>aff'd</i> 210 F.3d 1067 (9th Cir. 2000), <i>aff'd sub nom.</i>, 121 S.Ct. 2135 (2001) ("Tribal waters") was successful in challenging Idaho's claim of ownership of the southern third of Coeur d'Alene Lake and the St. Joe River within the Reservation boundaries.</p>
	1968-Present: Self Determination and Strides by Tribes, fourth paragraph, second sentence	268	270	<p>The U.S. Supreme Court recognized that the Tribe never gave up ownership of those waters. <i>The Tribe's remaining claims to ownership of those waters riparian to Heyburn State Park and the northern two-thirds of the lake were not resolved by this litigation.</i></p>
	1968-Present: Self Determination and Strides by Tribes, fourth paragraph, third sentence	268	270	<p>Now, the Tribe now manages and protects these Tribal waters for the benefit of present and future generations as their rightful owner has the responsibility to manage those waters.</p>

Appendix C Public Involvement and Agency Consultation	Section C.1: First Series of Integrated Resource Management Plan public meetings, after this section	279	283	<i>C.2 IRMP Community Advisory Committee At the first series of IRMP public meetings, the Coeur d'Alene Tribe announced the formation of an IRMP Community Advisory Committee. The first IRMP CAC meeting was held on May 31, 2001. The Tribe sent an initial mailing to every member of the previous EAP Assessment report Steering Committee and Technical Workgroup in order to request continued involvement in the development of the IRMP. Also, a postcard invitation to the first IRMP CAC meeting was mailed out to every post office box and rural route in and near the towns of Worley, Plummer, DeSmet, Tensed, St. Maries and Harrison. Public service announcements were published in local newspapers on a regular basis inviting the public to attend IRMP CAC meetings. The most recent IRMP CAC meeting was held on October 21, 2004 and the IRMP CAC decided that they did not want to meet again before the IRMP DPEIS was published for public comment.</i>
	Section C.2 IRMP Future Focus Workshops and Questionnaires	279	283	C.23: IRMP Future Focus Workshops and Questionnaires
	Section C.3: IRMP Formal Public Scoping	291	296	C.34: IRMP Formal Public Scoping
	Section C.3: IRMP Formal Public Scoping, numbered sections under first paragraph	291	296	51. Provide background on the Tribe's Environmental Action Plan (EAP) Project and IRMP process,
	Section C.3: IRMP Formal Public Scoping, numbered sections under first paragraph	291	296	62. Request public input on the proposed IRMP management alternatives, and

	Section C.3: IRMP Formal Public Scoping, numbered sections under first paragraph	291	296	73. Request public input to identify issues to address in the IRMP Programmatic Environmental Impact Statement (PEIS). (<u>period added</u>)
	Section C.3: IRMP Formal Public Scoping, after this section	294	299	<p><i>C.5: Public Review of the IRMP DPEIS</i></p> <p><i>The Notice of Availability for the IRMP DPEIS was published in the Federal Register on September 30, 2005 in Volume 70, No. 189, page number 57277. On the same date, a legal notice was published in the Spokesman-Review regional newspaper. Included in the NOA and legal notice was the announcement of the public hearing on the IRMP DPEIS. The Coeur d'Alene Tribe and Bureau of Indian Affairs held a public hearing on the IRMP DPEIS on October 19, 2005 at the Tribal Wellness Center conference rooms in Plummer, Idaho on the Coeur d'Alene Reservation. The public hearing was conducted in a workshop format, with stations for main resource categories and technical staff available to discuss specific issues with the public. There were four court reporters available for the public to give their comments to orally and comment sheets available for the public to provide written comments. Thirty-nine people signed in at the meeting. One person submitted a comment to a court reporter and two people submitted written comments at the public hearing. These comments are included in the comments and response to comments sections. The deadline for public comment was initially set for November 14, 2005. However, after a few requests for an extension, the Tribe and Bureau extended the deadline until December 14, 2005. The extension to the deadline was published in the Federal Register on November 10, 2005 in Volume 70, No. 217, page number 68443 and, on the same date, published in the legal notices section of the Spokesman-Review regional newspaper. For more detail on the public comments received, please refer to the IRMP Comments, Response to Comments & Errata.</i></p>

	Subsection C.4.1 US DOI Bureau of Indian Affairs	294	300	C.46.1 US DOI Bureau of Indian Affairs (the number 4 was deleted)
	Subsection C.4.2 US Environmental Protection Agency	294	300	C.46.2 US Environmental Protection Agency (the number 4 was deleted)
	Subsection C.4.3 US Fish and Wildlife Service	295	300	C.46.3 US Fish and Wildlife Service (the number 4 was deleted)
	Subsection C.4.4 US Army Corps of Engineers	295	301	C.46.4 US Army Corps of Engineers (the number 4 was deleted)
	Subsection C.4.5 State Historic Preservation Office	295	300	C.46.5 State Historic Preservation Office (the number 4 was deleted)
	New Subsection C.6.6	295	301	<i>Section C.6.6 Tribal Historic Preservation Office The Coeur d'Alene Tribe was authorized in October 2006 as a Tribal Historic Preservation Office. As such, all actions affecting historic properties that need clearance must be approved by the Coeur d'Alene Tribe's Historic Preservation Office (Office). The Office is included in all internal IRMP Interdisciplinary Team activities and gave clearance for the IRMP DPEIS with a letter that is included in the IRMP FPEIS, Errata and Response to Comments volume.</i>
Appendix E Tribal Forest Plan Standards and Guidelines	Section 4. Use of Chemicals and Petroleum Products, subsection 4.7. Aerial Application., subsection 4.7.2, second sentence	311	317	When applying palletized fertilizer, leave a minimum of fifty (50) feet untreated on each side of all Class III streams, flowing Class II streams, and other areas of open water.

Appendix F Implementation and Monitoring Plan	Appendix F Implementation and Monitoring Plan	337	343	Appendix F Implementation and Monitoring Plan
	Table F-1 Implementation and Monitoring, Biodiversity, second bullet	340	346	Develop and implement management plans to control noxious weeds by the year 20068.
	Table F-1 Implementation and Monitoring, Forestry, fourth bullet	344	350	Coordinate Tribal forest management practices with private forest land owners <i>Encourage private landowners on the Reservation to coordinate their forest practices with Tribal forest management to provide consistent management.</i>
	Table F-1 Implementation and Monitoring, Minerals, second bullet	344	350	Formulate an interdisciplinary team and implement a program to review all proposed mining activities and assess potential impacts based on submitted work plans by 20068.
	Table F-1 Implementation and Monitoring, Riparian, fourth bullet	345	351	Inventory current riparian conditions in key watersheds to identify areas that are in need of restoration and to identify areas that currently function properly and need protection by the year 20068 (key watersheds are Evans, Alder, Benewah, Lake and Hangman). ● <i>Develop a botanical garden and a youth garden.</i>
	Table F-1 Implementation and Monitoring, Agriculture, after fourth bullet	349	355	
	Table F-1 Implementation and Monitoring, Agriculture, first bullet at top of page	350	356	Evaluate Tribal agricultural lands for productivity and determine the suitability of other resource values by the year 20068.

	Table F-1 Implementation and Monitoring, Land Use Recommendations (common to all alternatives), second bullet	355	361	2. Maintain the rural character of the Reservation in all LMRs except for areas designated for development (<i>LMRI</i>).
	Table F-1 Implementation and Monitoring, Land Use Recommendations (common to all alternatives), fifth bullet	355	361	5. Discourage subdivision of property in all LMRs except for areas designated for development (<i>LMRI</i>).
Glossary	After definition of “cultural resources”	384	391	<i>Culture "is that complex whole which includes knowledge, belief, art, morals, law, custom, and any other capabilities and habits acquired by man as a member of society." (Tylor 1871:1)</i>
	After definition of “subbasin”	394	400	<i>Subsistence generally is the means of living; obtaining food and shelter necessary to support life; everything that is done to make a living. Tribal subsistence practices include root and berry gathering, fishing and hunting, as well as participation in the cash economy.</i>
	After definition of “travel corridor”	395	401	<i>Tribal culture is the knowledge, belief, art, morals, law, custom and any other capabilities and habits acquired by members of the Tribe. This includes the locations, products, and remains [i.e. artifacts and human remains] of this culture. Spiritual locations are also well defined in the mind of the Tribe.</i>

	After <i>new</i> definition of “Tribal culture”	395	401	<p><i>As used in the IRMP PEIS, the reference to “Tribal waters” denotes all waters subject to regulation under Tribal Code Chapters 43 (Boating) and 44 (Encroachments) as described in Idaho v. United States, 112 S.Ct. 2135 (2001), and includes a subset of those waters for which EPA has approved the Tribe to administer Clean Water Act (CWA) Sections 303(c) (water quality standards) and 401 (discharge certifications), as described in the Agency’s decision document of August 5, 2005.</i></p> <p><i>Tollerud, David J. et al. National Academy of Sciences. 2005. Superfund and Mining Megasites: Lessons from the Coeur d’Alene River Basin. 484pp. National Academies Press, Washington, DC. Library of Congress #2005936579.</i></p> <p><i>Taylor, Edward B. 1871. Primitive Culture. 2 vols. 7th ed. New York: Brentano’s.</i></p> <p>...Plummer Butte (Courtesy of Alison Meyer)</p> <p>Debra-Rosenbaum, Superintendent</p> <p>Debra-Rosenbaum</p> <p>2.3.3 Alternative C: Natural Resource Conservation has been formatted to be consistent with the format of the other alternatives; indentation has been changed in the table.</p> <p>The purpose of the DPEIS Final Programmatic Environmental Impact Statement (FPEIS) and the NEPA process is to evaluate impacts of the preferred and alternative actions.</p> <p>2. Maintain the rural character of the Reservation in all LMRs except for areas designated for development (LMR1).</p>
References	After Tolbert, C.M., Molly Sizer.	404	410	
	After <i>new</i> Tollerud, David J. et al.	404	410	
Executive Summary	Inside cover page	none	none	
	Title page	ES i	Same	
	Abstract	ES ii	Same	
	Table of Contents	ES iii	Same	
	Section 1.0 Purpose and Need, second paragraph, first sentence	ES 4	Same	
Section 2.1, Elements Common to All Alternatives, subsection Land Use 100-Year Desired Future Conditions	ES 9	Same		

	Section 2.1, Elements Common to All Alternatives, subsection Land Use 100-Year Desired Future Conditions	ES 9	Same	5. Discourage subdivision of property in all LMRs except for areas designated for development (<i>LMRI</i>).
	Section 2.1, Elements Common to All Alternatives, subsection LMR6: Forest, after first bullet	ES 12	Same	<i>Encourage protection and enhancement of non-timber resources (wildlife, fisheries, riparian, recreation) to extent compatible with timber development.</i>
	Section 2.3 Description of the Alternatives, subsection Alternative D: Growth and Development (Figure 2.3.3)	ES 16	Same	<u>Move subsection heading, “Alternative D: Growth and Development (Figure 2.3.3)” to area directly below “Table 2.3.2 Land Management Recommendations by Watershed Alternative C (in Acres)”</u>
	Table 2.4.2 Contains the Land Use 100-Year Desired Future Conditions and 20-Year Goals Common to All Alternatives, second bullet	ES 21	Same	Maintain the rural character of the Reservation in all LMRs except for areas designated for development (<i>LMRI</i>).
	Table 2.4.2 Contains the Land Use 100-Year Desired Future Conditions and 20-Year Goals Common to All Alternatives, fifth bullet	ES 21	Same	Discourage subdivision of property in all LMRs except for areas designated for development (<i>LMRI</i>).

	<p>Table 2.4.3 compares the 100-Year Desired Future Conditions and 20-Year Goals for each Alternative, under Air Quality resource category row, in Alternative A No Action, first bullet</p>	ES 23	Same	<p>At minimum, maintain air quality at the U.S. EPA status of a Class II Airshed (good quality but not pristine). <u>Two spaces were added; one between the words, “U.S.” and “status” and the other between the words “good” and “quality.”</u></p>
	<p>Table 2.4.3 compares the 100-Year Desired Future Conditions and 20-Year Goals for each Alternative, under Air Quality resource category row, in Alternative B Preferred column, first bullet</p>	ES 23	Same	<p>Moved the partial word, “vation” as well as the rest of the sentence, “as a U.S. Environmental Protection Agency Class I Airshed (pristine air quality and the same standard as found in most National Parks).” to <u>Alternative C Conservation column underneath first bullet.</u></p>
	<p>Table 2.4.3 compares the 100-Year Desired Future Conditions and 20-Year Goals for each Alternative, under Biodiversity resource category row, in Alternative C Conservation column, second bullet</p>	ES 23	Same	<p>Develop and implement management plans to control noxious weeds by the year 20068.</p>

	<p>Table 2.4.3 compares the 100-Year Desired Future Conditions and 20-Year Goals for each Alternative, under Biodiversity resource category row, in Alternative B Preferred column, second bullet</p>	ES 23	Same	<p>Develop and implement management plans to control noxious weeds by the year 20068.</p>
	<p>Table 2.4.3 compares the 100-Year Desired Future Conditions and 20-Year Goals for each Alternative, under Biodiversity resource category row, in Alternative B Preferred column, first bullet</p>	ES 24	Same	<p><u>Moved the words,</u> “to raise student awareness of ecological processes, environmental potentials and plant and animal diversity.” to <u>Alternative C Conservation column underneath the second bullet.</u></p>
	<p>Table 2.4.3 compares the 100-Year Desired Future Conditions and 20-Year Goals for each Alternative, under Coeur d’Alene Lake resource category row, in Alternative B Preferred column, fifth bullet</p>	ES 24	Same	<p><u>Moved the partial sentence,</u> “Monitor Coeur d’Alene Lake conditions on an” to <u>Alternative C Conservation column underneath the fourth bullet.</u></p>

<p>Table 2.4.3 compares the 100-Year Desired Future Conditions and 20-Year Goals for each Alternative, under Coeur d’Alene Lake resource category row, in Alternative C Conservation column, first bullet</p>	<p>ES 25</p>	<p>Same</p>	<p>Moved the words, “Enhance opportunities for Tribal members to conduct subsistence activities.” to <u>Alternative D Growth as the first bullet.</u></p>
<p>Table 2.4.3 compares the 100-Year Desired Future Conditions and 20-Year Goals for each Alternative, under Fish resource category row, in Alternative D Growth column, second bullet</p>	<p>ES 25</p>	<p>Same</p>	<p>Restore bull trout populations to a level where adult escapement is well distributed, and at least six of the St. Joe River spawning...(hyphen added)</p>
<p>Table 2.4.3 compares the 100-Year Desired Future Conditions and 20-Year Goals for each Alternative, under Fish resource category row, in Alternative D Growth column, third bullet</p>	<p>ES 26</p>	<p>Same</p>	<p>Provide harvest opportunities that support limited Tribal subsistence activities and a limited sport angler harvest (<u>hyphen added</u>).</p>

<p>Table 2.4.3 compares the 100-Year Desired Future Conditions and 20-Year Goals for each Alternative, under Fish resource category row, in Alternative B Preferred column, last two lines in the column</p>	<p>ES 27</p>	<p>Same</p>	<p>Move the words, “include an annual harvest of greater than 500,000” to Alternative C Conservation as the last two lines of that column.</p>
<p>Table 2.4.3 compares the 100-Year Desired Future Conditions and 20-Year Goals for each Alternative, under Fish resource category row, in Alternative C Conservation column, second bullet</p>	<p>ES 27</p>	<p>Same</p>	<p>Provide both short and long-term harvest opportunities that support Tribal subsistence activities and a sport-angler harvest (<u>hyphen added</u>).</p>
<p>Table 2.4.3 compares the 100-Year Desired Future Conditions and 20-Year Goals for each Alternative, under Forest resource category row, in Alternative C Preferred column, first bullet</p>	<p>ES 28</p>	<p>Same</p>	<p>Add a <u>hyphen</u> after the partial word, “desig.”</p>

	<p>Table 2.4.3 compares the 100-Year Desired Future Conditions and 20-Year Goals for each Alternative, under Forest resource category row, in Alternative B Preferred column, third bullet</p>	ES 28	Same	<p>Coordinate Tribal forest management practices with private forest land owners-Encourage private landowners on the Reservation to coordinate their forest practices with Tribal forest management to provide consistent management.</p>
	<p>Table 2.4.3 compares the 100-Year Desired Future Conditions and 20-Year Goals for each Alternative, under Minerals resource category row, in Alternative B Preferred column, first bullet</p>	ES 29	Same	<p>Formulate an interdisciplinary team and implement a program to review all proposed mining activities and assess potential impacts based on submitted work plans by 20068.</p>
	<p>Table 2.4.3 compares the 100-Year Desired Future Conditions and 20-Year Goals for each Alternative, under Minerals resource category row, in Alternative C Conservation column, first bullet</p>	ES 29	Same	<p>Formulate an interdisciplinary team and implement a program to review all proposed mining activities and assess potential impacts based on submitted work plans by 20068.</p>

	<p>Table 2.4.3 compares the 100-Year Desired Future Conditions and 20-Year Goals for each Alternative, under Riparian resource category row, in Alternative B Preferred column, first bullet</p>	ES 29	Same	<p>Inventory current riparian conditions in key watersheds to identify areas that are in need of restoration and to identify areas that currently function properly and need protection by the year 20068 (key watersheds are Evans, Alder, Benewah, Lake and Hangman).</p>
	<p>Table 2.4.3 compares the 100-Year Desired Future Conditions and 20-Year Goals for each Alternative, under Riparian resource category row, in Alternative B Preferred column, first bullet</p>	ES 29	Same	<p>Inventory current riparian conditions in key watersheds to identify areas that are in need of restoration and to identify areas that currently function properly and need protection by the year 20068.</p>
	<p>Table 2.4.3 compares the 100-Year Desired Future Conditions and 20-Year Goals for each Alternative, under Wetlands resource category row, in Alternative B Preferred column, first bullet</p>	ES 31	Same	<p>Restore proper functioning conditions to a minimum of 30 percent (estimated at 6,425 acres) of the native riparian/wetland habitats to support vertebrate species to that use these habitats by the year 2024.</p>

	<p>Table 2.4.3 compares the 100-Year Desired Future Conditions and 20-Year Goals for each Alternative, under Wildlife resource category row, in Alternative B Preferred column, fourth bullet</p>	ES 32	Same	<p>Protect and restore a mini-mum of 1000 acres of Palouse Steppe (<u>hyphen added</u>).</p>
	<p>Table 2.4.3 compares the 100-Year Desired Future Conditions and 20-Year Goals for each Alternative, under Agriculture resource category row, in Alternative B Preferred column, after fifth bullet</p>	ES 33	Same	<ul style="list-style-type: none"> Evaluate Tribal agricultural lands for productivity and determine the suitability of other resource values by the year 20068 (<u>bullet added</u>).
	<p>Table 2.4.3 compares the 100-Year Desired Future Conditions and 20-Year Goals for each Alternative, under Agriculture resource category row, in Alternative B Preferred column, after fifth bullet</p>	ES 33	Same	<ul style="list-style-type: none"> Work with other entities and the public to evaluate private, non-Trust agricultural lands for productivity and to develop management recommendations (<u>bullet added</u>).

	<p>Table 2.4.3 compares the 100-Year Desired Future Conditions and 20-Year Goals for each Alternative, under Agriculture resource category row, in Alternative B Preferred column, after fifth bullet</p>	ES 33	Same	<ul style="list-style-type: none"> • <i>Develop a botanical garden and a youth garden.</i>
	<p>Table 2.4.3 compares the 100-Year Desired Future Conditions and 20-Year Goals for each Alternative, under Energy resource category row, in Alternative B Preferred column, fourth bullet</p>	ES 34	Same	<p><u>Move the fourth bullet, “Specifically, exclude the use and transport of nuclear materials on or through the Reservation.” to Alternative C Conservation column.</u></p>
	<p>Table 2.4.3 compares the 100-Year Desired Future Conditions and 20-Year Goals for each Alternative, under Environmental Health resource category row, in Alternatives B, C and D columns</p>	ES 34	Same	<p><u>Bullets removed prior to “Same as A” statements.</u></p>

	<p>Table 2.4.3 compares the 100-Year Desired Future Conditions and 20-Year Goals for each Alternative, Environmental Health resource category header</p>	<p>ES 36</p>	<p>Same</p>	<p>Environmental Health</p>
	<p>Table 2.4.3 compares the 100-Year Desired Future Conditions and 20-Year Goals for each Alternative, Housing resource category, Alternative C Conservation column</p>	<p>ES 36</p>	<p>Same</p>	<p><u>Removed the extra bullet under the Same as B statement.</u></p>
	<p>Table 2.4.3 compares the 100-Year Desired Future Conditions and 20-Year Goals for each Alternative, Pesticides resource category, Alternative C Conservation column</p>	<p>ES 37</p>	<p>Same</p>	<p><u>Removed the bullet in front of the Same as B statement.</u></p>
	<p>Table 2.4.3 compares the 100-Year Desired Future Conditions and 20-Year Goals for each Alternative, Recreation and Solid and Hazardous Waste resource categories, Alternatives B, C and D columns</p>	<p>ES 38</p>	<p>Same</p>	<p><u>Removed bullets in front of Same as B and Same as A statements.</u></p>

<p>Table 2.4.3 compares the 100-Year Desired Future Conditions and 20-Year Goals for each Alternative, under Recreation resource category row, in Alternative B Preferred column, add a footnote after first bullet</p>	<p>ES 38</p>	<p>Same</p>	<p><i>The Tribe's management of the trail as a protective barrier is not being addressed by this document. Rather, the State of Idaho and the Tribe are performing this function pursuant to an agreement in connection with Coeur d'Alene Tribe v. Union Pacific Railroad (case # 91-0342 D. Idaho).</i></p>
<p>Table 2.4.3 compares the 100-Year Desired Future Conditions and 20-Year Goals for each Alternative, under Recreation resource category row, in Alternative A No Action column, sixth bullet</p>	<p>ES 38</p>	<p>Same</p>	<p>Aid in the development of Camp Larson (recreation facility) planning and operations. (period added)</p>
<p>Section 2.5 Implementation, Monitoring and Amendment Process for all Alternatives, subsection Implementation and Monitoring, first sentence</p>	<p>ES 39</p>	<p>Same</p>	<p>Once a decision has been made by the Coeur d'Alene Tribe and the U.S. Bureau of Indian Affairs on which alternative is selected, a Record of Decision (ROD) will be issued and published in the Federal Register. According to the U.S. Bureau of Indian Affairs National Environmental Policy Act Handbook, 59 IAM 3-H (May 6, 2005), the Record of Decision does not need to be published in the Federal Register.</p>

	<p>Section 2.5 Implementation, Monitoring and Amendment Process for all Alternatives, subsection Implementation and Monitoring, third paragraph, first sentence</p>	ES 39	Same	<p>It will be the responsibility of each Tribal program and department to be aware of the goals in the IRMP and to monitor specific resource or development activities for consistency with the decision in the DPEIS <i>ROD</i> and the direction that will be outlined in the IRMP.</p>
	<p>Table 4.1.1 is a comparison of the environmental consequences of each alternative, under TES Species, in the Bald Eagle row, Alternative C Preferred column</p>	ES 43	Same	<p>May affect, <i>not</i> likely to <i>adversely</i> <i>beneficially</i> affect</p>
	<p>Table 4.1.1 is a comparison of the environmental consequences of each alternative, under TES Species, in the Bull Trout row, Alternative B Preferred column</p>	ES 43	Same	<p>May Affect, Not Likely to Beneficially <i>Adversely</i> Affect</p>

	<p>Table 4.1.1 is a comparison of the environmental consequences of each alternative, under TES Species, in the Bull Trout row, Alternative C Conservation column</p>	ES 43	Same	May Affect, Not Likely to <i>Beneficially Adversely</i> Affect
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IRMP DPEIS Response to Comments

Introduction to Comments and Responses

The Coeur d'Alene Tribe and the Bureau Indian Affairs received 46 comment letters and one oral comment comprising approximately 222 individual comments in response to the Draft Programmatic Environmental Impact Statement. All comments were scanned or typed into a computer database. In the process of scanning or typing the comment letters, some typographical errors or omissions may have occurred. An effort was made to correct all of these errors, but some may have been inadvertently missed. Syntax errors are corrected in brackets. Individual comments were categorized into the appropriate section, assessed, reviewed, and a response was drafted. The comments and responses were reviewed by the Coeur d'Alene Tribe and the Bureau of Indian Affairs for accuracy and adequacy. Full copies of each comment letter received follow this section of the document.

National Environmental Policy Act (“NEPA”) Requirements for Response to Comments

NEPA, pursuant to 40 C.F.R. § 1503.4(b), responses to comments, requires:

- (a) An agency preparing a final environmental impact statement shall assess and consider comments both individually and collectively, and shall respond by one or more of the means listed below, stating its response in the final statement. Possible responses are to:
 - (1) Modify alternatives including the proposed action.
 - (2) Develop and evaluate alternatives not previously given serious consideration by the agency.
 - (3) Supplement, improve, or modify its analyses.
 - (4) Make factual corrections.
 - (5) Explain why the comments do not warrant further agency response, citing the sources, authorities, or reasons which support the agency's position and, if appropriate, indicate those circumstances which would trigger agency reappraisal or further response.
- (b) All substantive comments received on the draft statement (or summaries thereof where the response has been exceptionally voluminous), should be attached to the final statement whether or not the comment is thought to merit individual discussion by the agency in the text of the statement.
- (c) If changes in response to comments are minor and are confined to the responses described in paragraphs (a)(4) and (5) of this section, agencies may write them on errata sheets and attach them to the statement instead of rewriting the draft statement. In such cases only the comments, the responses, and the changes and not the final statement need be circulated (Sec. 1502.19). The entire document with a new cover sheet shall be filed as the final statement.

Organization of Comment and Responses

The comment letters and public meeting comments were initially organized by groups, such as Federal agencies, State agencies, local agencies, businesses, organizations, and individuals. Individual comment letters were listed in alphabetic order. Each comment document was assigned a document number and each comment was assigned a number representing the number of individual comments within each comment letter, as shown in Table 1. For example, the number 001-005 represents comment letter numbered 001 and the fifth comment within the comment letter number 001. A comment index is attached to this volume identifying the page number where each comment is listed.

Public comments are categorized and addressed based on section headings in the DPEIS where applicable. Comments that did not refer to a specific section in the DPEIS were categorized according to general subject matter. Multiple comments within the same section and/or referring to similar issues are grouped together and addressed with a single response to avoid redundancy.

TABLE 1

List of Comment Documents on the Draft Environmental Impact Statement for Coeur d'Alene Tribe
Integrated Resource Management Plan

	Agency/Association	Date	Document	Number of Comments
Federal	United States Environmental Protection Agency, Region 10	1/17/05	001	002
	United States Bureau of Indian Affairs Northwest Regional Office	10/26/05	002	003
State	Idaho Fish & Game, Panhandle Region	11/16/05	003	011
Local	Kootenai County Board of Commissioners	12/04/05	004	003
	Benewah County Board of Commissioners	12/12/05	005	004
Businesses	Forest Capital Partners, LLC	12/13/05	006	021
	Intermountain Forest Association	01/13/06	043	004
	The Sampson Group, Inc.	10/14/05	044	002
Organizations	North Idaho Citizens Alliance Board Members	12/13/05	007	002
Individuals	Besaw, Eric and Marianne	12/14/05	008	001
	Bissel, Angelo and Joyce	11/09/05	010	001
	Bissel, Angelo	12/13/05	011	003
	Bissel, Joyce	12/12/05	012	004
	Blackburn, Del and BernaDeane	12/18/05	013	001
	Bowlin, Jack	10/01/05	014	001
	Bowlin, Jack	10/19/05	045	001
	Ettinger, Michele	12/13/05	015	001
	Ettinger, Steve	12/13/05	016	001
	Evans, Elmor D.	12/09/05	017	004
	Ferris, John	12/27/05	018	001
	Fletcher, Bill	12/13/05	019	001
	Gentry, Dean	10/02/05	020	009
	Gentry, Dean	12/14/05	021	005
	Hardy, Toni and Rogers	10/30/05	022	003
	Hardy, L. Rogers and Antonia M.	12/12/05	023	028
	Hart, Elaine and Roy S.	12/16/05	024	001
	Hollibaugh, Cody	10/19/02	046	001
	Jansson, Paul and Janet	11/11/05	025	002
	Lamb, Tom	10/19/06	026	001
	Morrow, Angie Lee	11/08/05	027	001
	Morrow, Angie Lee	12/11/05	028	065
	Muench, Chris	12/10/05	029	001
	Murray, Patrick L. and Sharon H.	12/09/05	030	001
	Neveau, Suzanne, M.	12/09/05	031	003
	Rust, W.C.	10/31/05	032	001
	Rust, W.C.	12/12/05	033	007
	Secord, Pamela	11/09/05	034	001
	Thompson, Duane R. and Shirley	12/06/05	035	001
	Tuel, Lois	11/03/05	036	001
	Tuel, Lois	11/14/05	037	005
	Wadley, Harold E. and Gwen C.	12/09/05	038	001
	Wittrock, Kent R.	12/06/05	009	001
	Young, Rustin	12/11/05	039	007
	Anonymous Letter to Representative R.J. Harwood	12/05/05	040	002
	Petition	12/01/05	041	001
	Petition	12/01/05	042	001

COMMENTS AND RESPONSES

General Comments

Comment 001-001 We support the EISs assurances that Tribal water standards will be met and the best management practices proposed for various land management activities. We have assigned a rating of (Lack of Objections) to the draft EIS. This rating [and] a summary of our comments will be published in the Federal Register. A copy of the rating system used in conducting our review is enclosed for your reference.

Comment 003-001 Thanks for the opportunity to review the draft programmatic EIS for the Coeur d'Alene Tribe's Integrated Resource Management Plan. It is clear that the Tribe has put considerable effort into development of the plan and the DEIS, and that there is considerable emphasis on managing fish and wildlife resources for the benefit of the Tribe, others, and the environment. This emphasis is particularly evident in Alternatives B and C, and in the interest of conserving, protecting, and restoring the rich wildlife resources of the area, we hope that both of these alternatives continue to be given serious consideration and emphasis.

Comment 003-002 As we understand the information provided, whatever alternative is selected, the Tribe proposes to work closely with other agencies and stakeholders to achieve resource management goals and objectives, including those for fish and wildlife. The Department looks forward to continuing, building upon, and adding to cooperative fish and wildlife projects with the Tribe, such as the cooperative elk study and kokanee population monitoring. As described, we believe there is substantial commonality in the Tribe's expressed desired future conditions for fish and wildlife, and management goals and objective[s] established by and for the Department.

Comment 003-011 We commend the Tribe for developing this comprehensive and integrated plan, and for developing alternatives that clearly and positively address fish and wildlife conservation in the future. We look forward to working with the Tribe to implement programs which continue to improve conditions for fish and wildlife in the region.

Comment 004-003 The Commissioners' main goal and emphasis is to work with the Tribe for the betterment of Kootenai County as a whole. We look forward to future opportunities to work with the Tribe in this common goal.

Comment 006-001 FCP is interested in these administrative proceedings because it owns timberlands within the external boundaries of the Tribe's reservation. In addition, it owns timberlands outside of the boundaries, but nearby them. And, some of FCP lands are located within the St. Joe River drainage basin.

Comment 006-002 The DEIS is well-organized and very readable, for a document of its size and scope. We found the concise description of both the 100-year "desired future conditions", and the 20 year goals for achieving those conditions, to be a good framework for the analysis of alternatives and provisions of the plan.

Comment 006-005 FCP believes that its ownership within the reservation is exclusively within the "resource management area" designated as "Forests" in the "Land Management Recommendations" for Alternative B. Therefore, we view our management goals to be quite compatible with the Tribe's desire to manage these lands for forestry activities, primarily timber production.

Comment 007-002 Again, let us reiterate our position we oppose your (DPEIS) Draft Programmatic Environmental Impact Statement in preparation for the development of the Tribe's first (IRMP) Integrated Resource Management Plan.

Comment 008-001 We would like to comment on the proposed Coeur d'Alene Tribe's Draft Programmatic Environmental Impact Statement (DPEIS). We support Alternative A, the "no-action" plan. In our opinion, the existing laws, policies, land use practices, management plans and agreements that are currently in place are sufficient to ensure sound land management practices, as well as allow for management of our natural resources and provide commercial, industrial, residential and recreational opportunities. We do not see a need or benefit in changing the way land is currently being managed or the laws which govern its use.

Response Comments noted.

Comment 011-001 I oppose the Coeur d'Alene tribe's IRMP/DPEIS Alternatives B, C and D, which attempt to control land, air and water on private fee-simple land and upon non-tribal residents.

Alternat[ive] A - NO ACTION - should prevail. Current land use, recreation and resource management activities would continue using existing laws and policies, land use practices, management plans and agreements. And the population would be accountable to only one government) the one to which they pay taxes and have a voice! I support that 100%.

Comment 011-003 Again, I OPPOSE this IRMP/DPEIS.

Comment 012-001 Regarding the IRMP/DPEIS, I am submitting the following comments by the extended comment period of December 14,2005.

Comment 012-004 The more I type, the madder I get. This whole IRMP/DPEIS is nothing more than a controlling document to give the Tribe power over non-tribal citizens and their lands. It should be trashed. Alternative A, which is a NO ACTION plan should prevail. Again, **I OPPOSE THIS IRMP/DPEIS DOCUMENT**, alternatives B, C and D.

Comment 013-001 I agree with Preferred Alternative B in most ways. Actually I would prefer a mix of Alternative B and C. The tribe is to commended for its effort in developing the plan document. I was impressed with the quality of work in developing the alternatives.

Response Comments noted.

Comment 014-001 Recommend an addition of an/or addendum to the Environmental Impact Statement Executive Summary –

To Be Included:

A Botanical Garden. A place where collections of plants are – that were used by early tribal members and early settlers – exhibition for study and for pleasurable memories.

A Youth Garden. For scientific study for beginners learning to garden.

Response The IRMP FPEIS has been modified to add the following goal, “Develop a botanical garden and a youth garden.” The goal has been added to Section 2.2.2 20-Year Goals Common to All under the Agriculture resource category in the Human Environment (Reservation) subsection.

Comment 017-004 There are so many deceptions and half truths in this work it is ridiculous.

Comment 018-001 I oppose the CDA tribal IRMP, I would not like to be put under the power of the tribal council unless I have a vote.

Response Comments noted.

Comment 020-001 Will the Bureau of Indian Affairs, who are credited with processing the summary, correct the printing errors and redistribute a corrected copy soon?

Response A Final Programmatic Environmental Impact Statement will be published after all comments have been considered and appropriate revisions to the PEIS have been made.

Comment 020-003 Have each of the city, county, state and federal officials and agency heads within the geographical area included in the planned ROD been supplied with the Executive summary and a copy of the complete IRMP DPEIS?

Response Yes. Section 6.5 of the IRMP DPEIS provides a distribution list of parties that were sent a copy of the IRMP DPEIS Executive Summary. Included in the distribution list were City of St. Maries, City of Plummer, Benewah, Bonner, Spokane, Latah, Clearwater, Kootenai, Whitman, Sanders, and Mineral County Commissioners, Kootenai Planning Director, Superintendent of Plummer-Worley School District, Worley Fire District, Worley

Highway District, Idaho Transportation Department, Spokane Soil Conservation District, North Idaho College, University of Idaho, Panhandle Health Department, Heyburn State Park, Idaho Fish and Game, Idaho Department of Lands, Water Resources, Parks & Recreation, and Environmental Quality, Bureau of Indian Affairs, National Oceanic and Atmospheric Administration, Environmental Protection Agency, Region 10, U.S. Forest Service, Bureau of Land Management, U.S. Army Corps of Engineers, U.S. Department of Interior, U.S. Fish & Wildlife Services, Senator Larry Craig, Senator Mike Crapo, and Representative C.L. “Butch” Otter.

Comment 020-006 Please provide for me the definition of the following words and terms as used in the Executive Summary of the IRMP DPEIS and the complete IRMP DPEIS:

A. Culture (as in “Tribal culture”)

B. Sacred & culturally & cultural (as in “Protect sacred and culturally significant sites and properties through the Tribal cultural program”)

C. Tribal waters

D. Subsistence

Response Please refer to the Glossary at the end of the IRMP PEIS for a comprehensive glossary of terms. “Cultural resources” are defined as “those resources important to the lifeways of past and present people. Many Schitsu’umsh cultural resources are still used today, bridging the gap between past and present lifeways and maintaining cultural integrity. Archaeological resources, a subset of cultural resources, include site, structures, and artifacts used by past residents and travelers. Cultural resources on the Reservation, as within the entire aboriginal territory, are diverse and include properties such as archaeological sites; pictographs and petroglyphs; artifacts; burial sites, associated and unassociated funerary objects and cultural patrimony; other sacred sites; hunting, gathering, and fishing areas; and cultural activity areas.”

Please refer to the comment above for a definition of “sacred, culturally, and cultural.”

Culture “is that complex whole which includes knowledge, belief, art, morals, law, custom, and any other capabilities and habits acquired by man as a member of society.” (Tylor 1871:1). This definition has been added to the Glossary of the IRMP PEIS.

Tribal culture is the knowledge, belief, art, morals, law, custom and any other capabilities and habits acquired by members of the Tribe. This includes the locations, products, and remains [i.e. artifacts and human remains] of this culture. Spiritual locations are also well defined in the mind of the Tribe. This definition has been added to the Glossary of the IRMP PEIS.

As used in the IRMP PEIS, the reference to “Tribal waters” denotes all waters subject to regulation under Tribal Code Chapters 43 (Boating) and 44 (Encroachments) as described in *Idaho v. United States*, 112 S.Ct. 2135 (2001), and includes a subset of those waters for which EPA has approved the Tribe to administer Clean Water Act (CWA) Sections 303(c) (water quality standards) and 401 (discharge certifications), as described in the Agency’s decision document of August 5, 2005. This definition has been added to the Glossary of the IRMP PEIS. The reference to “Tribal waters” in the IRMP PEIS with respect to the aforementioned Tribal Code Chapters and TAS authority did not encompass those waters within the exterior boundaries of the 1873 Coeur d’Alene Indian Reservation over which the Court did not exercise jurisdiction in *Idaho v. United States* and to which the Tribe claims unextinguished right, title and interest. IRMP recommendations relevant to protecting these unadjudicated waters are described in the sections addressing the Tribe’s aboriginal territory, and the Tribe intends to coordinate and collaborate with other governments and private parties to improve and protect those waters pending resolution of Tribal ownership claims.

Subsistence generally is the means of living; obtaining food and shelter necessary to support life; everything that is done to make a living. Tribal subsistence practices include root and berry gathering, fishing and hunting, as well as participation in the cash economy. This definition has been added to the Glossary of the IRMP FPEIS.

Comment 020-009 What does the Coeur d’Alene Tribal Government and the many tribal businesses presently do with their solid waste and commercial and household toxic/chemical waste? Is the environment presently being protected? Will the IRMP help the environment in regards to solid waste?

Response The PEIS addresses solid waste issues in Chapter 3 – Affected Environment. The Tribe has developed a comprehensive environmental health plan that addresses present and future environmental health risks facing the

Tribe. One of the goals of the Tribal Environmental Health program is to protect human health and environmental quality by ensuring proper storage, collection, transportation, and disposal of solid wastes. Several problem areas were identified during a preliminary assessment of solid waste handling including several open dumpsites, abandoned landfills, a lack of recycling capability, and a lack of a solid waste management plan. Please refer to section 3.49 for a more detailed assessment of the solid and hazardous waste management activities on the Reservation. The IRMP is a land use and natural resource planning document and will not specifically address solid waste handling issues. Currently, the Tribe is in the process of developing an Integrated Solid Waste Management Plan that will be tiered to the Tribe's IRMP once it is completed. Proper planning at different levels of detail is needed to ensure proper solid waste management.

Comment 021-001 The Draft Programmatic Environmental Impact Statement (DPEIS) presented by the Coeur d'Alene Tribe September 2005 in a 405 page text is totally unacceptable. The document does not comply with CFR 40 Part 1500 - 1508. The DPEIS includes errors and blatant untrue information and a vast amount of unnecessary paper.

Comment 021-005 Again, I oppose each of the alternatives offered in the DPEIS and I cannot accept the DPEIS as being of value or of meeting the requirements of NEPA or in compliance with the spirit of the law.

Comment 023-028 In closing, this DPEIS, with specific reference to NEPA and to the Tribal Council's selected "Preferred Alternative B" consists of meaningless doublespeak, lack of substance, repetitious verbiage, and assertions that lack basis in fact. It is not only a stunning attempted abuse of basic protected citizen rights, but it is also a colossal waste of tax dollars. We urge a thorough investigation and accountability to taxpayers for this abuse of federal processes and public monies.

Comment 033-007 In summary this document does not meet the NEPA requirements for a thorough evaluation of the environmental consequences of proposed and alternative actions. A Supplemental EIS should be prepared to give the decision makers and public a more thorough understanding of just how the proposed plan will affect actions of both Indians and non-Indians that affect the natural and socioeconomic environment on the claimed reservation.

Response The FPEIS is required under National Environmental Policy Act ("NEPA") to provide environmental information to decision-makers and the public before decisions are made and before actions are taken. The United State Department of Interior Bureau of Indian Affairs is the federal agency responsible for this FPEIS. The NEPA process is intended to help decision-makers reach a final decision based on an understanding of the environmental consequences, and take actions that protect, restore, and enhance the environment. Accordingly, the IRMP FPEIS identifies and evaluates alternatives for developing programmatic level recommendations for land use, natural resource enhancement and protection, residential/commercial growth and development planning, and cultural preservation for the Coeur d'Alene Reservation. The IRMP PEIS also focuses, to a lesser extent, on the Tribe's aboriginal territory by outlining broad 100-year Desired Future Conditions for landscape and cultural resources in order to optimize coordination and cooperation on land use management activities between the Tribe and other governmental agencies.

The IRMP PEIS follows the recommended NEPA format pursuant to 40 C.F.R. § 1502.10. The length of the document was necessary to fully address the potential environmental impacts of the four alternatives as required by NEPA.

Comment 031-003 I also resent my federal tax dollars being used to fund the propaganda found in these two publications.

Response Comment noted. The United States Department of Interior Bureau of Indian Affairs is the federal agency responsible for this PEIS. The Bureau of Indian Affairs has fostered Integrated Resource Management Plans as part of an effort to promote sound management of Tribal lands and natural resources that reduce federal expenditures otherwise necessary to protect improperly managed Tribal resources.

Comment 021-004 I personally talked with seven of the nine area County Commissioners and not one of the seven were aware of the DPEIS nor had they received a copy of it with an invitation to make their comments.

Response Copies of the Executive Summary of the IRMP DPEIS were sent to the County Commissioners of Benewah, Bonner, Spokane, Latah, Clearwater, Kootenai, Whitman, Sanders, and Mineral Counties. Comment letters were received from the Benewah County Board of Commissioners and the Kootenai County Board of Commissioners. Copies of these letters are included in the IRMP FEIS.

Comment 023-007 The maps are vague, non-specific, and contradictory. For example, the pink lines (P. 29) purport to show “Reservation Boundaries”, while red lines show zones of development along highways, not boundaries. Shorelines are not shown, and no lakes, streams, waterways are depicted, yet the plan includes management of these areas. These areas are already under county codes, zoning, jurisdiction, but again, EPA comments of November 17 “support the EIS assurances that Tribal water quality standards will be met and the best management practices proposed for various land management activities.” In short, nebulous maps and EPA support manipulate NEPA and bully citizens and our sovereigns.

Response The map on page 29 is intended only to show the land management recommendation areas for Alternative B. More detailed maps of the Reservation and Aboriginal Territory are available in Chapter 1.

Comment 023-024 The serious health issues related to the (excluded from the DPEIS) swaths of contamination within the 1500 square mile Bunker Hill Superfund do not affect directly any Tribal members or even Tribal lands. The Tribal trust lands lie far from the swaths of lead, arsenic, cadmium, zinc, so any health issues cannot be correlated to the largest (or is it now second largest?) Superfund site in the Nation. The low income people in the Silver Valley and other areas grossly impacted by railroad and mine waste are much more directly impacted, and these issues are attempting to be addressed under NEPA/CERCLA auspices already.

Response The IRMP PEIS does not purport to assess the impact of historic mining and milling activities on or near the Coeur d’Alene Reservation or the Coeur d’Alene River. Such impacts are being evaluated outside the IRMP PEIS by the Tribe and the United States through a Natural Resources Damage Assessment examining the scope and impact of hazardous substances released by historic mining and milling operations in the Coeur d’Alene Basin, and by the United States Environmental Protection Agency (“EPA”) through remedial investigations on the impacts of such releases on human health and the environment in the Basin. Contrary to the commenter’s assertion, these assessments have confirmed the widespread distribution and impact of mining-related hazardous substances throughout the Coeur d’Alene Basin, including that portion of Coeur d’Alene Lake within the current Reservation. See *Coeur d’Alene Tribe v. Asarco, Inc., et al.*, 280 F.Supp2d. 1094, 1106 (D. Idaho 2003) (“releases of hazardous substances have flowed downstream via the tributaries of the South Fork of the Coeur d’Alene river and Coeur d’Alene River. Such releases are flowing into Lake Coeur d’Alene and on out the lake into the Spokane River”). Subsequent EPA investigation of metals concentrations in tissues of representative fish species sampled in Coeur d’Alene Lake led the State of Idaho and the Coeur d’Alene Tribe to issue a joint fish consumption advisory in 2003. In December 2005, the final report of the National Academy of Sciences on EPA’s selected cleanup remedy for Bunker Hill Operable Unit 3 in the Coeur d’Alene Basin recommended that high-priority be assigned to investigate the impact of metals contaminated lake bed sediments on benthic and natural resources in the lake (National Academy of Sciences 2005). In view of the above findings, the Tribe shares the commenter’s concern for the impact of mining’s toxic legacy on the Silver Valley and affected downstream communities. The Tribe supports upstream cleanup actions to protect human health and the environment in the Silver Valley, including actions that reduce mining contamination sources that migrate and impact downstream waters and resources within the Coeur d’Alene Reservation. However, as noted above, those assessment, response and restoration activities are being undertaken outside and independent of the IRMP and are therefore not addressed herein.

Comment 025-002 We also oppose the Tribe charging dock fees. The one time fee was paid to the State of Idaho. We were charged an initial fee by the tribe which meant this fee was paid twice. We also don’t think it is right to have to pay an annual fee when we have no say in how the money is spent. This is taxation without representation. This goes against everything our country stands for.

Comment 037-004 I also object to the practice of denying the storage of people’s docks. If we believe the spin, there should not be many that have not paid their taxes to the tribe.

Response It is unclear how these comments relate to the IRMP PEIS or the resulting IRMP, which is intended as a planning document, not an implementing document. However, to the degree to which they purport to be relevant, the Tribe provides the following response: In 1998, the State of Idaho was permanently enjoined from asserting any right, title or other interests on Tribal waters. *United States v. Idaho*, 95 F.Supp.2d 1095 (D. Idaho 1998). Following that decision, the Tribe solicited public comment on its management of Tribal waters during public meetings held in 1998. Those comments were considered in promulgating Tribal Code Chapters 43 (Boating) and 44 (Encroachments), which regulate all boating and encroachments on Tribal waters. Based on those comments, for example, the Tribe established the Lake/River Board under Chapter 44 which provides that two of the five Board seats may be occupied by non-Indians from the surrounding community. The Board is authorized to recommend changes in Chapter 44's provisions to the Tribal Council, to hear and decide petitions seeking variance from encroachment standards and/or appeal notices of violations under Chapter 44, and to adopt rules and regulations governing Board operations. Board meetings are open to the public. Chapter 44 did not assess fees for encroachment permit applications where the applicant's encroachment existed prior to July 28, 1998, however, the Tribe did require that such encroachments pay the Tribe's annual lease fee. Reimbursement of fees paid erroneously to the State of Idaho prior to that date should be directed to the Idaho Department of Lands.

Comment 028-001 I am writing on behalf of myself, my family, and my friends and neighbors who reside in Kootenai County. First, I want to make it very clear (in case you don't understand this, after reading my comments which follow), that I am OPPOSED to the Coeur d'Alene Tribes IRMP DPEIS, and all it entails. I have fully read every page in your 405 page book, as well as re-reading-areas I questioned. I have spoken with other people who have read it, to make sure I fully understand what I am reading, and I do.

Comment 030-001 I oppose the tribes Integrated Resource Management Plan.

The tribe has no experience or expertise in land management. If they did maybe they would be a self sustaining entity and not have been on welfare for the last 90 years.

Comment 031-001 I oppose the Coeur D' Alene tribe's Draft Programmatic Environmental Impact Statement for the Integrated Resource Management Plan.

Comment 035-001 We definitely oppose alternatives B, C, and D of the impact statement handed out on November 8, 2005 at the meeting held at the Wellness Center.

Comment 037-001 I oppose the IRMP plan in its entirety. One of the reasons is the hard feelings that will be generated between Indians and non-Indians. We have been good neighbors for all these many years. This will make a difficult to have a good working environment in the Casino and you know how you need non-Indians to make that engine run.

Comment 037-003 We need the tribe and the tribe needs white man. Stop causing trouble between the two cultures. We are all Americans. "Can't we all just get along?"

When you say "Increase Restoration toward pre-settlement conditions," do you mean teepees and buffalo? With nary a white face?

Well that isn't going to happen. We won't have it and the Natives have learned to enjoy the good things in life, and most of that comes from white man.

Comment 037-005 I am so tired of all of this. Is that your objective, to keep at us till we give up our property?

Not nice.

Comment 039-001 My choice in the IRMP is Alternative A. I object to instituting Alternative B. There are many things in the DPEIS I object to.

Comment 039-007 Again my choice is Alternative A, the status quo. Thank you for your time.

Response Comments noted.

Comment 040-002 Their IRMP/DPEIS goes into effect December 14, 2005,....

Response The Coeur d'Alene Tribe is developing an Integrated Resource Management Plan ("IRMP") to address natural resource, cultural, and environmental issues on and near the Reservation. The National Environmental Policy

Act (“NEPA”) requires a range of alternative actions be developed and compared in an effort to minimize environmental impacts of the proposed action – the IRMP. After the Final Programmatic Environmental Impact Statement is published, the Coeur d’Alene Tribe and the Bureau of Indian Affairs will select one of the alternatives for the IRMP. The selected action will be published in a Record of Decision. Once the decision is finalized, the NEPA process will be concluded and the Tribe will write the Integrated Resource Management Plan based upon the decision.

Comment 043-001 In addition, we have reviewed the IRMP DPEIS and, after reviewing the Potlatch and Forest Capital Partners, LLC letters, wish to associate our issues with those expressed in their comments. We share their concerns and questions. We hope that the Tribe will address these concerns, questions and issues so as to answer our common questions. In specific, IFA has the same issues and questions that FCP expresses in its letter of December 13, 2005. We respectfully request your attention to answering these concerns as well as those IFA expressed in its earlier correspondence with the Tribe.

Comment 043-002 IFA shares the same issues and questions with the Draft IRMP DPEIS as addressed in the FCC, LLC letter of December 13, 2005. The questions regarding implementation mechanism’s that may flow from implementation of a final IRMP are a shared concern. We urge the Tribe to utilize the Idaho Forest Practices Act as the accepted and approved way to safeguard forest practices on all lands within the exterior boundaries of the CDA Tribe Reservation. This will assist in maintaining consistency and continuity of requirements between all landowners who practice forestry.

Comment 043-004 In closing, we respectfully request that you address all of the issues raised in IFA’s letters as well as those of Potlatch Corporation and FCP, LLC, as organizations we all share the same concerns and issues and have many of the same questions. We also desire to develop a working relationship with the Tribe and would welcome an opportunity to meet with Tribal representatives to explore our shared interests.

Response Comments noted.

Comment 044-001 First, let me congratulate you and the entire Cd’A team for producing the DPEIS and getting it out to the community. It is an excellent piece of work, in my view.

Response Comment noted.

Comment 045-001 My comment is we’ve wasted a lot of energy on the negative. If we would all get together and think of the positive, we would get a lot more done and get everything answered that way.

Response Comment noted.

Comment 046-001 Very nice.

Response Comment noted.

Public Meeting Comments

Comment 017-002 I attended many of the meetings at the wellness center.

In my opinion the only purpose of these meetings was to give an air of respectability to the DPEIS-IRMP.

After a few meetings I could tell the agenda had already been set. Everything had to be acceptable to the Coeur d’Alene tribal council. Any other opinion was rejected or ignored.

Comment 023-021 Further, the extremely low 1.9% response rate (“112 of 6,000 Future Focus Questionnaires returned,” P. 256) can hardly be called “agreement,” particularly since the negative responses are not addressed. Also, only 7 people attended the 2002 Plummer “Scoping Meeting” (P. 291), and only 6 people attended the St. Maries meeting (P. 293), and a combined total of 13 people can hardly qualify as representative of the huge affected population to “assist in the development of the IRMP DPEIS.”

Comment 010-002 I previously requested and received the complete DPEIS which is 405 pages long. It is not an easy read for thorough comprehension of what is being proposed by the Tribe which will impact non-tribal residents within the Tribe's proposed boundaries of control and management. I am only one-third of the way through this lengthy document. As you know, only approximately 20 people attended the "Public Hearing" on October 19th in Plummer. (And "Public Hearing" was a complete misnomer! No discussions, just viewing slides and several display boards. We were two of those "20" people, so we know what we are talking about.)

This attempt to push something so monumental through the system is a major event and it deserves proper dissemination throughout the impacted area, before it is set in stone. Only those few attending IRMP meetings are aware of the proposal at all. And for sure, the Tribe's proposed Alternative B will affect -thousands of non-tribal property owners who don't even know it Exists. In fairness, all people involved (including; aboriginal lands) deserve proper notification and exposure to your DPEIS.

Comment 023-008 P. 17 states Under "Land Use Recommendations Common to All Alternatives," that "The cultural land use of the Coeur d'Alene Tribe and input from all Reservation residents drive many common elements in each IRMP alternative." THIS IS BLATANT MISREPRESENTATION SINCE THERE WAS ALMOST ZERO PARTICIPATION BY (FORMER) "RESERVATION" RESIDENTS!!

Comment 033-004 This document asserts that adequate public participation took place. However, the document says that one of the goals of the IRMP is to "To the extent possible, restore natural, cultural and environmental resources across the Reservation and aboriginal territory." Shoshone County covers a great deal of the aboriginal territory and I do not believe the Tribe made any effort to inform the people of Shoshone County as to the possible effects of the plan. The area also goes into Montana. Were public meetings held in St. Regis or Noxon, Montana? If not, all references to plans for the aboriginal territory should be removed.

In general, I do not believe there has been adequate public participation in the development of this document. I am a member of CAC and I do not recall ever seeing a clear presentation as to the development. CAC quit meeting a few years ago and most of the members became members of the Citizens Coordinating Council of the Coeur d'Alene Basin Environmental Improvement Commission. Tribal representatives came to all the meetings of the CCC. They could have kept people informed through this organization, but they did not. I believe that public involvement of the affected people was deliberately minimized in violation of NEPA.

Response The Coeur d'Alene Tribe initiated the Environmental Action Plan (EAP) Project in 1997, holding numerous public meetings and workshops on and near the Reservation seeking public input. A series of Integrated Resource Management Plan (IRMP) - Phase II of the EAP Project - public meetings was first held in the spring of 2001 to provide background on the Tribe's Environmental Action Plan ("EAP"), request public input on the purpose, need and proposed methods to develop an IRMP, discuss community involvement in developing the IRMP, and request volunteers to be members on the IRMP Community Advisory Committee. These initial IRMP public meetings were announced in local newspapers including the St. Maries Gazette, Idaho Spokesman-Review, the Coeur d'Alene Press, and the Council Fires for the Tribal members meeting. A direct mailing was also sent to all local Tribal members and to the EAP public mailing list of over 350 addresses. Fliers were posted in public places in Worley, Plummer and Tensed approximately a week in advance of the meetings.

IRMP Future Focus workshops were held on June 5, 2002, June 12, 2002, and June 19, 2002 in Worley, Tensed, and St. Maries, Idaho, respectively. Attendees of these workshops included landowners, retired landowners, homeowners, and Tribal members.

IRMP Future Focus Questionnaires were sent to all Reservation residents (5,881 questionnaires distributed by mail) and Tribal Members (909 questionnaires distributed by mail). Questionnaires were also available at the IRMP Future Focus Workshops.

IRMP Scoping meetings were held in October 2002 in Plummer and St. Maries. As of October 2004, a total of 21 IRMP Community Advisory Committee meetings had been held by the Tribe. These meetings are not required by NEPA but were held in order to involve all interested people in the IRMP process. A Public Hearing on the IRMP DPEIS [Draft Programmatic Environmental Impact Statement] was held on October 19, 2005.

The Tribe's efforts to inform the public and solicit comments and participation exceeded public involvement requirements of the National Environmental Policy Act. Please see Chapter 6 and Appendix C for details regarding public involvement. Additional documentation of Tribal public involvement efforts has been added to Chapter 6 and Appendix C in order to demonstrate the lengths the Tribe has gone to in order to include all

people in the development of the IRMP PEIS and, ultimately, the IRMP itself. The additional documentation is also contained in the errata.

Comment 028-003 I must thank you for the long, monotonous read to educate myself on what you are trying to do. Your book was repetitive, and definitely something one must really think about. I also am unhappy with your meetings, as the last IRMP I attended, did not allow us to ask any questions, in which someone there would answer. We were given an option of having a court reporter take our questions, but like all the other times we legitimately try to get answers from the tribe, we never do. I used to take great pride in the Indian History and heritage of our area, but then I read your DPEIS, and I see that you are changing the history to suit yourselves. I commented on this later in this letter. This whole thing just makes me sad now, and I have little pity for a Council of 7, who fail to take care of their own members. Don't try to take on more than you can deal with. Your past history shows that this is the case.

Response The purpose of the public hearing was to explain the IRMP DPEIS to the public and to formally receive public comments relating to the DPEIS. The court reporters were present to record each public comment as accurately as possible so the Tribe could hear and understand the comments and formally respond consistent with the requirements of the National Environmental Policy Act. Written public comments and formal oral comments given at public meetings become part of the public record. Formal responses are given to oral comments in the same manner as responses to written comments.

Public Involvement Comments

Comment 017-003 The Environmental Protection Agency should have given the grant money to the counties. They could have held meetings and the people effected could have some effect on the overall outcome.

Also the only fair way to conduct a comment period is to notify every household affected by the Integrated Resource Management Plan and wait for their comments. Anything less is trying to slip this set of rules in the back door.

Response The PEIS is for the Coeur d'Alene Tribe's Integrated Resource Management Plan. As such, it is appropriate that the agency or agencies that are responsible for developing the plan and the related programmatic environmental impact statement receive the associated funding. With respect to public involvement issues, IRMP Future Focus Questionnaires were sent to all Reservation residents and public meetings were announced in local newspapers including the St. Maries Gazette, Idaho-Spokesman Review, and the Coeur d'Alene Press. Additionally, everyone on the IRMP Community Advisory Committee was notified of all public meetings. Please refer to the responses to the Public Meeting Comments section above.

Comment 022-002 We request that you forward this email to any and all government agencies involved with the IRMP, since no email addresses were provided by which to contact them. Thank you very much, and please cc us on the forward request so we can then write directly to these agencies.

Response Copies of the Executive Summary of the IRMP DPEIS were sent to the County Commissioners of Benewah, Bonner, Spokane, Latah, Clearwater, Kootenai, Whitman, Sanders, and Mineral Counties. Comments were received from the Benewah County Board of Commissioners and the Kootenai County Board of Commissioners. Copies of these letters are included in the IRMP Final Programmatic Environmental Impact Statement. The e-mail addresses for these agencies may be found on their respective internet web-sites. However, as of writing this response, the Bureau of Indian Affairs does not currently have internet and email access.

Length of Comment Period Comments

Comment 005-001 The Board of Commissioners for Benewah County has reviewed the Executive Summary for the proposed Integrated Resource Plan (IRMP) issued by the Coeur d'Alene Tribe. We are also currently reviewing

the Draft Programmatic Environmental Impact Statement (DPEIS), which is voluminous. The comment period, although extended for an additional period of time to December 14, 2005, is insufficient to adequately review, research and develop comments on the entire DPEIS, and Benewah County will continue to monitor all activities conducted by the Coeur d'Alene Tribe that might affect the residents of Benewah County.

Comment 010-001 I called the BIA Office in Plummer at 686-1887 this morning at 0919 to ask you for a 60-day extension of the comment period for the IRMP DPEIS beyond the November 14, 2005 deadline, but a recorded message told me the current representative was not available, so I could only leave a recorded message of my own in return. When a name is published a[s] the contact in the official documents, one would expect that person to be on duty and available. I am following up with this written request both to the BIA and Tiffany Allgood to confirm my telephone request. I would appreciate it if you would forward this to the appropriate agencies with a confirmation returned to us.

Comment 010-003 Therefore, our request for a 60-day extension of the comment period for the IRMP DPEIS is submitted herewith. Such extensions have routinely been granted on other important issues, so we would request and expect you to follow suit.

Comment 022-001 We request an additional minimum of 60 days for comment on the IRMP DPEIS, since many area residents are only now (after the Gazette article last week) becoming aware of the Plan. In addition, the turnout for the "Public Hearing" was extremely low—around 20 people—and that does not represent even a smallest minority of citizens potentially affected and impacted by the Plan. In short, the two remaining weeks left before November 14 is simply not enough time for area citizens to read and ingest a 400 page document, as well as do the necessary background reading of former documents referred to in the DPEIS, about which many people knew nothing. For these reasons, we request the extension, particularly since the NEPA process includes public participation and an extension most definitely would give the public a chance to be voice their thoughts and suggestions.

Comment 022-003 In the past 8 years, we and other citizens have often requested time extensions to read technical documents that contain plans affecting directly our land. These requests have been granted on a routine basis, so we would expect this should not be a problem in this case.

Comment 027-001 I left a message with BIA in Plummer, but it is just on a recording, so I am also requesting from you, that the comment period for the IRMP DPEIS be extended. There is much to read, and way more to comment on, than any normal human could get done in the short amount of time given. Most people have jobs/families, and cannot spend all their time trying to comprehend what has been written. So, here is my request for you/or whomever, to extend the comment period beyond November 14th. Pretty smart for them to do this right before the holidays. I love tactics!

Comment 036-001 Could you please set a later date for the IRMP meeting? I realize that it is difficult to change a meeting after a date has been set, but I need to know more about the final conclusions. From what I read, it sounds as though I will be soon out of my home and this property will be returned to Aboriginal acres.

If you are not the correct one to contact, would you please forward to the correct party. I request a 30 day extension if possible. Or at least 2 more weeks.

Comment 032-001 I also understand the DPEIS is out for public comment and the due date is November 14, 2005. I just learned of the availability of the document and I cannot possibly comment by that date. I am asking for an additional 60 days to develop my comments. Thank you.

Response Comments noted. The standard 45-day comment period (September 30 – November 14) for the DPEIS was extended an additional 30 days in response to public request.

General Jurisdictional Comments

Comment 003-010 The Department recognizes the Tribe's legal authorities to regulate and manage fish and wildlife within the Reservation. The Department also recognizes its responsibility to manage fish and wildlife in a manner which considers the Tribe's rights, and desires for fish and wildlife within the ceded area, where the

Department has legal authorities. We view the Tribe's Integrated Resource Management Plan as an important assertion of their desires for fish and wildlife management both on and off the Reservation, and will consider that and other input from the Tribe in managing fish and wildlife resources outside of the Reservation. Again, we hope to work cooperatively with the Tribe in managing the fish and wildlife resources that are such a valuable component of the north Idaho landscape.

Response Comment noted.

Comment 004-001 There are portions of the document that may put the County at odds with the Tribe; however, the County desires to partner with the Tribe whenever possible. Some of the concerns that we have deal with zoning issues, property rights, exclusion of private land owners, and overall philosophy of how the County lands should be managed.

Comment 004-002 We are in support of the Tribe's ongoing concern of in-trust reservation properties, but believe that looking outside of the current established boundaries is not beneficial to all concerned. We would encourage the Tribe to consider not only our constructive comments, but those of other agencies and private individuals as well, in the spirit in which they are intended.

Response Comments noted.

Comment 005-002 During the last decade, the Coeur d'Alene Tribe has received ample funding from the taxpayers of the United States of America, by and through various federal agencies and funding sources, to develop a resource management plan for certain lands lying within the Coeur d'Alene Reservation. To the extent the IRMP and any future planning efforts are directed at lands and natural resources lying within the boundaries of the reservation that are owned either by the United States of America Department of the Interior as Trustee for the Coeur d'Alene Tribe as allotment or trust property for federally recognized tribal members of the Coeur D'Alene Tribe, or property owned by the Coeur d'Alene Tribe as a private property owner, Benewah County withholds comments or objections. However, Benewah County objects to and will not concede to any attempts made by the Tribe to impose land use planning, resource management planning or restrictions on private lands or natural resources owned, managed or operated by non-Indian owners within the boundaries of the Coeur d'Alene Reservation.

Comment 005-003 For decades, Benewah County has actively engaged in land use planning consistent with state law. Benewah County has continuously maintained an active Planning and Zoning Commission to address long range planning and zoning issues, as well as to study and make recommendations on specific land use applications such as lot splits, subdivision development, and building permits. Further, Benewah County has a current Comprehensive Land Use Management Plan and is currently engaged in the development of a revised subdivision ordinance, a mobile home park ordinance, and a zoning ordinance. These county ordinances, in compliance with state law, are applicable to all properties and property owners located and residing within the boundaries of Benewah County. The Coeur d'Alene Tribe is encouraged to consult and coordinate planning efforts with Benewah County, the City of St. Maries and our planning and zoning commissions.

Comment 005-004 The Executive Summary provides a limited overview of the Tribe's long range planning and resource management goals. Of significant concern to Benewah County are consistent references to "desired future conditions" and the applicability of the Tribe's resource management planning to areas outside of reservation boundaries and "aboriginal lands" or territories that are not part of the Coeur d'Alene Reservation. The State of Idaho and Benewah County are legally empowered to make planning decisions for all lands and natural resources lying outside of Reservation boundaries. The Coeur d'Alene Tribe is encouraged to consult with and make recommendations to Benewah County and the State of Idaho for land use and resource management issues beyond Reservation boundaries, as well as for any lands owned by private citizens or corporations within Reservation boundaries.

Response The Tribe appreciates the comments submitted by Benewah County. The IRMP is a planning – not implementing – document which contains long-term integrated resource land-use recommendations that will assist the Tribe in formulating land use policies and decisions to protect the Reservation environment, and in guiding Tribal coordination and collaboration with other governments to advance IRMP recommendations in connection

with land uses both on- and off-Reservation. It is therefore unnecessary to define the exclusive or relative scope of respective Tribal and/or county land use jurisdiction in the IRMP process. In as much as the IRMP reflects views expressed by Benewah County residents, the Tribe encourages the county to consider the IRMP recommendations in consultation and coordination with the Coeur d'Alene Tribe when formulating county land use policy and related planning activities.

Comment 006-004 Obviously, private landowners within the Reservation boundaries will view the plan's provisions in terms of any potential impacts on their lands. We are no different in this regard. However, the numerous references in the plan to clarify that its provisions are "recommendations" which should be "encouraged" on lands other than those owned by the Tribe or allotted to its members is, in our view, a sound approach. Our assumption is that, at some future point, the "recommendations" will be incorporated in various Tribal ordinances and rules. We will be interested in the Tribe's views on the legal mechanisms to build enforceability into the Plan.

Response Comment noted.

Comment 006-021 The IRMP Raises Tribe Jurisdiction Issues. EPA's decision to treat the Tribe as a state within the scope of EPA's Decision Document is understood by FCP, as explained by EPA in that document, to apply only to the Tribe's promulgation of WQS and certification of NPDES permits. Such decision, made pursuant to 33 U.S.C. s1377(e), is a matter different from the Tribe's right to regulate activities on fee lands within the reservation which are not based on the Clean Water Act.

With the Clean Water Act as a basis for Tribe regulation, EPA has concluded that a presumption exists as to the Tribe's inherent authority to regulate. Wisconsin v. EPA, 266 F.3d 741, 744 (7th Cir. 2001). Without that basis, the law is the other way; a presumption of no tribal jurisdiction over nonmembers exists, subject to the two exceptions set forth in Montana v. U.S., 450 U.S. 544 (1981). Ford Motor Company v. Todecheene, 394 F.3d 1170 (9th Cir. 2005), Atkinson Trading Company v. Shirley, 532 U.S. 645 (2001).

The burden is on the Tribe to show that an exception is applicable. Here, there are no consensual relationships between FCP and the Tribe, so that the "relationship" exception set forth in Montana, supra, is not applicable. As to the other exception, activities directly affecting the Tribe's health or welfare, the burden is on the Tribe to show that it is applicable, and it is a heavy burden. The impact of the activity to be regulated must be "demonstrably serious" (or "serious and substantial") and directly affect the Tribe's health or welfare. Montana v. EPA, 137 F.3d 1135, 1139 (9th Cir. 1998).

For the reasons explained, FCP requests that the Tribe take FCP's rights as a non-Tribe member operating on fee lands into account as it proceeds with its decision making process related to implementation of the IRMP.

Response Comment noted. However, IRMP is a planning document, not an implementing document, and contains long-term integrated resource land-use recommendations that will assist the Tribe in formulating land use policies and decisions to protect the Reservation environment, and in guiding Tribal coordination and collaboration with other governments to advance IRMP recommendations in connection with land uses both on- and off-Reservation. For purposes of the IRMP process, it is unnecessary for the Tribe to define the scope of Tribal rights and/or jurisdiction relative to private rights or the jurisdiction of other governments with respect to lands and natural resources uses on- or off-Reservation. In as much as the IRMP reflects views expressed by those from on- and off-Reservation areas, the Tribe encourages other persons and governments to consider them in consultation and coordination with the Coeur d'Alene Tribe when formulating land use and natural resource policies and decisions that may affect the Reservation environment. Such coordination can often produce collaborative results that promote our mutual interests.

Comment 007-001 While Alternatives "C" and "D" are not all that different from Alternative "B," these alternatives still represent major changes to large portions of land that you the Tribe do not own. We strongly feel that you should have "NO" input regarding the disposition or use of these lands.

We also oppose "Alternative B" because the Tribe has no business making recommendations for the management of natural, cultural and environmental resources on the Tribe's (former) aboriginal territory. This land is no longer within your reservation boundaries and you have no right to make recommendations on land you do not own.

It is very clear to us after reading this draft that Tribal needs are being considered ahead of others even though you have less than 1000 Tribal members versus thousands of non-tribal members who reside on former reservation land.

We do not choose to be regulated by a government in which we have no vote or voice. We prefer to be represented by our own government and state agencies that better represent our interests.

Comment 009-001 I oppose the tribe's integrated resource management plan. I feel I should be able to decide what to do with the property I own.

Comment 011-002 I oppose alternatives B, C and D. The tribes preferred Alternative B (which includes management plans for the aboriginal area) is based on the tribe's subsistence life styles that do not exist and have not existed for over 100 years. The vast majority of land and people in the entire area are non-tribal. Thousands and thousands of people would be subject to the "Alternative" (B) offered by a 7-member tribal council representing a corporation/government in which we have no vote) no voice and no representation.

The IRMP/DPEIS encompasses "five million" acres (their quote) not mine) when the words "aboriginal lands" are used. This proposed plan, which has not been publicized outside of southern Kootenai County and an adjacent portion of Benewah County near the tribal headquarters area, is unknown to the vast majority of residents (non-tribal) owning fee-simple lands in the proposed area. That is not democracy at work to slip such a document through when thousands and thousands of residents are not even aware of the "take over" being proposed. If you don't believe me, canvas people on the streets of Bonners Ferry to Grangeville, Idaho, or Rosalia, WA, to St. Regis, MT, and ask them how they feel about a Tribe controlling their lands to fulfill the requirements of this IRMP without being advised of the ramifications and allowed to express their opinions on it. This is what I would expect from a communist regime not a democratic process which we advocate in our system of government for fair and responsible representation.

Comment 012-002 Many things about the IRMP/DPEIS alarm me, but foremost is the attitude of "PRIMACY FOR THE TRIBE" which rears its ugly head often in -this document. I do not agree with the wording which implies the Tribe's absolute governance over non-tribal people and/or their privately-owned lands. This is America where private citizens are not accountable to any foreign government. If this Tribally-proposed plan is implemented, it will give the Tribe the ability to force -their regulations upon non-tribal, private property owners and we will be without recourse to oppose or change the regulation since a government in which we have no voice, no vote or no representation will be administering these regulations.

Comment 015-001 We have received a copy of your IRMP DPEIS and reviewed it. We cannot believe what you folks are planning to do. We OPPOSE your plan. It is unfair to assume that you can have control over all of the aboriginal lands, when much of it is now owned by private owners. We do not intend on telling you how to run your land and we don't appreciate you telling us what we can and cannot do on our private property. We all love nature and plan to protect it and utilize it wisely. If we didn't love the wildlife and beautiful scenery and serene lakes we wouldn't live here. Thank you for reading our comments.

Comment 016-001 I haven't had the time to totally study, the "D.P.E.I.S." OR THE "I.R.M.P.", but from the quick scan I had time for, it looks like the tribe wants to set democracy back a couple of hundred years.

It is my understanding that your folks came across a Siberian land bridge and mine came later from Europe. Both seeking new land and freedom from oppressive forces.

Now it looks like your tribe wants to have total control over what is yours on the reservation, what is mine on the reservation and what your ancients once set foot on or had a hunting or sight seeing excursion on and, also even control of an unreasonable buffer zone well beyond that!

Good grief, what happened to one person, one vote? Throw democracy to hell, is the plan as I see it, with out farther study or explanations

I TOTALLY OPPOSE THESE PLANS!!

Comment 017-001 I oppose the Draft Programmatic Environmental Impact Statement for the Integrated Resource Management Plan from the Coeur d'Alene Tribe.

The Coeur d'Alene Tribe and the Bureau of Indian Affairs and the Bureau of Indian Affairs have no business managing (controlling) private property.

The Supreme Court of the United States has ruled that the Indian tribes have no authority over anyone but tribal members.

In my opinion this is a way to circumvent the United States Supreme Court.

Comment 019-001 I am writing to oppose the CDA Tribe's Integrated Resource Management Plan (IRMP). This plan, if implemented, would give the Tribe power over non-tribal citizens not only on the CDA Indian reservation but also what they deem to be aboriginal territory. We, non-tribal citizens, would have no recourse whatsoever. The Tribe is already trying to impose hunting and fishing licenses on non-tribal citizens not to mention the infamous dock fees. We, non-tribal citizens, already pay hunting and fishing fees to the state of Idaho and the CDA tribal members do not have to pay either the state fees or the tribal fees yet we are expected to pay both. Extend this injustice to the 100-year (IRMP) plan and we have some very serious problems. I do not want the CDA tribe to have any jurisdiction over me or my private property whatsoever. I definitely stand in direct opposition to the (IRMP) plan. This plan would most assuredly be a dreadful disaster for people's private property rights.

Comment 021-002 If a DPEIS is needed for the IRMP for the Coeur d'Alene Tribe for their reservation then the DPEIS and the IRMP should be prepared for the present diminished reservation. As certain as we (the Coeur d'Alene Tribe, the tribal members and all others) accept the fact the Coeur d'Alene reservation was established, then it follows that the very same governments which established that reservation also diminished that reservation. The cessions of the reservation are plainly acknowledged by the Tribe itself.

Comment 021-003 The DPEIS cannot be allowed to become a record of decision for hundreds of thousands of non-tribal citizens within 334,471 acres or within 5 million acres. The citizens and the communities and the governments within these areas were not included in this process. I personally attended many of the meetings. There were very few people at any of the meetings and there was never one tribal member at a meeting to express their views. There was no dialog or feedback to those attending. As you can see in the DPEIS, few if any questions, concerns or recommendations offered by those who gave their time to this project were ever acknowledged by the Tribal Council or a representative. I believe the lack of response by the Tribe contributed to the poor attendance to the low .2 return of the survey used.

Comment 023-001 We have read carefully the DPEIS for the Coeur d'Alene Tribe's. proposed IRMP. Our comments, following, relate to one basic thesis: None of the alternatives presented are acceptable to us since we assert that our counties and the State of Idaho, to whom we pay taxes and from whom we receive services, are the sovereigns governing our land. And imperfect as they may be, the state and county agencies and services rendered provide for us (at least) some chance at voice, inclusion and recourse. Tribal programs and governance, however, violate our rights to due process, our civil rights to speak openly, and our rights to timely answers and free access to information. This DPEIS violates Article IV, Section 4 of the United States Constitution which guarantees all citizens a Republican form of government and protection from invasion. Quite simply, this DPEIS represents, to us, a clear invasion of our sovereignty as individuals within our democratic system, as well as a clear assault on our basic guaranteed citizen rights.

Comment 023-006 Because this IRMP plan culminates in a Record of Decision (ROD) under NEPA, it is a legally enforceable document with which agencies must comply, due to the exceptional, exclusionary "consultation" processes afforded to tribes. Despite any Tribal disclaimers to the contrary, this makes the plan regulatory. At the same time, the public involvement (and county "consultations") have been superficial or non-existent, at best. Related to this, the EPA has submitted formal IRMP comments dated November 17, 2005. These comments include the puzzling statement that EPA "supports the EIS assurances that Tribal water quality standards will be met and the best management practices proposed for various land management activities." We view this statement as a "threat" to our state and county agencies' various processes, procedures and jurisdictions. It also is in opposition to repeated EPA assurances that partial TSTS status recently granted to the Tribe was implemented solely to "establish or set" Water Quality Standards (WQS) for "Tribal waters", but was in no way gave the Tribe any regulatory capacity. The clear implication in EPA's comments is that Tribal "LAND MANAGEMENT" activities (i.e. regulations imposed through Tribal decrees supported by exclusionary federal agency/tribal "consultations") will be imposed to support Tribal WQS. This conundrum brings in, of course, the issue of Lake Management and delisting the Lake from Superfund, as well as all the other BEIPC (Basin Commission) activities.

Comment 024-001 In Opposition to the Proposed Tribal IRMP

We are opposed to the Coeur d'Alene Tribe DPEIS & IRMP plans, first and foremost, because they represent control over our property rights, property that has been lawfully purchased, with property taxes paid to our duly elected State and local governments for the better part of 100 years, without any provision for non-tribal landowners to participate in decisions regarding the use and enjoyment of our property.

Our allegiance is to our ELECTED government; national, state, and county, and the rights guaranteed to us by the Constitution of that government, not to any Sovereign nation within a nation, that picks and chooses which parts of the US government they wish to recognize.

Further, our opposition is about the Tribe's plan to control any development within reservation boundaries, and ultimately, in their self-described aboriginal territories, with the intent to move toward "pre-settlement conditions". Elements of a culture can be preserved, but all of us must move forward and accept the changing world around us, and make our place in it. I doubt the tribe, as a whole, has any more desire than we do, to return to primitive conditions, living on wild game, scrounging for camas root and other foraging food, dressing in animal skins, etc. Odd that the only areas in the "Plan" marked for expansion and development are where the tribe already has substantial, and growing business sites. Odd that they oppose growth, but apply daily to the "other" government for tax-dollar grants to bring decent housing, communication improvements, health care, education benefits, and a laundry list of other amenities to their members.

Until the Tribe proposes a plan that gives a voice and recognition to ALL people affected by it, we are opposed to its adoption.

Comment 025-001 We strongly oppose the Coeur d'Alene Tribe's attempt to manage private land that they sold many years ago. If the land was sold they should not have anything to do with it. We pay property taxes to Benewah County not the Tribe. If the county can tax our property then it must not be part of the reservation. The Indians should have nothing to do with it.

Comment 026-001 The Coeur D'Alene Tribe can do anything it wants within the boundaries of the Coeur D'Alene Tribe's reservation. You can build your casino/golf course on the old pow-wow grounds showing respect or disrespect for the ancient culture and it is none of my business. It is my business when the tribe wants any kind of control over my land which is off the reservation and yet within your proposed land management area as stated in the Coeur D'Alene Tribes Integrated Resource Management Plan.

I have had sympathy for the whites who live within the reservation for a long time since they and their activities are under partial control of a tribal government in which they are forbidden to participate. As I understand it a white man cannot even attend a tribal council meeting where issues that will affect him are being decided. The Constitution of the United States that we are all supposed to abide by is supposed to guarantee that we will not be subjected to government with no participation or representation. Now with these proposals the tribe is trying to force me into the same situation. Well boys, it sounds wrong to me and the whole thing looks a little racist. Racism in any form or from any quarter is unpalatable to me. I have all my life been and will always continue to be an activist for the equality of all races.

The Coeur D'Alene tribal government has no more business on my land since it is off the reservation than the Canadian government . . . and I will do battle for my land whether it be against the Canadians or the Coeur D'Alene Tribe!

Comment 028-002 This whole EIS is full of things that benefit the tribe; we the non-Indian majority on this former reservation, are an afterthought. I find it irrational that you believe you should be in charge of areas, which our counties already maintain. You couldn't even take care of the garbage problem over in the Plummer area, with St. Maries,(the garbage bill remaining unpaid, while the commissioners in Benewah county, fought with you to pay it!) yet you think you can manage the whole aboriginal territory? That is just stunning to me. We already have the services you wish to run/control/organize/oversee, in our counties, run by **our** elected officials. Personally, I think you should run/control/organize and oversee your Tribal Trust Lands, and stay out of privately/publicly owned lands. You are not our government.

Besides, Tribal governments are non-republic governments, where we (non-Indians) have no voice and our Constitution guarantees to each state a republican form of government for its citizens (I being one). If you are unfamiliar with the US Constitution, this would be located in Article IV, Section 4. Your IRMP DPEIS states it in under Preferred Alternative B, that (page 73, second paragraph) Moderate improvements in protection of culture, traditions and religion. Minor restrictions on freedom to make private choices. Now, this just goes right against MY CONSTITUTIONAL rights.

Comment 028-065 There are many repetitive items in this DPEIS, but since I was tired of typing, I only put it in words once. I am **OPPOSED** to the IRMP. No Indian tribe should have any type of jurisdiction/control, or management on non-Indian people.

Comment 029-001 I am writing to provide my commentary on the proposed IRMP being considered by the Coeur d'Alene Tribe.

I am a full-time resident and landowner on Harrison Flats within the proposed IRMP impact region. I derive part of my annual income from farming most of my 140 acres. I am adamantly **opposed** to the adoption of Alternatives B, C, and D for the following reasons:

- 1) By designating my area as a non-agricultural, non-resource production area, I would be prevented from pursuing those agricultural activities that currently provide a portion of my annual income.
- 2) By designating my area as suitable only for recreation, conservation, and habitation, the basis of my property taxes will be changed, resulting in a much higher taxation rate based upon the accepted usage. In the case of a recreation designation, the result would amount to approximately 4-fold increase in my tax rate and the annual amount I will be paying in property taxes.
- 3) By eliminating the rural, agricultural character of my region, the fabric of our local community can only diminish as the only persons able to afford the increased taxes on large holdings will be wealthy out-of-state residents or developers. The long-time residents of our area very likely will be forced off of their lands.
- 4) I fear that, as non-tribal members, our input into the planning process will be perfunctory at best, and largely disregarded. In issues pertaining to land use, I suspect that any future concerns we might have will be ignored and we will have no legal recourse to address any grievances or abuses.
- 5) I anticipate that once the IRMP proposals are initiated, the non-Indian residents of the reservation will be required to pay annual fees (taxes) to the Tribe in order for the Tribe to implement their proposed conservation and reclamation measures. It is doubtful that these same levies will be applied to tribal members.

Again, I must restate my opposition to any of the proposed IRMP alternatives except Alternative A, land usage and allotment remaining unchanged.

Comment 033-002 This document also needs to explain the existing regulatory system that is now in place and how the proposed plan will modify that. The 80% of the reservation population that is non-Indian operates under an extensive body of state and local land use regulation as well as the Federal laws and regulations listed in the document. In order for the decision makers and the public to fully understand the consequences of the proposed action this document needs to present a detailed discussion of just what regulations will be changed or replaced on which areas and evaluate the relative protectiveness of the new regulation versus the old. It appears to me that the Tribal regulations could be considerably less protective than the existing system. As I understand the proposed action, the Tribal Council will have a great deal of latitude in modifying the plan after the IRMP is instituted. What assurance does the public have that a changed administration of the Tribal Council will not approve actions that have a great deal of adverse environmental impacts?

Comment 034-001 I OPPOSE the Coeur d'Alene tribal council's attempt to assert jurisdiction over non tribal held lands. All the references in the IRMP DPEIS referring to the tribal council "preserving, protecting, managing land uses, and maintaining private lands within aboriginal territory and reservation" gives a clear message that the tribal council is attempting to assert jurisdiction over non tribal peoples and lands. As Indian tribes are clearly domestic dependants of the United States of America they have no legal authority over any non tribal person or land, the tribes sovereign authority extends only to their tribal members and no further. Further more any claims that the tribe asserts on aboriginal lands will be contested hotly in the courts. The court of claims settled all claims for compensation on lands outside reservations boundaries and therefore the CDA tribe is way outside any legal authority to regulate in any fashion those lands. The Supreme Court has been transparent in their decisions regarding such matters, making it very clear that Indian tribes have no authority over non tribal people and cannot enforce demands on land that is not held in trust for the tribe by the US Government or owned by tribal members. This blatant attempt by the tribe to create hostilities with all non tribal peoples in a large area of land is obviously a serious blunder or an act of terrorism on the tribes part. Either way this is a losing proposition for everyone, including the tribal council and their members.

Comment 037-002 How ridiculous to think you have the right to tell private property owners what they can or cannot do on their land. This is no longer Aboriginal Territory! Why are you digging along the river bank? Are you hoping to find cultural places? Such as the skull in Harrison?

Comment 038-001 We applaud the Coeur d'Alene Tribe's efforts to create long-range land use planning for tribal lands. It takes a great deal of thought and coordination and also an inherent love for the land. However, we feel that the application should be only to those tribal lands currently owned by the Tribe.

Many acres of land designated in the 1894 boundary have become private and have changed ownership many times since. Those lands should not fall under CDA Tribal jurisdiction in land use planning. Those of us who own such land are under the jurisdiction of the county, state and federal authorities. A number of land use plans and zoning plans have been done by those authorities and our elected officials. If we were to agree to any of the CDA Tribal plans, we would be assenting to a plan without any representation by any of us who are not CDA Tribal members. Therefore, we prefer the Alternative A (no action, no change from current management).

Comment 039-002 I object to the Coeur D'Alene Tribe expanding its reservation and having more control over my private property than it already has.

Comment 040-001 Attached please find a copy of our PETITION against the Coeur d'Alene Tribe's attempt to impose policies and changes to our land use, natural resource enhancement and protection, residential/commercial growth and development planning with "aboriginal lands" already controlled by our counties. We protest Tribal attempts to assert any kind of regulation (via processes involving state and federal agency compliance) upon non-Tribal trust land and non-Tribal citizens. The Coeur d'Alene Tribe's Integrated Resource Management Plan document Draft Programmatic Environmental Impact Statement (IRMP/DPEIS) is supported by a Tribal government in which we—the overwhelming majority of area citizens/landowners—have no vote, no voice, and no representation.

The Tribe now has control over the lower portion of Lake Coeur d'Alene as per Supreme Court decision, because the State would not defend the non-Tribal people of the State. This part of the lake is bordered only on the West by the Tribe, the East and South are all non-tribal land owners who have been her over a hundred years. The State constitution says the waters of Idaho belong to the people, yet the lake was given to the Indians.

Now the Indians say they own the land of the "aboriginal reservation" and that they intend to get it. They are controlling all small streams that feed the lower part of the lake, and intend to take control of the: private wells that non-Tribal people own and investigate the sewage systems of private landowners on the old aboriginal reservation. They also want control of the air. Their fees for use of the water are exorbitant.

Where does this stop? When the Tribe owns from Lewiston, Idaho, right up to the Canadian border, and West to part of Washington, and East too the Montana border? That is their goal — the aboriginal reservation. If they can "control" that then people will sell out when land and house appraisals drop and the Indians say they have plenty of money to buy the land for sale. The Indians have plenty of money from multiple sources: Gambling casinos, federal handouts, federal grants, and they pay no taxes; but, they do donate to political candidates that will fulfill their numerous requests for special favors t a people of Idaho suffer.

Comment 041-001 PETITION AGAINST 'THE COEUR:D'ALENE TRIBE'S- INTEGRATED 'RESOURCE, MANAGEMENT PLAN (IRMP) DRAFT ENVIRONMENTAL IMPACT STATEMENT (DPEIS)

We, the-undersigned, protest Tribal attempts to impose policies and changes to land use, natural resource enhancement and protection, residential/commercial growth and development planning within aboriginal lands already controlled by our counties. We protest Tribal attempts to assert any kind of regulation (via processes involving state and federal agency compliance) upon non-Tribal trust land and non-Tribal citizens. The IRMP DPEIS is supported by a Tribal government in which we—the overwhelming majority of area citizens/landowners—have no vote, no voice, no representation.

Comment 042-001

1. The Tribe should not be providing "Management Guidance" of the environment to any area except the current reservation, certainly not the "former reservation."
2. The Tribe should not be allowed to hunt and fish on privately-owned non-tribal land.
3. The Tribe should not be allowed to "Increase Restoration activities to move toward pre-settlement", since the former reservation land was purchased from the Indiana and sold to private non-Indian people.
4. The Tribe should not be allowed to "Increase Tribal involvement on all land use changes," as this would give them control over almost everything in their former reservation.
5. The Tribe states they intend to "Develop tribal primacy where desirable and feasible." This means they intend to be foremost in any decisions that could affect our privately owned lands, and is totally unacceptable.
6. The Tribe states they intend to "Restore the Reservation", meaning the former reservation, and this land is now owned by private land owners. This is totally unacceptable and illegal.
7. The Tribe does not allow a non-tribal participatory voice within tribal decisions that affect directly the lives of non-tribal land owners, our businesses, our land, our water, and our environment.

Comment 043-003 IFA respects the Tribe’s desires to assert any and all jurisdiction over activities within its reservation boundaries to the full extent allowed by law. However, we share a desire to have a clear understanding of exactly what regulatory activity is planned by the Tribe, how the Tribe’s plans may impact IFA members (both landowners and facility operators) and how the Tribe’s regulatory program fits with regulatory programs of other government entities.

IFA seeks to understand the applicability of the Tribe’s authority over fee lands. From the documents available, it is not clear. Non-tribal entities like IFA member companies need to clearly understand the applicability of the delegated authority to fee lands both inside and outside of the reservation “TAS waters”. We understand the NPDES permit and point source discharge explanation however the explanation is not clear with respect to non-point sources discharges and as importantly, the applicability of the Idaho Forest Practices Act. We ask that the Tribe provide clarity on these issues.

Response The IRMP is a planning – not implementing - document which contains long-term integrated resource land-use recommendations that will assist the Tribe in formulating land use policies and decisions to protect the Reservation environment, and in guiding Tribal coordination and collaboration with other governments to advance IRMP recommendations in connection with land uses both on- and off-Reservation. For purposes of the IRMP process, it is unnecessary for the Tribe to define the scope of Tribal rights and/or jurisdiction relative to private rights or the jurisdiction of other governments with respect to lands and natural resources uses on- or off-Reservation. In as much as the IRMP reflects views expressed by those from on- and off-Reservation areas, the Tribe encourages other persons and governments to consider them in consultation and coordination with the Coeur d’Alene Tribe when formulating land use and natural resource policies and decisions that may affect the Reservation environment. Such coordination can often produce collaborative results that promote our mutual interests.

Maps

Comment 003-009 In reviewing the maps for the document, the maps do not depict where the Reservation boundary crosses Coeur d’Alene Lake. Also, it is not clear whether the map depicting the Tribe’s aboriginal territory is meant to be equivalent to the Tribe’s ceded area. If it is intended to depict the ceded area, it does not coincide with the depiction provided in the 1988 agreement between the Tribe and the State of Idaho for hunting, fishing, and trapping; that may be an issue which needs to be resolved.

Response The IRMP PEIS and resulting IRMP is not intended to affect the 1988 agreement between the Tribe and the State of Idaho.

Executive Summary

Comment 002-001 On page ES 4: Spell out DPEIS the first time it is used.

Response Comment acknowledged. The FPEIS has been revised accordingly.

Comment 002-002 On page ES 12, under LMR6: Forest, add: Encourage protection and enhancement of non-timber resources (wildlife, fisheries, riparian, recreation) to extent compatible with timber development.

Response This language has been added into both the Executive Summary and the IRMP FPEIS under LMR6: Forest. It is compatible with the land use recommendations already included in the IRMP PEIS. This language has also been included in the errata.

Comment 002-003 On page ES 15, Figure 2.3.1: It would seem that there should be some opportunities for recreational development under the Preferred Alternatives especially at one or two areas on Lake Coeur d’Alene.

Response The Preferred Alternative, Alternative B, is a combination of the Tribe’s and public’s long-term vision for the Coeur d’Alene Reservation. Alternative B does not designate any of the watersheds as “Recreation,” such that recreation opportunities would take priority over all other uses. However, other land use

designations may allow for and/or will not preclude development of recreation opportunities. For example, the land use designation “Development” provides for growth and development of commercial, industrial, residential, recreation and administrative facilities. The “Agriculture” land use designation allows for the designation of areas for recreational activities that are complimentary to agricultural land use. As a result, even though Alternative B does not specifically designate any “Recreation” Land Management Areas, recreational development may still occur in some areas.

Comment 044-002 In Table 2.4.3, there is some question about the treatment of Fire as being equal across all options. It seems to me that B will require a significant change in the type (intensity, severity) and increase in the extent of fire over A, C will require an increase in extent over B, and D may require a decrease over A (more fire-breaks and suppression activities due to added development). These differences, if they exist, have significant cost and managerial implications for the Tribe if fire is to be used for ecosystem restoration and maintenance of pre-settlement conditions.

One indication of this comes under Wildlife, where goals for restoration of Palouse Steppe and low elevation dry forest habitat are listed. Both will require intensive and skilled use of fire if those systems are to be restored and maintained. This raises issues that may have been lost, and modern science may not be an adequate substitute. Those historic burning practices also occurred in a social environment where risk was readily accepted. That is no longer the case, and conducting burns to the extent needed will require huge investments of people, time, and money to ease the fears and protect the public interests of surrounding communities. I doubt that is possible under today’s conditions.

Finally, any attempt to restore historic burning extent and frequency will collide directly with the stated goals for air quality. I’d bet a good steak dinner that a fire analysis on Options B & C will preclude any hope of reaching EPA Class I airshed status. My reading of history is that the historical smoke situation made today’s grass field burning look like nothing. I could be wrong, but it might be worthy of a bit more analysis.

Response: Comments appreciated. Indeed the various alternatives will have slightly different impacts from fire. However, it will not change the impacts analysis included in the PEIS due to the indicators that were developed to measure the impacts to resources. The Tribe expects that the goals developed in the IRMP, especially for Alternative B, will be compatible with one another depending upon the degree to which each goal is pursued. There is a great deal of room for calibrating the pursuit of IRMP goals to optimize the compatibility of the goals for the air, wildlife and fire resource categories. For example, the impacts on air quality are likely to remain at approximately the same level as present because the Tribe already participates in the Idaho Montana Airshed Cooperative to schedule burns when the air conditions will be least likely to be affected. This will limit burning in some years but provide for improved air quality. Cost and management complexity are also items that will assist in determining the degree to which each goal is pursued.

Chapter 1

Comment 023-003 Page 2 states: “*The Coeur d’Alene Tribe (Tribe) has established goals to protect the cultural and environmental values of the Coeur d’Alene Tribe . . . to provide social and economic benefits across the (former) Reservation and the Tribe’s aboriginal territory.*” This statement contradicts later assertions of a cooperative, collaborative, inclusive effort. The statement reflects clearly the Tribal bias that disregards our established county codes, authorities, jurisdictions, enforcement capacities. Existing federal laws already ensure compliance (NAGPRA, etc.) to protect Tribal values. In addition, the Tribe already participates (via a voting Commissioner) within the Basin Commission (BEIPC), as well as being supported by the Federal Government in current mediation with the State of Idaho over Lake Management issues. These actions work to insure Tribal environmental values are respected. The local governments (counties) do not enjoy the same status, nor are the counties given funding (as is the Tribe) to participate within these activities. The reality is that Tribal economic benefits from the Class III Casino exceed anything the counties can generate after paying required expenses. In fact, the Casino has forced small county businesses to close because they cannot compete with the massive Tribal developments.

Response The IRMP is a planning – not implementing - document which contains long-term integrated resource land-use recommendations that will assist the Tribe in formulating land use policies and decisions to protect the

Reservation environment, and in guiding Tribal coordination and collaboration with other governments to advance IRMP recommendations in connection with land uses both on- and off-Reservation. For purposes of the IRMP process, it is unnecessary for the Tribe to define the scope of Tribal rights and/or jurisdiction relative to private rights or other the jurisdiction of other governments with respect to lands and natural resources uses on- or off-Reservation. In as much as the IRMP reflects views expressed by those from on and off-Reservation areas, the Tribe encourages other persons and governments to consider them in consultation and coordination with the Coeur d'Alene Tribe when formulating land use and natural resource policies and decisions that may affect the Reservation environment. Such coordination can often produce collaborative results that promote our mutual interests.

Comment 023-004 Page 6 states: “Input from an Interdisciplinary Team (IDT), government agencies and the public has been used to establish both 100 year desired future conditions and 20 year management goals.” First, the “Interdisciplinary Team” approach as advised by NEPA simply did not exist. We have clear documentation that as recently as this summer, Phillip Cernera, listed as an IDT member (P. 253) disclaimed any knowledge of the IRMP DPEIS or related processes on several TLG (Technical Leadership Group) conference calls. In addition, IDT members Jack Gunderman, Bob Bostwick and Cernera repeatedly denied knowledge of the plan in 2000, even after (allegedly) checking directly with Tiffany Allgood who apparently told them, “no such plan for the Reservation exists.” In truth, the IRMP process had been instigated in 1997, but as late as 2005, members of the IDT are disclaiming knowledge about, or participation in, the IRMP process.

Comment 028-004 Page 2, nineteen lines from top: The IRMP will, in turn, provide management guidance for the Tribe’s natural, environmental and cultural resources it will also empower them, thru the Federal Government, to ‘govern’ what anyone living within the Aboriginal territory, does with their land, etc. When the NEPA process is fulfilled, and if it is okayed, then the Feds step in to enforce, what the Tribe wants, set to their guidelines.

Page 2, 8 lines from bottom up: manage the unique and diverse resources found within the (former) Coeur d’Alene Reservation and the Tribe’s aboriginal territory. Resources are on everyone’s lands. It includes water, timber, minerals etc. This basically means that they want to manage ALL Also; aboriginal territory goes north to Canada, east into Montana, west into Washington, and south to the (former) Nez Perce reservation. That is a huge area to manage (by a tribal council of 7 people?) Page 4 shows aboriginal territory.

Page 7, seven lines from top: Preserve, protect, manage and enhance tribal culture including sacred areas and elements, culturally significant sites, historically important sites, and traditional uses of the landscape. Elements include air, water, earth and fire, so, that takes in a lot, then I ask myself, where will significant sites, pop up? Will they show up on my privately owned land? Will the tribe trespass on my land, to traditionally use my landscape? This leaves a lot open to question.

Response Comments noted. The Environmental Action Plan (EAP) Assessment planning process began in 1997 and consisted of a steering committee and technical committees composed of tribal and non-tribal members. The purpose of the Environmental Assessment planning process was to develop an assessment report prior to beginning the IRMP process. Upon completion of the EAP Assessment of Environmental Concerns report, the IRMP Interdisciplinary Team was established in October 2000.

As explained in the responses to the general jurisdictional comments, the scope of the Coeur d’Alene Tribe’s activities to preserve, protect, manage and enhance Tribal culture, etc., will be conducted consistent with the Tribal’s inherent powers, treaty rights, agreements and other federal law. For purposes of the IRMP process, it is unnecessary for the Tribe to define the scope of Tribal rights and/or jurisdiction relative to private rights or the jurisdiction of other governments with respect to lands and natural resources uses on- or off-Reservation. In as much as the IRMP reflects views expressed by those from on and off-Reservation areas, the Tribe encourages other persons and governments to consider these views in consultation and coordination with the Coeur d’Alene Tribe when formulating land use and natural resource policies and decisions that may affect the Reservation environment. Such coordination can often produce collaborative results that promote our mutual interests.

Comment 033-003 One of the objectives of the proposed plan is given as: “Preserve, protect, manage and enhance Tribal Culture including Sacred Sites, historically important sites and traditional uses of the landscape.” This document was prepared with federal funds. I believe this is a clear violation of the constitutional prohibition

on the establishment of religion by the government. I do not believe it is legal to use federal funds for this purpose.

Comment 039-003 I object to line 7, page 7 (Culture- Aboriginal Territory and Reservation). I believe it is too vague. What do the elements refer to (air, water, fire, earth)? I object to the fact that a culture site might appear on my private land. What will happen next? Will the Tribe have control over what I can or cannot do with my property?

Response One of the specific goals of the IRMP is “[t]o the extent possible, restore natural, cultural and environmental resources across the Reservation and aboriginal territory.” The IRMP is a programmatic document. Therefore, no sites were identified as sacred sites as part of the IRMP. However, as site-specific projects are undertaken, the Tribe will protect cultural resources and traditional cultural properties in compliance with Tribal traditions, the National Historic Preservation Act, 16 U.S.C. § 470 *et seq.*, Archaeological Resources Protection Act, 16 U.S.C. § 470aa – 11 and 25 C.F.R. Part 262, and Executive Order 13007. A brief explanation of these federal statutes is provided in the Executive Summary and Appendix D to the PEIS.

Comment 033-001 On page 2 it says “The purpose of the DPEIS and NEPA process is to evaluate impacts of the preferred and alternative actions. This DPEIS has been prepared to inform decision makers and the public of the impacts associated with each of the considered alternatives.”

The document presented is woefully inadequate in achieving that purpose. The Integrated Resource Management Plan (IRMP) is a land management plan for the claimed 334,471 acre reservation. However, much of that area is owned and occupied by non-Indians and there is clear case law that the Tribe has limited, if any, regulatory authority over those non-Indians. At a minimum this document needs to present detailed land ownership maps showing just what areas will be affected by the selected alternative and an explanation of how they will be affected.

Response Please refer above to the response to comments relating to Tribal jurisdiction.

Comment 028-005 Page 8, Landscape; Biodiversity and forested land across the (former) reservation and aboriginal territory are being lost to development and recreation. Road building, timber harvesting, agricultural practices and other activities are decreasing fisheries and wildlife habitat. This, in turn, threatens the tribe’s ability to practice cultural and subsistence activities. The CdA lake shoreline is in danger of losing its ability to properly function as an ecological system due to recreation activities and over-development along the shorelines. Personal watercraft and boats are also affecting CdA Lake’s water quality and increasing erosion. First, the tribe no longer practices subsistence eating, so that nullifies that concern. Secondly, the tribe is developing a wetland where there casino sits, so if they can develop and “endangered wetland”, why should they be so concerned over this?

Response The purpose of the Coeur d’Alene Reservation included securing the Tribe’s fishery and exclusive use of the water resource, which necessitated reserving the lands under the lake and rivers within the Reservation. *United States v. Idaho*, 95 F.Supp.2d 1094, 1108-1109 (D. Idaho 1998). The Tribe has invested millions of dollars to restore fishery habitat in areas on and off Reservation to reverse the adverse impacts of activities that depleted the Tribe’s native subsistence fishery and thereby negatively affected the Tribe’s ability to engage in subsistence fishing. The purpose of the IRMP is to develop a long range management plan that will help the Tribe plan resource management consistent with maintaining the purposes for which the Coeur d’Alene Indian Reservation was established, which includes protecting the Tribe’s subsistence fishery and water resources.

Comment 028-006 Page 12, bottom of page it states: On-Reservation Hunting, Fishing & Trapping, Permit from the tribe is needed to hunt on the reservation (tribal members need to have their tribal identification only). Again, the only land that is “reservation” is tribal trust lands, held in trust by the Federal Government. State land, open to the public, should not be managed/permits given, by tribe, to NON tribal members. Non tribal people, pay Idaho Fish and Game for permits to hunt. Why should the tribe get these dollars?

Response Through the 1988 State-Tribe hunting and fishing agreement, it was agreed that “non-Indians will be permitted to hunt on non-Indian lands within the Reservation as long as they are in compliance with State and

Tribal Hunting and Fishing Regulations,” which contain permitting requirements. Fees from such Tribal licenses are used to manage fish and wildlife resources that are enjoyed by Tribal and non-Tribal members alike.

Comment 028-007 Page 13, second column from top: Boating on Tribal Waters, All vessels on Tribal waters need to be registered with the tribe. According to the Lake case, the tribe does not own the water. Why should we pay for boat registration, when we pay it to the state, plus, we would then be paying two fees on Cd A lake, since many people go up the Joe, etc? This is ridiculous.

Page 13, third column down from top: Encroachments, Permit from the Tribe is needed for all encroachments on the part of the CdA lake that is owned by the tribe. With this, they mean the dock permits. Most people with docks, prior to the losing of the Lake court case in 2000, paid the one time fee to the State of Idaho, for their permit. Now the tribe is trying to tax the public, by requiring them to pay a yearly fee, yet, as a land owner on a body of water, we legally have the right to wharfage without taxation by a government that we cannot vote for. This just should not be allowed by our state.

Response In 1998, the State of Idaho was permanently enjoined from asserting any right, title or other interests on Tribal waters. *United States v. Idaho*, 95 F.Supp.2d 1095 (D. Idaho 1998). Following that decision, the Tribe solicited public comment on its management of Tribal waters during public meetings held in 1998. Those comments were considered in promulgating Tribal Code Chapters 43 (Boating) and 44 (Encroachments), which regulate all boating and encroachments on Tribal waters. Based on those comments, for example, the Tribe established the Lake/River Board under Chapter 44 which provides that two of the five Board seats may be occupied by non-Indians from the surrounding community. The Board is authorized to recommend changes in the Chapter 44’s provisions to the Tribal Council, to hear and decide petitions seeking variance from encroachment standards and/or appealing from notices of violations under Chapter 44, and to adopt rules and regulations governing Board operations. Board meetings are open to the public. Chapter 44 did not assess fees for encroachment permit applications where the applicant’s encroachment existed prior to July 28, 1998, however, the Tribe did require that such encroachments pay the Tribe’s annual lease fee. Reimbursement of fees paid erroneously to the State of Idaho prior to that date should be directed to the Idaho Department of Lands. In view of the above, the Tribe believes the commenter’s assertion is unsupported and therefore without merit or relevance to the IRMP and/or PEIS.

Chapter 2 -Alternatives

Comment 012-003 The Tribe’s preferred Alternative B is incomplete and vague, allowing for more encompassing controls to be added at a later date as determined by the Tribe if it were to be implemented. Cases in point:

- a) MANAGE THE UNIQUE AND DIVERSE RESOURCES FOUND WITHIN THE COEUR D’ALENE RESERVATION AND THE TRIBE’S ABORIGINAL TERRITORY: There are millions of “resources” in the Tribe’s claimed “5 million acres” of aboriginal land. They can’t even manage the poverty, drugs, alcoholism, housing degradation, etc., etc., on their own trust lands (approximately 66,000 acres) let alone trying to manage “resources” on 5 million acres. Come on, get realistic!
- b) LANDSCAPE: BIODIVERSITY AND FORESTED LAND ACROSS THE RESERVATION AND ABORIGINAL TERRITORY ARE BEING LOST TO DEVELOPMENT AND RECREATION. ROAD BUILDING, TIMBER HARVESTING, AGRICULTURAL PRACTICES AND OTHER ACTIVITIES ARE DECREASING FISHERIES AND WILDLIFE HABITAT. THIS, IN TURN, THREATENS THE TRIBE’S ABILITY TO PRACTICE CULTURAL AND SUBSISTENCE ACTIVITIES: The Tribe has not practiced “subsistence” eating for decades. Nor have they carried out cultural activities in our area. Suddenly they are going to reinvent these activities so they can access or claim absolute control over areas on private property, anywhere in the 5 millions acres they claim as aboriginal? This is allowing the Tribe “carte blanche” with absolutely no limitations. Further, the Tribe’s comments about THE CD’A LAKE SHORELINE IS IN DANGER OF LOSING ITS ABILITY TO PROPERLY FUNCTION AS AN ECOLOGICAL SYSTEM DUE TO RECREATION ACTIVITIES AND OVER-DEVELOPMENT ALONG THE SHORELINES are not realistic especially when the Tribe worked in secret with the EPA, State and Union Pacific Railroad to develop a contaminated corridor into a trail along the shoreline which invites people to recreate in an area privately owned where they would not otherwise have access were it not for the trail. Along with their secret dealings, the Tribe

made a trade-off, i.e., they agreed to drop the lawsuit against the UPRR if they were given jurisdiction over the south end of the trail from Harrison to Plummer. In other words, this supposed environmentally-oriented Tribe was willing to sacrifice their environmental issues to win control over land and get access to our privately-owned shoreline. The corridor remains contaminated and we landowners had to push them to achieve the slightest of cleanup remediation. This showed the Tribe's true interest which obviously wasn't the environment!!!

- c) RECREATION: MANAGE THE RESERVATION SEGMENT OF THE "TRAIL OF THE COEUR D'ALENES: I own 1/2 mile of land under the trail. I am personally aware of the details since they affect me. At various IRMP meetings, attendees directed questions to Tiffany Allgood about how the trail related to the IRMP and Tiffany responded that it did not. Well, here it is in black and white. The "Lake Case" excluded the trail as being part of the reservation! But the Tribe has manipulated things to get their fingers in yet another pie.
- d) WORK WITH OTHER ENTITIES AND THE PUBLIC TO EVALUATE PRIVATE, NON-TRUST AGRICULTURAL LANDS FOR PRODUCTIVITY AND TO DEVELOP MANAGEMENT RECOMMENDATIONS: I own both forest land and agricultural land; I seek guidance from my County Farm Service Agency (U.S. Department of Agriculture) when needed. Is the Tribe intending to supersede the Department of Agriculture??? I do not want to be accountable to a Tribe who seeks to control my land and tell me when I can log or which trees I can take or what I can grow on my hay field or that I must let my hay field go back to forest land!
- e) HOWEVER THERE MAY BE A NEED TO MAKE SMALL OR LARGE CHANGES TO THE PLAN PRIOR TO ITS REVISION IN 20 YEARS: As I pointed out above, here is the "carte blanche" given to the Tribe on a silver platter!
- f) SPIRITUAL/MORAL - MINOR RESTRICTIONS ON FREEDOM TO MAKE PRIVATE CHOICES: Wow, that is all encompassing! Again, carte blanche for the Tribe and they are not accountable to anyone nor can their restriction be contested. That is as wrong as it gets!
- g) WHEN FULLY IMPLEMENTED (referring to water quality) THE PROGRAM WILL CONSIST OF CONSULTATIONS, PUBLIC HEALTH EDUCATION, PUBLIC AND PRIVATE WATER SYSTEM INSPECTIONS, BACTERIOLOGICAL SCREENING, AND DISINFECTIONS OF PRIVATE WATER WELLS: Again, this gives the Tribe carte blanche to come on my private land and tell me what I must do with my well to comply with their determinations. Not in my lifetime. There is a limit to what private citizens on their private land will put up with!

Response Comment noted. Please refer above to the response to comments relating to Tribal jurisdiction.

Section 2.2

Comment 023-009 Further, many "Land Management Recommendations" and "Desired Future Conditions" are not compatible with each other. For example, (P. 19) "Restore and maintain Tribal cultural land use for subsistence activities as desired" contradicts "Encourage maintenance of existing farmland...." In addition, this recommendation is arrogant and self-centered since it would be the Tribe that does the "desiring", thus disregarding the majority of landowners who may hold cultural values different than the Tribal values.

Response Section 2.2.1 of the PEIS describes the 100-year Desired Future Conditions ("DFC") for the cultural resource category "are for the Tribe to protect existing cultural resources and continue to conduct hunting, gathering, fishing, and cultural activities throughout aboriginal territory and Reservation." Protecting cultural resources does not need to be at the exclusion of all other activities. Further "[e]ncouraging the maintenance of existing farmland" can be compatible with other long-term goals. Thus, the two 100-year DFCs are not contradictory and can both be pursued simultaneously as legitimate goals. One of the purposes of the IRMP is to define the Tribe's long-term goals to help ensure that future land use decisions are consistent with those goals. In achieving those goals, the Tribe intends to work in coordination and collaboration with other governments with applicable authorities. Accordingly, a recommendation of the 100-year DFC for the cultural resources category is for the Tribe to "[a]ggressively work with private, local, and federal entities to protect and manage cultural resources and sites. Increase awareness regarding the significance of these resources."

Comment 023-010 Additionally, “Development Areas” (LMR 1, P. 19) are too concentrated and exclude areas already developed that are under private ownership already zoned and under county codes and jurisdiction. The implication is that we who live there, do not exist, nor do we have choice in decisions made about our land.

“Conservation Areas” (LMR2, P.19-20) are meant to “maintain and protect Tribal cultural values,” but they include vast acres of private property—some of it already developed—that was homesteaded as surplus land removed from the Reservation in 1909. The DPEIS proposes to “Discourage new pockets of commercial, industrial, residential, recreational, and government growth” on this land that is already zoned and governed by the counties and State of Idaho. This, quite simply, is doublespeak. At the same time, the Tribe is charging ahead with massive development of their Casino Complex/Destination Resort, with reported plans (Tribal Council Fires Newspaper, November, 2005) for a “major commercial retail development, on-reservation on the scale of Wal-Mart.”

Response The purpose of the IRMP is to develop a long-range management plan that will help ensure that Tribal resources are protected and balanced with an increasing demand for development. Each of the alternatives considered provides for a mixture of Land Use Management Areas that relate to each Land Use Recommendation. For example, Alternative B provides that less land would be designated as “Development” with more land designated as “Conservation.” On the other hand, under Alternative C, very little land would be designated as “Development” and a vast majority of the land would be designated as “Conservation.”

Comment 023-002 The DPEIS calls for (page 20) a “*move towards pre-settlement conditions*” within the 5 million acres claimed as aboriginal territory. This is, at best, impractical since the area encompasses east to Montana, north nearly to Canada, west to Washington state, and south below St. Maries. The reality is that these areas are all settled, predominately by non-tribal people, so it is offensive and arrogant to act as if we all do not exist. The latest U.S. census statistics for 2000 reflect the following:

Of the 130,473 people living in Kootenai, Benewah, Shoshone counties alone, only 1.8% (2,294 people) report Native American or Alaska Native heritage. By county, the figures are: Kootenai: Of 108,685 total population, 1,304 (1.2%) report as Natives; Benewah: Of 8,961 total population, 798 (8.9%) report as Natives; Shoshone: Of 12,827 total population, 192 (1.5%) report as Natives. Since Y2K, the clear majority of land sales are fee simple transactions, and increased citizen population is overwhelmingly non-tribal. The population and the land included in this DPEIS covers non-tribal people who have not been included in the process to create this plan that usurps decision making from the agencies to whom they pay taxes, and from whom they receive services. At the same time, Tribal statistics (if accurate) number Tribal enrollment at “around 2,000, with less than half that number living on the (former) Reservation.” It is unjust, absurd even, to suggest that a 7-member Tribal corporate government in which the overwhelming majority of citizens have no voice, no vote, no representation, should be given the power to dictate policy for hundreds of thousands of people living and owning land within the aboriginal area that is already under county codes and control.

Comment 028-010(a) Page 20, four lines from top: Encourage and designate areas of existing ecological and tribal cultural significance for protection. Increase restoration activities to move towards pre-settlement conditions. Pre-settlement means, before homesteading occurred. How does the tribe intend to do this, and on private/public lands?

Comment 039-004 I object to anyone telling me to restore my property to pre-settlement conditions. Who sets those standards? This refers to page 20, line 4 (LMR2: Conservation- Blue Areas on Map).

Response The PEIS divides the region into six Land Management Areas (“LMA”) which are based on watershed boundaries. Section 2.1 of the PEIS, explains that “[a]lthough the Tribe recommends that land use planning occur on a watershed basis, land use recommendations in [Chapter 2] are detailed only for the Reservation portions of each LMA watershed. Coordination and cooperation on land use management activities between the Tribe and other government agencies is recommended for the entirety of LMA watershed and the Tribe’s aboriginal territory.”

Section 2.1 provides a description of each of the Land Management Recommendations for the land use designations. A “Rural” LMR designation “provides for the maintenance and protection of ecological and Tribal cultural

values, which are an integral part of tribal existence.” In a “Rural” LMR “conservation takes priority over all other uses.” One of the land use recommendations for the “Rural” LMR designation is to “Encourage and designate areas of existing ecological and Tribal cultural significance for protection. Increase restoration activities to move towards pre-settlement conditions.” Accordingly, the Land Use Recommendation is for the reservation portions of the specified LMA watershed. With respect to non-reservation portion of the LMA watershed and the Tribe’s aboriginal territory, the Tribe intends to “coordinate and cooperate” with other government agencies to advance the goals of the IRMP.

Additionally, please note that the Reservation population according to the 2000 Census was 6,551 and that the Land Use Recommendations are intended for the Reservation, not to the totality of Kootenai and Benewah Counties.

Comment 023-011 “Rural Areas” (LMP3, P20-21) “Provides for the ‘working landscape’ “ (i.e., keep farms and forests for harvest), but this area is presently indistinguishable from the “Conservation Areas.” The distinction between the two areas is arbitrary in all alternatives.

Response The purpose of the PEIS is to develop a long-range management plan that will help ensure that Tribal resources are protected and balanced with an increasing demand for development. Under a “Rural” land use designation, the PEIS recommends the retention of the working landscape, while maintaining open space and natural areas. Under a “Conservation” land use designation, the PEIS recommends the maintenance and protection of ecological and Tribal cultural values. Although many of the specific recommendations for “Rural” and “Conservation” designations are similar there are distinct differences and the overall goals of the two designations are different.

Comment 023-012 “Recreation Areas” (LMP 4, P. 21) states that “Recreation opportunities would take priority over all other uses in this LMR.” Yet we can only find this area designated on the map for Alternative D. Further, this area already has farms, homes, is almost all private property. More doublespeak! Also, it does not even include Heyburn State Park! The recommendations are very similar to LMP 3, an example of how vague and contradictory the whole DPEIS is.

Response Alternative D is the only alternative that includes a land use area designated as “Recreation.” The Land Management Recommendation for areas designated “Recreation,” provides that recreation opportunities would take priority over all other uses. However, other land use designations may allow for and/or will not preclude development of recreation opportunities. For example, the land use designation “Development” provides for growth and development of commercial, industrial, residential, recreation and administrative facilities. The “Agriculture” land use designation allows for the designation of areas for recreational activities that are complimentary to agricultural land use. Land Management Recommendations (“LMRs”) for “Rural” land use designations provide for “retention of the ‘working’ landscape, while maintaining open space and natural areas. Not only are the general recommendations distinctly different between the “Recreation” and “Rural” LMRs, but the specific recommendations are different. Please refer to pages ES 9-11 and/or PEIS pages 20-21 for a more detailed discussion.

A management plan is needed to ensure that Tribal resources are protected and balanced with an increasing demand for development. The IRMP, once it is written and approved, is expected to guide management of Tribal resources for the next 20 years. The purpose of the PEIS is to evaluate a range of alternatives representing a diversity of perspectives on how the natural, environmental and cultural resources of the Coeur d’Alene Reservation should be managed as well as long-term goals for the Tribe’s aboriginal territory. The selected alternative will be used to develop an IRMP for the Coeur d’Alene Tribe.

Comment 023-013 “Agricultural Areas” (LMP 5, P.21) Excluded from this designation in all alternatives are large acreages with existing farms, including all of Harrison Flats. This land use contradicts county zoning maps.

Response All descriptions of the recommended LMRs, except for the Forest LMR6, explicitly include maintenance of existing agricultural lands in production. There is no contradiction with existing uses.

Comment 023-014 (P. 23) “Continue to regulate all proposed encroachments within Tribal waters. . . .” First, no

federal agency has empowered the Tribe to regulate encroachments. In the DPEIS, only a Tribal law is cited (P.13). Second, regulation should be outside the scope of this DPEIS. Third, encroachment regulation should be ONE PROGRAM, coordinated jointly between the State of Idaho and the Federal Government for the Tribe, under the Lake Management Plan.

Response In 2001, the United States Supreme Court affirmed the Tribe's retained title to the beds and banks of navigable waters within the Coeur d'Alene Reservation, noting that [a] right to control the lakebed and adjacent waters was traditionally important to the Tribe. *Idaho v. U.S.*, 533 U.S. 262, 274 (2001). The Court also affirmed the district court's order that permanently enjoined the State of Idaho from asserting any right title or interest in such Tribal lands and waters. *Id.*; *United State v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998). The Commenter's proposal that the State of Idaho should solely administer all encroachments on Coeur d'Alene Lake, including those on Tribal lands and waters, would consequently violate a federal court injunction as well as the Idaho Constitution and Admission Act which "forever disclaim[ed] all right and title to ... all lands lying within [Idaho] owned or held by any Indians or Indian tribes." 533 U.S. at 270. The United States' deference to the Tribe's exclusive use and control of Tribal waters is a historic fact dating back to establishment of the Reservation through bilateral negotiations in which the Tribe demanded and retained the lake within its Reservation and continuing to the present day. The Tribe possesses authority to regulate all uses of Tribal lands and waters as a matter of inherent Tribal sovereignty and through its expressly retained powers to administer leases of Tribal lands and waters under its federally approved Tribal Constitution. The Tribe's authority to administer such encroachments through a system of permits and leases under Tribal Code Chapter 44 has been recognized and accepted by the Department of the Interior, and Tribal-approved encroachments are acknowledged and recorded by the Department.

Comment 039-005 I object to the Tribe enforcing a forest management plan on my property. This refers to page 24, line 15 (Natural Environment-Forest).

Response The Coeur d'Alene Tribe is a federally recognized tribe and possesses inherent sovereign authority to protect lands and waters within its territory and jurisdiction. With respect to non-Tribal lands, the Tribe will exercise its authority consistent with its inherent powers, treaty rights, and agreements pursuant to federal law.

Comment 039-006 I object to references to riparian boundaries. There is a minimum mentioned, but no references to a maximum. What are the standards for this? If a boundary is set 300 feet on both sides of a seasonal or secondary stream, it will inhibit half the Saint Joe and Coeur D'Alene River drainages. Restrictions to logging in those areas would devastate the economy in Saint Maries, a logging community.

Response The Coeur d'Alene Tribe has established standardized riparian buffer zones in order to protect natural resources, just as many states have in their respective forest practices acts. Tribal riparian buffer zones, as outlined in "Recommendations for Riparian Buffer Strips For the Protection of Water, Fish, and Wildlife Resources On the Coeur d'Alene Reservation" are designed to address the management goals of 1) maintaining key riparian functions associated with mature and old forests; 2) minimizing road-related risks to aquatic habitats; 3) protecting forested wetlands that serve as important wildlife habitat; and 4) encouraging the reestablishment of native riparian vegetation and function. Buffer zone classifications are based on three basic components: whether the stream is perennial or seasonal, the stability of the riparian area, and the size of the drainage. Tribal recommendations for all stream classes support the establishment of buffer zones that have variable widths that are delineated at ecological boundaries reflective of site specific conditions, not arbitrary distances from the stream. Significant ecological boundaries include 100-year floodplain and unstable hillslopes adjacent to perennial and intermittent streams. For the purposes of simplifying the application of these standards the Tribe has developed recommendations for minimum and average widths as well as an appropriate range of widths for each stream class that in most cases will encompass these significant boundaries. For a perennial stream, range of widths is 100-200 feet, with an average of 125-150 feet. For a seasonal stream, the range of widths is 30-100 feet, with an average of 50-75 feet. For smaller seasonal drainages (<300 acres) the range of widths is 0-75 feet depending on hillslope stability. Some forestry activities are permitted within each of these zones, including partial overstory removal, controlled burning, and timber salvage. These are the standards that the Tribe's Forestry Program implements. They also are the basis for Tribal recommendations regarding buffer zones throughout the Reservation.

Comment 023-015 Page 26 states “Manage the Reservation segment of the Trail of the Coeur d’Alenes.” This Trail is a repository for ore concentrate (mine waste spilled by Union Pacific Railroad.) As such, it is out of the scope of the DPEIS as stated (P.6) with the words “The DPEIS does not assess the impact of historic mining and/or milling activities on or near the Coeur d’Alene Reservation...” In addition, the Trail is a precedent Superfund (CERCLA) Response action, yet the DPEIS specifically excludes CERCLA (P. 10) as a “Not Applicable” federal law. Further, there must be ONE PLAN for the entire 72-mile abandoned railroad corridor, and it must be managed under ONE TLOP (Trail Longterm Oversight Plan) that must be consistent with the Basin-wide ICP (Institutional Controls Program.) The idea of “Managing the Trail” under the IRMP is double-speak. Besides, the Tribe keeps saying the IRMP is NOT a MANAGEMENT PLAN, and then proposes to MAN-AGE the Trail within the same document!

Response The IRMP PEIS reference to trail management is directed at recreational uses of the Trail, and is not intended to address oversight, repair, and maintenance of the EPA approved response actions by Union Pacific Railroad (“UPRR”) on the right of way, which were taken pursuant to the company’s obligations under a court approved consent decree. Such activities are being addressed separately through UPRR’s ongoing maintenance and repair responsibilities under the consent decree, and through Tribal and State oversight of the right of way.

Comment 028-008 Page 19, second line from top: Restore and maintain Tribal cultural land use for subsistence activities as desired. I question what this means. As desired by whom? The tribe? Where are they going to restore it, and how will it be maintained? What about private lands?

Response One of the specific goals of the IRMP PEIS is “[t]o the extent possible, restore natural, cultural and environmental resources across the Reservation and aboriginal territory.” The PEIS is a programmatic document. Therefore, no sites were identified as sacred sites as part of the IRMP. However, as site-specific projects are undertaken, the Tribe will protect cultural resources and traditional cultural properties in compliance with Tribal traditions, the National Historic Preservation Act, 16 U.S.C. § 470 *et seq.*, Archaeological Resources Protection Act, 16 U.S.C. § 470aa – 11 and 25 C.F.R. Part 262 and Executive Order 13007. A brief explanation of these federal statutes is provided in the Executive Summary and Appendix D to the PEIS.

Comment 028-009 Page 19, sixteen lines from top: Encourage infrastructure development and designate areas for similar commercial land use such as business, industry, high density residential, recreation (commercial and private), and government facilities. What is considered private? How will it be designated, and by whom? Why are they trying to control all that is included in this section? This is everything in the counties. Not a good thing.

Page 19, third line up from bottom: provides for the maintenance and protection of ecological and tribal cultural values, which are an integral part of tribal existence. Here I want to know, what about non-tribal ‘values’? Why are only tribal values important? This must be part of the ‘primacy’ the tribe wants.

Comment 031-002 On page 19 of the Draft Programmatic Environmental Impact Statement, the 100 year plan seems to forget that what the tribe calls reservation is, in reality, private property.

The tribe has no authority over non-tribal members, or what they do on, or with, their private property.

There is no reason for any one group of citizens to have primacy over any other group. Our constitution states that all people are created equal. Therefore, the rights of the tribal members should not supercede the rights of non-tribal property owners.

Comment 028-010(b) Page 21, 8 lines from bottom: where appropriate, recommend restoring agricultural lands back into forest or native grasslands. Who determines where it is appropriate, and if it is on private land, how will it be enforced, if the land owner doesn’t want it?

Response The IRMP is a planning document, not an implementing document, and contains long-term integrated resource land-use recommendations that will assist the Tribe in formulating land use policies and decisions to protect the Reservation environment, and in guiding Tribal coordination and collaboration with other governments to advance IRMP recommendations in connection with land uses both on- and off-Reservation. For purposes of the IRMP process, it is unnecessary for the Tribe to define the scope of Tribal rights and/or jurisdiction relative to private rights or the jurisdiction of other governments with respect to lands and natural resources uses on- or off-Reservation.

Comment 006-006 “Establish biodiversity corridors through already developed areas that are linked with adjacent natural areas” (page 22). We would like to know more about what is envisioned and how “already-developed areas” are defined. We would hope that prior or planned logging would not detract from the capability of commercially managed forest lands to help serve this function.

Response This refers to “natural areas” within residential, commercial and industrial developments that will link them with undeveloped areas. Undeveloped areas may include commercially managed forest, depending upon a number of factors related to the management objectives for the corridors and the character of the managed timberlands.

Section 2.2.1

Comment 028-011 Page 22, fourteen lines from bottom: Increase tribal involvement on all land use changes and development projects in the aboriginal territory and on the (former) reservation. Look at the area this covers! The tribal council has no business involving themselves in this. If it takes place on tribal trust lands, then it is their business, but not here.

Page 22, Cultural(aboriginal and (former)Reservation) The 100-year DFC’s for the cultural resource category are for the tribe to protect exiting cultural resources and continue to conduct hunting, gathering, fishing, and cultural activities throughout the aboriginal territory and (former) reservation. This is awful.

Response Please refer above to the response to comments relating to Tribal jurisdiction.

Comment 028-013 Page 23, first line: Provide for education of traditional practices and tribal history to non-native people. Will the tribe be using my tax dollars (in grant monies) to pay for this?

Response The Tribe will pursue all available funding mechanisms to promote this goal.

Section 2.2.2

Comment 028-014 Page 24, 4 lines from top: As areas are restored to pre-settlement fire regimes, fire will be used to maintain these conditions. I do not want this kind of burning on local lands.

Response Comment noted.

Comment 028-015 Page 24, Forest; Continue to implement the Tribal forest management plan on tribal and allotted lands. I may not want to follow the tribal forest management plan on my private property. How will this be enforced? I answer to MY government, why should I be forced to obey some tribe?

Comment 028-016 Page 25, Environmental Health; Assist in the proper design, construction and operation of schools, day cares, private water and septic systems, food service facilities and community buildings for optimal public health and safety. At an IRMP meeting, a tribal member, named Felix Aripa, complained of his water being bad, and no one taking care of it. The tribe wants to assist in the operation of private water systems, when they won’t/can’t even fix Mr. Aripa’s water? The tribe has no authority over anything nontribal, and they should quit trying to assert authority over non tribal people. I also protest their involvement with our public school systems in any way.

Comment 028-017 Page 26, twelve lines from the top develop tribal primacy where desirable and feasible. This really angers me. The dictionary says Primacy is: The state or condition of being first and foremost. What gives the tribe the right to be first and foremost over any other human being? There are less then 2000 CdA tribal members, many of which do not even live in Idaho. Why does that small number outweigh the over 50 thousand non tribal people in the aboriginal territory they are claiming? I oppose this IRMP based on this alone! Everything else, is icing on the cake.

Response Please refer above to the response to comments relating to Tribal jurisdiction.

Comment 028-018 Page 26, Recreation; Manage the (former) reservation segment of the “trail of the Coeur d’Alenes. Tiffany Allgood stated at the IRMP meeting over a year ago, that this was NOT part of the IRMP. And here it is, written in it. According to the Lake case, the trail was shown as NOT being part of the (former) Rez. Now they are trying to claim the right via the IRMP DPEIS, to manage that which was shown not to belong to them. Develop a Tribal Recreation Plan. For a tribe who is complaining all throughout this DPEIS, that there is too much development, too much recreation on the lake, too much, blah, blah, blah, why would they want to develop a recreational plan? This is double-speak if ever I ‘heard’ it.

Response Comment noted.

Section 2.3.2

Comment 020-004 Is the Table 2.3.1 LMR (alternative B) correct in that there is no recreation acres? Is the map (2.3.1) correct with no rural or agriculture acres east of the Benewah Creek watershed?

Response Table 2.3.1 is correct. Under Alternative B, no acreage would be designated “Recreation,” such that recreation opportunities would take priority over all other uses. Figure 2.3.1 is also correct in that the Benewah Creek Land Management Area (“LMA”) watershed would be designated as “Forest.” Note that a Forest Land Management Recommendation (“LMR”) does not mean that no recreation, agricultural activities or other activities could occur in the LMR. A “Forest” land use designation means that forest and forestry activities would take priority over all other uses in the Benewah Creek LMR. As a result, in an area designated “Forest,” future Tribal plans, codes, and policies would discourage new housing developments or conversion of forestland into agricultural or other land uses. Recreation areas would only be designated where compatible with timber development and production. Please refer to Section 2.1 of the Executive Summary and/or Section 2.2 of the PEIS for a complete description of each LMR.

Comment 006-003 There are two goals of the desired future conditions for “biodiversity” (page 30 of the full DEIS) where there are clear mutual objectives—the control of noxious weeds and the need for environmental education in area schools. FCP agrees with both goals and points out that the Idaho Forest Products Commission, which we support, maintains an excellent educational program for students and teachers. We encourage the Tribe to work with the IFPC in exploring how their programs might complement the achievement of Tribe educational goals.

Response Comment noted.

Comment 020-005 5. Is the Table 2.3.2 LMR (alternative C) correct in listing no acreage for either rural or for recreation? This table lists 3,099 acres for development in the Hangman Creek watershed. On the map this appears to be small area located southwest of Plummer. The 3,099 acres comprise 57 % of the total development acres recommended from the total of 336,576 acre area. Please tell me the specific development plans for the 3,099 acres.

Response Alternative C does not provide for any land areas to be designated as “Rural” or “Recreation.” However, that does not mean that rural or recreation uses will not be allowed, it only means that rural or recreational uses will not take priority over all other uses in the area. The LMR for “Development” provides that growth and development of commercial, industrial, residential, recreation, and administrative facilities would take priority over all other uses in the designated area.

Comment 028-019 Page 30, 11 lines from bottom: Manage commercial and recreational activities on Coeur d’Alene Lake. Lake Tahoe plan? Does this include ‘riverboat’ gambling? What commercial activities do they want to manage? Not much is done commercially on the lake at this time, except maybe dock building, or piling placement. Maybe the boat that runs from Mr. Hagadone’s resort? Where does the ‘management’ stop?

Page 31, sixteen lines from top: Enhance multiple use goals and practices on allotments and tribal trust lands.

This means to increase or make greater, practices on these lands. Personally, I do not want a tribe telling me what to do on my lands. Nor do most private land owners.

Response The goal to manage commercial and recreational activities on Coeur d'Alene Lake is a broad, programmatic goal and will extend to any all such activities affecting Tribal resources. The IRMP is a planning document that identifies these goals. Mechanisms for implementation are not intended to be included in the plan. Also, please refer above to the response to comments relating to Tribal jurisdiction.

Comment 006-007 “Coordinate Tribal forest management practices with private forest land owners on the reservation to provide consistent management” (page 31). Forest Capital Partners actively manages its forests under sustainable guidelines set forth by the Sustainable Forestry Initiative®. The SFI process includes the establishment of a rigorous set of standards, and third-party field audits to ensure compliance. Forest Capital became an SFI licensee in early 2005. We would like the opportunity to complete a detailed comparison of the Tribe's forest management practices with those sanctioned by SFI and those required by the State of Idaho to identify any differences.

Response The Coeur d'Alene Tribe has been reviewed by Sustainable Forestry Institute (“SFI”) and Forest Stewardship Council (“FSC”) for a pre-certification assessment of their forest management activities. The Tribe received a favorable response by both parties. Also the Tribe recognizes there are differences between its forest management practices and the forest management practices required by the State of Idaho as they pertain to riparian corridor and logging activity guidelines. To the degree to which the Tribe employs more conservative management measures, those are intended to promote a healthier ecosystem and provide greater protection to interdependent resources.

Comment 028-020 Page 32, sixteen lines from bottom: Reintroduce as many of the native extirpated (locally extinct) wildlife species within the (former) reservation as possible. My question is, what do they want to reintroduce? I am all for the endangered species, but re-introducing wolves and grizzly's back into this populated area, would be suicide for the wildlife, and could be dangerous for those of us who live here. How can we stop this, if we have no say in the tribes' form of government? Do we landowners want to resort to having to kill an endangered animal, which was reintroduced here? I sure don't but if it endangers my family, or my livestock, who are mainly family pets, then I will. This is not a choice I want to be forced to make.

Response Comment noted. Please see Appendix H for a comprehensive list of Native and Observed Terrestrial and Aquatic Species.

Comment 006-008 “Expand the Tribal Water Resource Program to bring Reservation streams and lakes into compliance with the Tribe's Water Quality Standards by the year 2024” (page 32). This is similar to the previous point on coordinating forest management practices. FCP is bound by Idaho's water quality standards and the forest practices deemed necessary to meet them, including regular reviews of these practices and modification to them if they are not effective. Again, the provision in the DEIS for the IRMP found on page 24, “Continue to implement the Tribal Forest Management Plan on Tribal and allotted lands,” and, “Encourage use of Tribal recommendations for minimum buffers on all Reservation streams”, makes a useful distinction between private land ownerships within the Reservation boundaries and how they might be managed.

Response Comment noted. However, EPA is the regulatory agency responsible under the Clean Water Act (CWA) for protecting water quality on the Coeur d'Alene Reservation, not the State of Idaho. To date, EPA has not promulgated federal water quality standards (WQS) on the Reservation, and EPA has not authorized the State of Idaho to set WQS on the Reservation. The Tribe's currently proposed water quality standards, when approved by EPA, will apply to the lower third of Coeur d'Alene Lake and the St. Joe River within the Reservation boundaries (except for Heyburn State Park) for CWA purposes. For other waters on the Reservation, EPA will use the Tribe's standards as guidance in applying the CWA.

Comment 028-021 Page 33, thirteen lines from bottom: Work with other entities and the public to evaluate private, non-trust agricultural lands for productivity and to develop management recommendations. Will this be enforced? Will private land owners be forced into tribal practices, whether they want it or not? What exactly does this mean?

Comment 028-022 Page 34, four lines from top: Infrastructure; Ensure that the transportation, power and telecommunications infrastructure supports the tribal government, public safety personnel (fire/medical/police), medical facilities, education institutes, planned new development, (former) reservation communities, access to farm and market roads and amenities suitable for a rural population. Provide universal broadband services that are capable of integrating voice, data, and video, as well as other emerging technologies. I notice this says nothing about supporting OUR government, but defiantly should support tribal government. I want to know who pays for all of this, and I ask again, is it my tax dollars, in the form of grant monies. Where is my government in all of this? Where will the communication lines be run? Along the Trail of the Cda's on private land? With whose permission? Where does it all end? Will the tribe try to manage KMC, as it is a medical facility? What about Benewah Community Hospital? How about my local public school, which my daughter attends? This is just a mess!

Response Please refer above to the response to comments relating to Tribal jurisdiction.

Comment 020-007 By what authority would anyone other than the State of Idaho regulate the use of public highways and roads within the State of Idaho as alternative B (page ES 35) recommends?

Response Please refer above to the response to comments relating to Tribal jurisdiction. The Tribe has jurisdiction to regulate Tribal roads. The Coeur d'Alene Tribe has concurrent jurisdiction over all roads within the Reservation, which includes all public highways as well as Indian Reservation Roads owned by the United States. Furthermore, the Tribe has cross-deputization agreements with Benewah and Kootenai County that provide for mutual assistance in connection with aiding one another in support of law enforcement activities on public highways and roads within the Reservation. The term public highways includes navigable waters within the Reservation to which the Tribe possesses trust title as described and affirmed in *Idaho v. United States*, 121 S.Ct. 2135 (2001), and over which the Tribe exercises regulatory jurisdiction through its Tribal Code Chapters 43 (Boating on Tribal Waters), 44 (Encroachments), 20 (On-Reservation Hunting and Fishing), and other related provisions.

Comment 020-008 I have understood the Bureau of Indian Affairs is responsible to the Coeur d'Alene Tribe for health services of the tribal members. Am I in error? I am puzzled as to why the tribal members have a need for assistance from the State of Idaho's Panhandle Health District as proposed on page ES 35. If you will explain this to me I will appreciate it.

Response Tribal members receive health care services from the Indian Health Service, a component of the Public Health Service in the U.S. Department of Health and Human Services. Tribal members have access to Medicare and Medicaid under federal law. The IRMP PEIS includes a goal of strengthening collaboration between Tribal Environmental Health, Benewah Medical Center and the State of Idaho's Panhandle Health District. The Tribe is not asking for assistance for Tribal members in this goal but discussing the desire for greater collaboration between health care agencies to improve environmental health conditions on the Reservation.

Section 2.3.3

Comment 028-023 Page 37, 3 lines from top: To restore the (former) reservation and aboriginal territory to as close to pre-settlement condition as possible. This is from Alternative C, however, the thought that you will be going after aboriginal lands as well as (former) reservation lands, to 'try' to restore. This is nuts. The only way this could maybe work, would be if 1) the tribe used casino dollars to buy back lands, put it into trust (which takes it out of the county taxes, thereby raising our taxes to make up for the losses, and then we cannot afford to pay, we sell our land and tribe buys it -like a circle) this would get rid of us. 2) They could impose management practices on our privately owned lands (like dock fee's) to a point where we either do as we're told, or we're forced to leave. Neither of these are good alternatives for the land owner. Personally, we are no longer living in presettlement con-

ditions; it is time for the tribe to find a way to retain their culture, while living in the 21st Century, that doesn't burden the taxpayers and land owners.

Response Comment noted. The PEIS divides the region into Land Management Areas ("LMA") which are based on watershed boundaries. Section 2.1 of the PEIS, explains that "[a]lthough the Tribe recommends that land use planning occur on a watershed basis, land use recommendations in [Chapter 2] are detailed only for the Reservation portions of each LMA watershed. Coordination and cooperation on land use management activities between the Tribe and other State/Local agencies is recommended for the entirety of LMA watershed and the Tribe's aboriginal territory."

Section 2.1 provides a description of each of the LMR designation. A "Rural" LMR designation "provides for the maintenance and protection of ecological and Tribal cultural values, which are an integral part of tribal existence." One land use recommendation for the "Rural" LMR designation is "Encourage and designate areas of existing ecological and Tribal cultural significance for protection. Increase restoration activities to move towards pre-settlement conditions." Accordingly, the Land Use Recommendation is for the Reservation portions of the specified LMA watershed. With respect to non-Reservation portions of the LMA watershed and the Tribe's aboriginal territory, the Tribe will "coordinate and cooperate" with other State and Local agencies to help achieve the goals of the "Rural" LMR designation within the Tribe's aboriginal territory.

Comment 028-024 Page 37, twelve lines from top: Develop and implement management plans to control noxious weeds by the year 2006. How will this be implemented? I would love to see the weeds controlled, but by whose authority?

Response The *goal* that is identified is to develop and implement plans to control noxious weeds. At this time, the plans have not been developed so it is unknown how the goal will be implemented. However, it will be implemented utilizing Tribal and other governmental authorities as necessary.

Comment 020-002 In regards to Implementation and Monitoring (page ES 39). When an alternative is selected and a Record of Decision is issued and published in the Federal Register, what will the impact be to the Coeur d'Alene tribal members and also to the non - tribal citizens within the geographical areas involved? Will the area included in the ROD be only tribal trust land or will it include all the land within the exterior boundaries of the aboriginal territory of the Coeur d'Alene Tribe? Is the ROD such as this a regulation, a law or something else? Who will be responsible for enforcing the ROD? How does this work?

Section 2.6

Comment 028-025 Page 48, 8 lines from bottom: However, there may be a need to make small or large changes to the plan prior to its revision in 20 years. Ok, so this plan gets implemented, and then the tribe has free will to make any changes it wants, since it is so stated in this IRMP DPEIS book, that they can do it. Can you imagine what changes, they could make, and then enforce? It is like signing a blank check, STUPID for anyone to do!

Response The Record of Decision identifies the alternative selected from the IRMP FPEIS. Once the decision is finalized, the National Environmental Policy Act ("NEPA") process is concluded and the Tribe will write the Integrated Resource Management Plan ("IRMP") based upon the Record of Decision. The IRMP is a planning document and does not contain mechanisms to implement any of the plans or goals identified in the document.

Once the IRMP is written and approved, it is expected to guide management of Tribal natural, environmental and cultural resources for the next 20 years. If there is a need to revise the plan, amendments may be made at any time by the Coeur d'Alene Tribal Council. If the proposed amendment is significant enough to change the overall direction of the Tribe's management or if the issue is controversial, then public meetings may be held to obtain input from Tribal members and other interested persons. The Tribal Council will approve holding public meetings as appropriate or as mandated by applicable law.

Table 2.7.3

Comment 028-026 Page 61, column B, second bullet: Quantify the effects of predators on game species, particularly big game. Establish a process of monitoring calving success on all big game species. How will they monitor wildlife on privately owned lands? Will trespassing be allowed? I don't particularly want the tribe on my lands.

Comment 028-027 Page 63, column B, second bullet: Provide for a tribal culturally specific built environment. Why is it about primacy? Why should the environment be set up for a small group of people? What about my environment, or my neighbors, or their neighbors?

Response Please refer above to the response to comments relating to Tribal jurisdiction.

Table 2.7.5

Comment 028-028 Page 73, column B, Spiritual/Moral- Minor restrictions on freedom to make private choices. What does this mean? Who is restricted on freedom to make private choices? We as United States Citizens have this freedom. How can the tribe take that away? How dare they even try! !

Response Comment noted.

Chapter 3 Affected Environment

Comment 033-005 Other than the lack of a discussion of the existing land use regulations, the section on the Affected Environment is reasonably thorough.

Response The IRMP is a planning document, not an implementing document, and contains long-term integrated resource land-use recommendations that will assist the Tribe in formulating land use policies and decisions to protect the Reservation environment, and in guiding Tribal coordination and collaboration with other governments to advance IRMP recommendations in connection with land uses both on- and off-Reservation.

Section 3.1

Comment 028-029 Page 76, eleven lines from top: Unallotted land was called "surplus" and opened up for homesteading by non-Indians. In 1906, the Allotment Act was implemented on the (now former) CdA reservation, resulting in a massive loss of tribal land holdings, rendering most agricultural practices infeasible, and an opening up of "unused" reservation lands to non-Indian ownership. This is interesting. Even the tribe states this in their book that the reservation was 'opened up'. We non tribal people claim that when a reservation becomes opened, it removes the boundaries of the reservation, hence the maps that sit in the Kootenai County assessor's office, showing the boundaries as being FORMER reservation, as well as maps I have dated 1932 and 1939, from the Department of the Interior, that shows the boundaries as being former. We claim that the only true reservation lands are those in tribal trust, which the federal government holds in trust for the tribe.

Response Comment noted.

Section 3.2.1

Comment 028-030 Page 79, twelve lines from top: The goal of the cultural assessment is the preservation and restoration of CdA tribal culture through maintaining the landscapes ability to provide for tribal subsistence practices such as root and berry gathering, fishing and hunting. We must revert back to pre-settlement conditions, so that a small tribe of people, who are no longer subsistence eaters, can revert themselves? Does the tribe intend to bulldoze their homes, and put tepees in their place, and live off the land, with none of my tax dollars supporting them in any way? Will they be abandoning, and removing the casino, since they wish to revert? I do not recall in

any of my history, that there were tribal casinos in existence in the 1800's. Should the tribe be allowed to have it both ways? And at my expense, especially when I pay taxes, which support the tribe? I am all for supporting my community, but when will the tribe be supporting us back? I will have more to say about their support later in my comments.

Response Comment noted.

Section 3.2.2

Comment 028-031 Page 80, nine lines from top: However, as site-specific projects are undertaken, the tribe will protect cultural resources and traditional cultural properties in compliance with tribal traditions, the National Historic Preservation Act and with EO 13007_ Tribe claims here, that they were unable to identify any site as a sacred site, due to the programmatic nature of the document, but the above tells me that should they 'find' a site that they feel is significant, that by the national historic preservation act, they can protect that site. Now, I want to know, will they say that there is a site somewhere on my land? No tribal member has been on my land for over 16 years, so how does a person stop this from happening? This could be a very threatening and open 'what if' scenario. I don't like this at all.

Response The Coeur d Alene Tribe will comply with federal law with respect to protecting cultural resources and traditional cultural properties on Tribal and non-Tribal lands. The Tribe will exercise its authority consistent with its inherent powers, treaty rights, agreements and other applicable law.

Section 3.3.3

Comment 028-032 Page 85, eleven lines from top: The tribal council in 1991 worked to force restoration of the Coeur d'Alene watershed, and in 1996 the CdA Basin Restoration Project, the largest natural resource damage case in American history, began. The Silver Valley is the nation's second largest Superfund site.(skipping some lines here) The tribe working with EPA, USFS, USFWS, BLM and the US Geological Survey, has taken the leading role toward responsible stewardship on the basin and CdA Lake, which is the heart of the tribe's homeland and (former) reservation. I found this statement very interesting. At one time, before the Rails to Trails was put in, the tribe had a lawsuit against Union Pacific for the pollution they had dropped along the right of way, and into CdA lake, etc. Union Pacific did not want to be sued, so a deal was made for the tribe to be given jurisdiction over the south end of trail from Harrison to Plummer, in exchange for the tribe dropping the lawsuit. The tribe sacrifices cleanup in favor of gaining control over private property. Now in my opinion, had the tribe truly been after clean up, they would have pressed on with lawsuit demanding that UP clean up the mess they created. Instead, the tribe wanted jurisdiction (trail has still NOT been signed off, at the time that I write this, as the land that the easement sits on, is privately owned by over 900 adjacent land owners!!) on land that is NOT theirs. At one time I had a great appreciation for Indians, as being environmentally good, however, due to this trail mess, my opinion has changed. The above claim by the tribe is an inaccurate statement.

Response The PEIS specifically excluded an assessment of the impact of historic mining and/or milling activities on or near the Reservation, as well as the nature and extent of the actions to address risks posed by hazardous substances along the Union Pacific railroad right of way. Please note, however, that the segment of the right-of-way from Harrison through Plummer within the Coeur d'Alene Reservation has been extensively sampled and that mine waste and contaminated materials have been removed except for a section of approximately 2100 feet where some contaminated materials were left in place at depth. This limited area consists of four sections that have water on both sides of the rail bed embankment. These sections are referred to as the Causeway Sections and vary in length from 1100 feet to 300 feet. Contaminated material within the Causeway Sections was removed to an elevation of 2,126 feet, a depth of approximately 10 feet; the embankment was rebuilt over these removal areas and covered with rock rip-rap on the lake side thereby isolating the contaminated material with approximately 10 feet of clean fill (2136' elevation). The asphalt Trail placed within these Causeway Sections serves as a barrier that is consistent with the barrier placed on right-of-way segments located outside of the Reservation. The Harrison-Plummer segment of the right-of-way is also located out of the flood plain and largely in upland areas,

and is therefore not susceptible to recontamination. But for the Tribe's filing suit against UPRR in 1991, it is unlikely that any cleanup along the right of way, much less the Basin, would have occurred. Response actions implemented by UPRR on the right of way resulted in the expenditure of an estimated \$50 million in the local economies of the Coeur d'Alene Basin to remove contaminated materials and to install a recreational facility that is now enjoyed by over 100,000 trail users who are contributing to revitalizing former mining communities along this route.

Comment 028-033 Page 88, sixteen lines from top: One primary strategy under consideration for managing the metals-contaminated bottom of CdA Lake is to control nutrient inputs, thereby controlling the eutrophication process and its adverse effects of dissolved oxygen depletion and thus the mobilization of toxic metals from lake bed sediments under anoxic conditions. It is my belief here that the tribe will come onto private property under the guise of inspecting run off; and then will proceed to tell land owners what they can and cannot do on their lands, based on what might get into run off. Now that the tribe has partial TST for water quality, they will use it to gain access to places they otherwise would have no right to.

Response Comment noted.

Section 3.3.5

Comment 001-002 All of the action alternatives in the EIS provide annual harvest levels for fish species present on the Coeur d'Alene reservation and the Tribe's aboriginal territory. In addition, the action alternatives call for protecting and restoring varying acres of different wildlife habitats. The EIS needs to discuss how the harvest levels and habitat ranges compare to historic populations and ranges. In particular, the EIS should discuss how the fish species harvest levels called for in the EIS compare to historic populations and if management activities will be employed to eliminate non-native species such as Kokanee and Brook Trout from the project area. Also, the EIS should discuss how the areas designated for restoration and protection under each action alternative compare to historic Palouse Steppe, moist coniferous forest and dry forest habitat in size and location within the project area.

Response The IRMP is a general planning document. Site-specific historical factors will be taken into account when restoration projects are designed to implement the IRMP.

One of the most difficult issues to address is the condition of pre- Euro American settlement habitat and the number of fish that it supported. To the Tribe's knowledge only anecdotal information exists describing the habits and needs of the Tribe during that time frame. Our goals reflect the understanding of conditions passed on to us by Tribal elders living at that time. It is the intention of the Tribe's Fisheries Program to maintain existing fisheries while enhancing depressed ones. One thing that is clear, with the introduction of exotic fish species, pre- Euro American settlement conditions will most likely never be achieved. However, the Tribe strives to manage the resource in order to maximize production of native species, while working to understand and minimize the impact of exotic species. Where species interactions are not in conflict with recovery and conservation efforts for native fishes, exotic species are managed to provide alternative fisheries. This strategy promotes the least impact to existing exotic species fisheries while continuing the goals for harvestable surpluses of native fish species. Thus, the Tribe believes that it is important to note pre-settlement conditions and use them as a baseline for what is possible but understand in the same context that it may not be entirely possible to restore the habitat to those conditions.

Comment 003-003 Native salmonids- Depending on the alternative, the 20 year goals for harvest of bull trout and cutthroat trout are up to 2,000 and 20,000 annually, respectively. Based on existing habitat conditions, the modified fish community, and the life history/reproductive capacity of these species, we believe it will be difficult to meet these goals. Even with the very aggressive habitat restoration approach the Tribe is pursuing, coupled with habitat restoration and other conservation efforts by the Department and federal agencies, providing sustainable harvestable surpluses of these two species at high levels will not likely be achievable in the near future. Both species are highly susceptible to over-harvest. The Department would like to work closely with the Tribe in continuing to improve conditions for these two species, and making headway towards populations that are healthy and sustainable while providing for harvestable surpluses.

Response Comment noted. The Tribe looks forward to continuing its cooperation with various partners to achieve the goals regarding native salmonids. In particular, we invite the state and federal management agencies to join us in efforts to provide long-term sustainable fisheries for native species.

The Tribe's goals are established in recognition of the existing and future needs of the community related to the resource. We concur with your comment based on our current knowledge of the existing habitat conditions. However, we disagree with the comment that these goals are unreasonably high. We concur that they may be difficult to reach and may not happen in the near future but the Tribe has yet to concede that long term sustained fisheries on native species are not feasible. These goals reflect the Tribe's current and long-term desire for healthy and harvestable populations of native fish species.

Comment 003-004 In the document's comparison of environmental consequences for each alternative, we note some possible inconsistencies with meeting the desired future condition provided for each alternative. For example, in order to meet stated goals for cutthroat trout, it would seem like Alternative B and C would need to result in "major beneficial" changes to resource category indicators listed for fish. Likewise, we suggest that in order to achieve harvestable surpluses of bull trout, under that category (listed under TES), both Alternative B and C would need to have "likely beneficially effect" determinations.

Response Comment noted for Bull Trout.

It is clear that in order to meet the stated goals for native salmonids, major beneficial changes will need to be made on a watershed basis. The impacts of Alternatives B and C outline actions that will be taken to reach these goals. For example, " This IRMP alternative would encourage and promote a larger degree of conversion of agricultural lands back to a more pre-settlement composition. The Tribe would encourage application of standards and guidelines from the Tribal Forest Management Plan while working with other federal and private entities across the landscape to preserve native fish populations. . . ." In addition, the benefits from implementation of Alternatives B and C on the remainder of the natural environment (biodiversity, forest, riparian, soils, water, wetlands, etc) will aid in achieving the stated goals for native salmonids.

Comment 003-005 We also noted that mountain whitefish, another native salmonid which is very resilient to high harvest levels, is not discussed, nor are goals provided. There may be some benefit to describing the potential for mountain whitefish to meet both subsistence and sport fishing goals.

Response Comment noted. Currently, the focus of the Tribe's effort is on the more depressed populations of Cutthroat and Bull trout. However, the Tribe notes your comment and will pursue establishing more specific management goals regarding whitefish in more detailed Tribal fisheries management plans that are developed in the future and tiered to the IRMP.

Comment 003-006 Chinook and kokanee – Proposed goals for Chinook and kokanee, at this time, appear to have a higher probability for being reached than those for westslope cutthroat and bull trout. The Department hopes to continue to coordinate closely with the Tribe on monitoring and managing those species.

Response Comment noted. The Tribe also hopes to continue to work closely with the federal and state resource management agencies on these goals.

Comment 003-007 Largemouth Bass – The goal of a 0.5 fish per hour catch rate on largemouth bass seems reasonable; however it appears smallmouth bass are occupying more and more habitat around the lake, and possibly displacing largemouth bass in some instances.

Response Comment noted. The Tribe has also noticed that smallmouth bass populations are ever increasing in Tribally managed waters. We would like to note that, for this document, until the full extent of the introduction of smallmouth bass is known, both large and smallmouth bass are to be included together in harvest goals.

3.3.10

Comment 028-034 Page 110, fourth line from bottom: Ground water includes any sub-surface flow ranging from the deepest confined aquifer to shallow sub-surface flow. Even deep ground water can resurface in springs, wetlands or other areas where an aquifer meets the surface. This is the water that the tribe will be trying to manage.

Where ever this flows into CdA lake, or areas that the tribe claims, will be what they will go after. I hate this.

Response Comment noted.

Comment 028-035 Page 110, thirteen lines from top: Human activities that impact ground water quality are water withdrawal from the system, and contamination with biological or chemical substances. Will the tribe be implementing how much water we can use out of our wells? And how will it be monitored? This leaves me with many unanswered questions.

Response The commenter refers to text that is descriptive of influences on groundwater conditions within the Reservation, not how water uses are regulated or implemented under Tribal or other water use systems. The IRMP is a planning document, not an implementing document, and issues regarding actions or regulations to implement water uses are not within its scope. Such issues will be addressed through future actions to protect this resource.

Section 3.3.12

Comment 003-008 Stated goals for the desired future conditions for wildlife are consistent with Department management direction. We look forward to a continued strong working relationship with the Tribe on wildlife management programs.

Response Comment noted.

3.4.4

Comment 028-036 Page 125, sixteen lines from top: referring to water quality, When fully implemented, the program will consist of consultations, public health education, public and private water system inspections, bacteriological screening, and disinfections of private water wells. The tribe has no jurisdiction over me or my lands. I am not a tribal member; my land is not tribal trust. Yet here they say they will inspect my private well. Will the tribe also be inspecting the aquifer that CdA uses, and Post Falls?

Response The goal is to protect Tribal resources, including water resources. To the degree to which Tribal waters are influenced by the aquifer that the cities of Coeur d'Alene and Post Falls uses, which are areas outside the current Reservation, the Tribe intends to coordinate and collaborate with other governments and private parties to improve and protect Tribal waters. With respect to non-Tribal lands, the Tribe will exercise its authority consistent with its inherent powers, treaty rights, agreements and federal law.

Comment 028-037 Page 126, Environmental Health Technician Training, When implemented, this program will provide instruction and on-the-job experience, at the technician level, for CdA tribal members interested in pursuing careers in environmental health. As in all other core program areas, adequate funding must be obtained before implementation can take place. Yet again, the tribe comes first. Why are only tribal members allowed in this, when more then likely, adequate funding will come out of my tax dollars?? This benefits non tribal member in what way?

Response At this time there is no federal funding available for this position. However, the federal government provides funding for numerous programs as part of its continuing trust responsibilities. If Federal or Tribal funding becomes available Tribal members would have hiring preference according to the Tribal Employment Rights Office (TERO) Ordinance (adhering to federal TERO guidelines).

Comment 028-038 Page 127, first line at top: Physical hazards include dangerous buildings, abandoned wells, unsafe homes, plumbing and electrical hazards, biological contaminants, and preventable accidents. When chemical or physical hazards are observed during routine inspection of public buildings, schools, day cares, and food service facilities, they are documented and brought to the attention of the person-in-charge. At this time, possible corrective measures are discussed including time schedules for making the corrections. Other impor-

tant aspects of the program are public education, complaint investigation, and consultation. According to this, the tribe now intends to do the inspecting of homes, as well as public buildings. We have people in the county that do this now. I refuse to allow a tribal member to come into my home, and ‘inspect’ it, based on what they want to do, instead of what is right, and legal. Will they have to have a search warrant to inspect my home? As my own government cannot enter without just cause. This just sounds like a stretch to me!

Response As discussed in the response to comment 028-036, the Tribe works cooperatively with local, state, and federal agencies to protect the health and safety of Coeur d’Alene Tribal members and residents of the Coeur d’Alene Reservation. All environmental health programs implemented and conducted by the Tribe will be in accordance with applicable federal laws. The Tribe will exercise its authority consistent with its inherent powers, treaty rights, agreements and federal law.

Section 3.4.8

Comment 023-016 In addition, page 133 states: “Recreational use and development contribute to the loss of habitat and affect the natural environment. Recreation around the lakes and waterways is expected to increase due to population growth in the region. Coordination and cooperation are necessary, in addition to long-term planning, to maintain appropriate recreational activities and retention of the natural environment.” These strung together platitudinous statements stand in clear opposition to the secret, confidential, exclusionary negotiations culminating in the precedent Union Pacific Superfund Remedy “rail trail” that violated NEPA and the Congressional intent of the federal Railbanking law. The Tribe now proposes to bring the “stolen” private, reversionary land within the UPRR ROW under control of this DPEIS, from which all consideration of environmental consequences of railroad and mining contamination have been excluded. And, our years of letters, phone calls, pictures sent to the governments, including the Tribe, document how this Trail “remedy” continues to degrade the environment while also creating edge effects and loss of habitat to area wildlife. The hypocrisy is stunning, and there has never been any kind of “necessary coordination and cooperation” within the UPRR Superfund that has so negatively affected our natural environment.

Response The PEIS specifically excluded an assessment of the impact of historic mining and/or milling activities on or near the Reservation. Please note, however, the removal of contaminants within the right-of-way located on the Reservation was more extensive than removals outside the Reservation.

Section 3.4.11

Comment 028-039 Page 138, bottom line: The CdA tribe continues to be self-governing, with a tribal council that answers to a constituency of tribal members in its effort to meet their needs and perform the duties of elected office. The CdA tribe and their elected tribal council are committed to providing for the health and welfare of tribal members and (former) reservation residents, and careful and progressive planning to sustain the tribes self determination and restore its self sufficiency. I just love this. Remember how I stated earlier that Felix Aripa’s water was bad, and that no one would fix it for him? Well on page 128, it states; there are currently 238 families on the tribal housing authority waiting list. Now I ask, if the tribe is out to help its members, why are they not building homes for those waiting on the lists? Why are my tax dollars still funding a tribe that has casino dollars coming in? Why is the tribe taking on this IRMP, when it apparently doesn’t have the money to fund it, but expects grant money, again from my tax dollars, to help pay for it? I do not believe that most of the tribal people would agree with the statement that the council is meeting their needs. How can they possibly meet my needs?

Response Comment noted. The Tribe’s IRMP is intended to be an important planning tool to improve natural, environmental and cultural resource conditions on the Reservation.

Comment 028-040 Page 140, first line from top: This section begins by describing the socioeconomic characteristics of the entire population of the (former) reservation, combining both the 81% non-Indians with the 19%

Native American. Here I question why a 19% population of tribal members, should have control of 81% of non-tribal people. This is just ridiculous.

Response The Coeur d'Alene Tribe possesses the inherent sovereign authority to govern itself and determine its own destiny. With respect to non-Tribal lands, the Tribe will exercise its authority consistent with its inherent powers, treaty rights, agreements and federal law.

Comment 028-041 Page 148, thirteen lines from top: The tribe also receives numerous contracts and grants to manage the (former) reservations natural resources. Here are our tax dollars at work! The tribe has no business taking on this IRMP, when it is our grant monies, they use against us.

Response Comment noted.

Comment 028-042 Page 149, nine lines from top: Many of the grants received by the Natural Resource Department are associated with managing non-commercial, environmental quality. With the U.S. Supreme Court's recent official acknowledgement of Tribal ownership and responsibility for the management of the lower third of Cd'A Lake and parts of the St. Joe River, these environmental management responsibilities of the Tribal government will only expand. This is a mess. The tribe was only given ownership of the beds and banks of the lower third/St. Joe River. It did not include any aspect of the Trail of the Cd'As. Down south of Harrison, many land owners hold patents to lands submerged when the dam was put in, and one land owner in particular, has a document from former WWP, asking permission to store water on their land of 18 acres! It was not established by the Supreme Court where the tribe's ownership exactly is. The tribe is claiming whatever they want, but land owners have legal documents, showing the landowners ownership. None of this was represented in court. Land owners believe the water level prior to dam was 2121. Tribe is trying to claim it up to 2128, which includes the landowner's private submerged lands. This issue is huge here, and should be resolved.

Response Without commenting on the validity of the multitudinous list of issues raised by the commenter, none of them are relevant to developing an IRMP. The IRMP is a planning document, not an implementing document, and contains long-term integrated resource land-use recommendations that will assist the Tribe in formulating land use policies and decisions to protect the Reservation environment, and in guiding Tribal coordination and collaboration with other governments to advance IRMP recommendations in connection with land uses both on- and off-Reservation. For purposes of the IRMP process, it is unnecessary for the Tribe to define the scope of Tribal rights and/or jurisdiction relative to private rights or the jurisdiction of other governments with respect to lands and natural resources uses on- or off-Reservation. In as much as the IRMP reflects views expressed by those from on- and off-Reservation areas, the Tribe encourages other persons and governments to consider them in consultation and coordination with the Coeur d'Alene Tribe when formulating land use and natural resource policies and decisions that may affect the Reservation environment. Such coordination can often produce collaborative results that promote our mutual interests.

Chapter 4 – Environmental Consequences

Comment 028-043 Page 157, twelve lines from bottom: Casino expansion. Will the tribe be putting more land into tribal trust, and taking it out of the tax coffers? How much will I be paying, to see this expansion?

Response As acknowledged in the comment below, Comment 028-044, one purpose of the PEIS is to address any cumulative effects from the incremental impact of an action with other past, present, and reasonably foreseeable future actions. The IRMP is a planning document and does not include any specific implementation mechanisms.

Comment 028-044 Page 157, four lines up from bottom: One of the reasons the tribe is in the process of developing an Integrated Resource Management Plan, is to address these cumulative effects. Good planning is a primary mitigation strategy for the tribe in combating cumulative effects. In addition, an implementation and monitoring plan is included in Appendix F. First, mitigation by the tribe, over land that is private, and public (not tribal trust lands), where the tribe is planning to implement their rules and regulations, over a large body of non-Indian people,

is nuts: Appendix F, is 19 pages long, with how the tribe plans to implement, and in some cases, enforce their will over us. I am appalled by the very thought of this, and I again must question what has happened to our Constitutional rights. I will try to explain my opposition to this, later in my comments.

Response The Coeur d'Alene Tribe possesses the inherent sovereign authority to govern itself. With respect to non-Tribal lands, the Tribe will exercise its authority consistent with its inherent powers, treaty rights, agreements and federal law.

Comment 033-006 The section on Environmental Consequences lacks a rigorous scientific basis for most of the assertions in this section. Without a more detailed discussion of the basis for the conclusions it is impossible to tell whether the assertions of probable environmental consequences are really best professional judgments or wild guesses.

Response 40 C.F.R. § 1502.16 requires a description of the environmental impacts to resource areas to be affected or created by the alternatives under consideration. This PEIS is for the Coeur d'Alene Tribe's Integrated Resource Management Plan, a general planning document that provides long-term integrated resource land use planning and recommendations. The Programmatic nature of the EIS and the fact that more specific plans will be tiered to the IRMP determined the methods used in the impacts assessment. The impacts assessment of the PEIS is as scientific and rigorous as is practical given that it is for a broad, programmatic planning process.

Section 4.1

Comment 028-045 Page 158, fifteen lines up from bottom: At the (former) Reservation level, additional Tribal regulations and policies would apply. Farther down the page at 7 lines from bottom, it says: The areas of analysis for this topic included the extent of the aboriginal territory. These statements tell me that they will absolutely be regulating the entire aboriginal area. By whose authority, and why are we allowing this to even be considered?

Page 159, five lines up from the bottom: With implementation of the Preferred Alternative B, the Tribe would take steps to develop a program to become more actively involved in resource-based decisions across the aboriginal territory. Recommendations would encourage retaining ecological structure, components and integrity. Continued growth and development is expected, but with implementation of the Preferred Alternative, development on the (former) Reservation would be encouraged to be compatible with the IRMP and retention of landscape function, continuity, and biological diversity. Implementation of the plan would result in moderate long term impacts on the biodiversity across the aboriginal territory based on current growth trends and a more active role of the tribe in developing an understanding of landscape components needed to reserve biological diversity across the landscape. Wow, they will be involved in every aspect of every condition, in anything that touches the aboriginal territory. This is just awful.

Response The scope of analysis for the Landscape and Culture resource categories include both the Coeur d'Alene Tribe's aboriginal territory and the Reservation. The Tribe has an interest in the natural resource environment in its aboriginal lands and is involved in resource-based decisions across the aboriginal territory. The Coeur d'Alene Tribe will exercise its authority consistent with its inherent powers, treaty rights, agreements and federal law.

Section 4.2

Comment 028-046 Page 161, eighteen lines up from bottom: Subsection 4.2.2 discusses the laws and regulations directing federal agencies to locate, identify, evaluate, preserve, protect and manage cultural resources significant to the heritage and history of the area, including sacred sites and traditional cultural properties. The scope of the cultural resource assessment is the whole of the aboriginal territory. Anyone that reads this paragraph should be contesting this whole IRMP. In order to locate sacred areas, or traditional cultural properties, all lands within the aboriginal area, will be open for this process. This could mean, that they would come onto my private lands, and look for any of the above stated items, and if found, they become 'historic' and off limits, to me, even though I

own the land it is on. There has been no tribal presence on my lands in over 50 years, yet with this IRMP, it allows them not only access, but gives the tribe the right, through the Federal government agencies, to claim my private property. This is outrageous, and should NEVER be allowed to happen.

Response Sections 4.2.1 and 4.2.2 identify the federal regulations and policies that govern the identification, preservation, protection, and management of cultural resources. The Coeur d'Alene Tribe will comply with federal law with respect to its cultural resources, sacred sites and traditional cultural properties. The Coeur d'Alene Tribe will exercise its authority consistent with its inherent powers, treaty rights, agreements and federal law.

Section 4.2.1

Comment 028-047 Page 165, six lines down from top: Active participation in these projects and planned mitigation would extend into the aboriginal territory. There is no need for any mitigation anywhere but on tribal trust lands.

Response Comment noted.

Section 4.2.2

Comment 028-048 Page 165, sixteen lines up from bottom: 1) determining the area of potential effects; 2) identifying cultural resources present in the area of potential effects that are either listed in the National Register of Historic Places; 3) applying the criteria of adverse effects to affected cultural resources either listed in or eligible to be listed in the National Register; and 4) considering ways to avoid, minimize, or mitigate adverse effects. This all has to do with NEPA (National Environmental Policy Act) which must be completed by the tribe, before they will be allowed to implement this IRMP.

Response The impacts to cultural resources are described in the PEIS in terms of type, context, duration, and intensity in accordance with the requirements of NEPA. In addition, the PEIS also identifies and evaluates impacts to cultural resources pursuant to the criteria quoted in the above comment as required by section 106 of the National Historic Preservation Act (36 CFR Part 800, Protection of Historic Properties).

Comment 028-049 Page 167, eight lines down from top: Beneficial Impacts = Impacts would allow access to and/or accommodate the tribe's cultural practices and beliefs. Allow access to my land? To accommodate the tribe? I refuse to allow access, so then what happens?

Response Sections 4.2.1 and 4.2.2 identify the federal regulations and policies that govern the identification, preservation, protection, and management of cultural resources. The Coeur d'Alene Tribe will comply with federal law with respect to its cultural resources, sacred sites and traditional cultural properties. The Coeur d'Alene Tribe will exercise its authority consistent with its inherent powers, treaty rights, agreements and federal law.

Comment 028-050 Page 169, First line from top: Implementation of any activity associated with the Alternatives would have to be assessed at the site-specific level to determine type and extent of disturbance to tribal cultural properties or National Register eligibility. Mitigation to offset impacts to Cultural Resources and tribal cultural properties would be conservation or restoration of non-developed lands that would contribute to the overall goal of maintaining these ecological and culturally significant areas. Mitigation and monitoring would be implemented on a project-by-project basis to comply with the National Historic Preservation Act. Again, where will this all be happening? Downtown Cd'A?

Response As quoted above, the PEIS provides that, "[m]itigation to offset impacts to Cultural Resources and tribal cultural properties would be conservation or restoration **of non-developed lands** . . ."

Section 4.3

Comment 028-051 Page 169, twelve lines from top: The scope of the analysis for the Natural Environment is the lands and resources within the (former) Cd' A Reservation. However, some resource area boundaries extend beyond the political boundaries into watersheds for aquatic and hydrology and beyond the watersheds for wildlife and air. Management direction will be implemented at the (former) Reservation boundary with the exception of those resources that extend beyond. In those cases suggestions as to the type and extend of management will be addressed as appropriate. Ok, here we get into the recent TSTS given by EPA Region 10. Water flows, as does air, so the tribe can/will use water coming into any body of water they claim as 'theirs', to move beyond the boundaries (that exist in only their minds, and those of us who are uneducated to the reality of an OPEN reservation!) I state here, that you will see the tribe go after the rest (north) of Lake Cd' A. And since EPA gave them partial water, and full air authority, they can use that to get to the rest of the lake. Same goes for air. It moves freely, and it comes and goes thru the former Rez, so they can claim it affects 'their' area, and force people outside of area to follow the tribes air regulations (which shall be enforced by EPA, DEQ, et. al government agencies that will be directed by the tribal council).

Response Comment noted.

Section 4.3.3

Comment 028-052 Page 175, top line: The IRMP that will be written based upon the outcome of the NEPA process will assist the tribe in managing Coeur d'Alene Lake for future generations of Cd' A tribal members and the public. Interesting how they don't say the 'southern' part of lake for management. They intend to manage it ALL. This clearly states that. When I read this, it made me feel that 'the public' was an afterthought that once again, the tribe has primacy, and we are just added to make us feel included.

Page 175, eight lines from top: Regulations and Policy- On (former) Reservation Hunting, Fishing and Trapping Ordinances. Tribe plans to regulate, and create policies for these items, on private/public lands. We pay our counties, and state for these rights and the IRMP will allow the tribe jurisdiction over us. Again, this is an abuse of our rights. This would be difficult for the tribe to enforce, and I fear, create extreme conditions against the tribe.

Page 178, eighteen lines from top: Mitigation and Monitoring-The tribal natural lake management department will monitor the implementation of any plan or process that effects Cd' A Lake and will coordinate with the tribe's natural resource department for consistency with the goals of the IRMP. Any alternative selected will have a management strategy to monitor and maintain an active role in any action or plan for the Cd' A Lake. The implementation and monitoring plan is located in Appendix F. Here again the tribe talks about monitoring activities on the whole lake, not just the part the tribe won in court.

Response The IRMP is a planning document, not an implementing document, and does not purport to address the jurisdictional issues raised here. However, the Coeur d'Alene Tribe retains the inherent sovereign authority to govern itself. The Tribe will exercise its authority consistent with its inherent powers, treaty rights, agreements and federal law.

Section 4.3.6

Comment 028-053 Page 186, bottom line: The tribe would encourage application of standards and guidelines from the tribal forest management plan while working with other federal and private entities across the landscape to preserve diversity, distribution, density and old growth components. Tribe intends to control anything that is done based on their forest management plan. What if land owners don't want to follow that plan? Who is our sovereign?

Page 188, thirteen lines from top: Mitigation and Monitoring- The tribal natural resource department in cooperation with other entities and individuals will work toward implementing guidelines outlined in the tribal forest management plan across the (former) reservation to maintain and restore pre-settlement structure, diversity, den-

sities, old growth, and sustainable yields to forested areas. Additional areas would be designated for forest restoration by their potential for restoration and enhancement. This is stated throughout the IRMP. It bothers me that everything will be done according to tribal plans.

Section 4.3.7

Comment 028-054 Page 189, six lines from top: Mitigation and Monitoring -The tribal natural resource department in cooperation with other entities and individuals will assess material sites across the (former) reservation and establish and cooperatively implement guidelines for existing and future sites. Where will they be assessing? Will it be on private/public lands? What if I don't give permission to them to trespass? How do I keep them off my land? None of these questions are answered in this book, but they assume they will do as they please.

Section 4.3.9

Comment 028-055 Page 193, four lines from top: Soil-Farming practices, timber harvest, roads, development, fire and grazing have an effect on soils. Soil productivity across the (former) reservation is generally good. However sediment production and soil loss from land use practices have greatly increased from pre-settlement conditions on the (former) reservation. More recent changes in farming, grazing, and timber harvesting practices have resulted in some reductions in sediment production to (former) reservation production to (former) reservation waters. This now links water to land. Any person, who does anything with their land, will be shown to affect water-quality. This will allow the tribe to govern what is done on private lands, since it affects water.

Response The Coeur d'Alene Tribe possesses the inherent sovereign authority to govern itself. With respect to non-Tribal lands, the Tribe will exercise its authority consistent with its inherent powers, treaty rights, agreements and federal law.

Section 4.3.11

Comment 028-056 Page 199, fourteen lines from top: Methodology- The areas of analysis for this topic included the wetlands and floodplains within the (former) Cd'A reservation boundaries and those watersheds and up and down gradient streams that are a part of or are affected by the changes within the (former) reservation boundaries or that affect the waters within the (former) reservation. When I read the information in the DPEIS, I am reminded of the Snake River Basin Adjudication that we fought so hard against. The tribe seems to be setting things up, for the same purpose. The SRBA was a bad thing for the State of Idaho. I also want to know why there is no mention of the Union Pacific Railroad in this DPEIS. The railroad dike changed many of the wetlands, as well as the railroad corridor changed the lay of the lake boundaries. Lots of questions come to mind, and as is typical, no answers.

Response The PEIS specifically excluded an assessment of the impact of historic mining and/or milling activities on or near the Reservation.

Section 4.3.12

Comment 028-057 Page 202, eighteen lines from top: Methodology- The area of analysis for this (Wildlife) topic includes the (former) reservation and the surrounding landscape as far north as Canada, south to the Snake River, west to the scablands, and east to the Bitterroot Range. I believe the above area, to be what the tribe considers their aboriginal territory. This is where it is fully shown to reside.

Response Comment noted.

Section 4.4.4

Comment 028-058 Page 221, five lines from top: Impacts to all alternatives- All alternatives would support assisting in the proper design, construction and operation of schools, day cares, food service facilities, celebrations, swimming pools, private water and septic systems, solid waste facilities and community social facilities for optimal public health and safety. All alternatives would strive to meet the goals and objectives of the tribe's environmental health plan. Implementation may be more difficult in some alternatives than in others. All alternatives would have a negligible (beneficial) impact on environmental health. However, Alternatives A and D would potential require number of additional inspections to be conducted annually. Everything in this book, must meet the tribes goals and objectives. What country am I living in? Cuba?

Response The IRMP is a planning, not implementing, document. The Coeur d'Alene Tribe is a federally recognized tribe and possesses inherent sovereign authority to protect lands and waters within its territory and jurisdiction. The Tribe will exercise its authority consistent with its inherent powers, treaty rights, agreements and federal law.

Section 4.4.12

Comment 028-059 Page 235, entire second paragraph on this page! The discussion of socioeconomic impacts is complicated by the fact that little data is available on one important part of the economy, namely the non-market, tribal subsistence sector. This sector of the economy is of extreme importance to the Cd'A tribe because it is inseparable from the tribe's culture, including moral, ethical and religious values, and quality of life. To most residents who are not tribal members, natural landscapes that still have the integrity to support these tribal cultural subsistence resources are likely to be evaluated only for their value for recreation, open space, or scenic beauty. They are unlikely to be seen as central to socioeconomic well-being. To tribal members, these subsistence resources are not just aesthetic characteristics of the quality of life, but are vital to the future of the tribe and the survival of its tribal culture and identity. Changes taking place on the (former) reservation, largely driven by human settlement and economic activity, have been degrading the subsistence potential on the (former) reservation, threatening the continued viability of those tribal cultural economic activities. One purpose of the IRMP is, to the extent possible, to reduce that threat to and reverse that degradation of (former) reservation subsistence opportunities. The tribe no longer practices subsistence eating. This is just an excuse to claim more. I for one, use items that grow on my ranch, to eat, yet I do not do it to survive, neither does the tribe. For the tribe to insist that they need sustainable environments, for subsistence purposes, is inaccurate at best.

Response It is not possible for the commenter to know what Tribal members do or don't do and need or don't need regarding subsistence resources. These resources remain vital to Tribal members for a variety of tangible and intangible reasons, and subsistence activities are carried out by Tribal members to this day. In fact, Tribal culture and subsistence cannot be separated and must be viewed together. These Tribal cultural and subsistence activities and resources have been identified as necessities by the Tribe, in the past, the present and for the future.

Comment 028-060 Page 245, seven lines from top: For the Cd'A tribe, this might well represent the permanent loss of most of the aboriginal qualities of the (former) reservation's natural landscapes. This would eliminate the potential for most traditional subsistence activities. In many ways, the (former) reservation would cease to be a tribal homeland, and would primarily become an extended suburban settlement and part-time recreational home for non-Indians. The cultural and spiritual losses to the Cd'A would be major. Here the DPEIS is talking about Alternative D. This may have been the Indian's homeland, but now it is my homeland. I live here, as do thousands of other non-Indian people. I have a home on 1,000 acres. I am not suburban, nor am I a part-time recreational home. I am an established ranch, and I expect to pass my land on down to my child, and so on. The whole IRMP DPEIS book is filled with what the Indians want. What about the thousands of others? Why do 7 Indian Council members get to dictate to the rest of us, what can and cannot be done on our lands? This needs to be addressed.

Page 247, twelve lines from bottom: The Tribe would be responsible for monitoring projects within the (former) reservation and across the aboriginal territory, based on implementation of one of the Alternatives. Why should a 7

member tribal council, be in charge of monitoring the above area? They are not my government, and have no jurisdiction over me, so why should they be given control? This is absurd!

Response The IRMP is a planning document that will be used by the Coeur d'Alene Tribe to guide Tribal policy and help ensure that Tribal resources are protected and balanced with the increasing demands for development. The main focus of the IRMP PEIS is establishing land use recommendations, 100-year Desired Future Conditions and individual resource 20-year goals for the Coeur d'Alene Reservation. To a lesser extent, the IRMP PEIS focuses on the Tribe's aboriginal territory by outlining broad 100-year Desired Future Conditions for landscape and cultural resources.

The Coeur d'Alene Tribe possesses the inherent sovereign authority to govern itself. With respect to non-Tribal lands, the Tribe will exercise its authority consistent with its inherent powers, treaty rights, agreements and federal law. Accordingly, the IRMP will be used to assist in developing or updating plans, codes, and/or ordinances that affect the Reservation. Further, the IRMP will be used to assist in the coordination and cooperation on land use management activities between the Tribe and other federal/state/local agencies for the entirety of the Land Management Area watersheds and the Tribe's aboriginal territory. As explained above, the IRMP is a planning document that provides long-term integrated resource land use recommendations but the IRMP does not include the mechanisms to implement the recommendations.

Table 4.4.12.5

Comment 023-018 The Preferred Alternative B considerations within the NEPA process (P. 248) are meant to show "Moderate" improvements to Tribal "Quality of Life Criteria", in contrast to the "Major improvements" depicted in Alternative C, and in contrast to the "Do Nothing Alternative A" and "Major damage" scenario of Alternative D. The Impact Summaries do not, however, specifically discuss how the alternatives actually will impact the vast majority of non Tribal citizens/landowners within the huge area covered by the DPEIS. To postulate that there will be "Moderate improvements in quality of subsistence resources, fairness and equity" under a plan that has disenfranchised the overwhelming majority of non-Tribal citizens in the area cannot be substantiated, even theoretically. In addition, since there are zero Tribal people today relying upon subsistence-level resources for economic subsistence, an increase in practices that are not currently happening, could be deemed a "moderate improvement." That is intellectually dishonest doublespeak.

Comment 023-019 Under Spiritual/Moral criteria, Alternative B (P. 248) trades off "minor restrictions on freedom to make private choices" for "Moderate improvements in protection of culture, traditions, and religion." What "right" does the non-Republican 7 member Tribal Government have to approve (or enact) any kind of restrictions on "private choices"? These assertions are frightening, wholly unsubstantiated, and there has been zero measurement of clear violations to protected citizen rights, including abuses that have already occurred under this NEPA process. (In fact, the Tribe has written recently to the federal government to plead for streamlining the NEPA process to avoid dealing with cumbersome "citizen groups.")

Response Please refer above to the response to comments relating to Tribal jurisdiction and other comments above relating to Tribal subsistence.

Comment 023-020 As for Aesthetics, P. 248 under Alternative B, the "Moderate improvements in natural beauty, open space, and recreation opportunities" are unsubstantiated. This alternative presupposes agreement, of which there is none, as to the Preferred Alternative.

Response Table 4.4.12.5 provides a summary of the socioeconomic impacts on the residents on the Coeur d'Alene Reservation from the alternatives considered. On page 235 of the IRMP PEIS, there is a section entitled, "Methodology", which states that data from the 2000 Census was used in addition to the quality of life information contained in the Tribe's EAP Assessment (2000), along with conventional tools of economic analysis. The Tribe's EAP Assessment contains locally developed research on quality of life obtained through focus group sessions with local residents.

Comment 023-022 The projected “Moderate improvements in future generations, cultural diversity, and land integrity” postulated under Alternative B cannot be substantiated based on any “evidence” presented in the DPEIS. Ironically, it would appear that the last thing the Tribe wants is “cultural diversity,” since the entire IRMP process so far, beginning with the EAP, has been exclusionary and slanted toward Tribal Council approved “wants.” Evidence of this kind of corporate government controlled cultural Chauvinism can be seen in the fact that a separate IRMP meeting was held at the Casino (P. 271) for “Tribal members/Native Americans.” In fact, a former Tribal IRMP employee told us directly that Tribal people—Elders in particular—were discouraged from attending the IRMP CAC meetings. The almost nonexistent participation by Tribal members substantiates this claim, and certainly nothing within the IRMP process has encouraged cultural diversity. The DPEIS represents, rather, single-culture impositions created with almost zero input from Tribal and non Tribal citizens alike.

Response The Coeur d’Alene Tribe initiated the Environmental Action Plan (EAP) Project in 1997, holding numerous public meetings and workshops on and near the Reservation seeking public input. A series of Integrated Resource Management Plan (IRMP) (Phase II of the EAP Project) public meetings was first held in the spring of 2001 to provide background on the Tribe’s Environmental Action Plan (“EAP”); request public input on the purpose, need and proposed methods to develop an IRMP; discuss community involvement in developing the IRMP; and request volunteers to be members on the IRMP Community Advisory Committee. These initial IRMP public meetings were announced in local newspapers including the St. Maries Gazette, Idaho Spokesman-Review, the Coeur d’Alene Press, and the Council Fires for the Tribal member’s meeting. A direct mailing was also sent to all local Tribal members and to the EAP public mailing list of over 350 addresses. Fliers were posted in public places in Worley, Plummer and Tensed approximately a week in advance of the meetings.

IRMP Future Focus workshops were held on June 5, 2002, June 12, 2002, and June 19, 2002 in Worley, Tensed, and St. Maries, Idaho, respectively. Attendees of these workshops included landowners, retired landowners, homeowners, and Tribal members.

IRMP Future Focus Questionnaires were sent to all Reservation residents (5,881 questionnaires distributed by mail) and Tribal Members (909 questionnaires distributed by mail). Questionnaires were also available at the IRMP Future Focus Workshops.

IRMP Scoping meetings were held in October 2002 in Plummer and St. Maries. As of October 2004, a total of 21 IRMP Community Advisory Committee meetings had been held by the Tribe. These meetings are not required by NEPA but were held in order to involve all interested people in the IRMP process. A Public Hearing on the IRMP DPEIS [Draft Programmatic Environmental Impact Statement] was held on October 19, 2005.

The Tribe’s efforts to inform the public and solicit comments and participation exceeded public involvement requirements of the National Environmental Policy Act. Please see Chapter 6 and Appendix C for details regarding public involvement. Additional documentation of Tribal public involvement efforts has been added to Chapter 6 and Appendix C in order to demonstrate the lengths the Tribe has gone to in order to include all people in the development of the IRMP PEIS and, ultimately, the IRMP itself. This additional documentation has been added in the errata as well.

Comment 023-023 And the Alternative B projections for “Personal Well-Being” are equally as vague, skewed, and unsubstantiated. To state that Alternative B will create “Minor improvements in income” and will create “Maintenance of health and peace of mind” is ludicrous. Upon what factual statistics are these assertions based? How can the Tribal Council presume to assert responsibility for maintaining the “health and peace of mind.” for anyone, particularly when this statement speaks for hundreds of thousands of folks who know nothing about the plan!

Response Table 4.4.12.5 provides a summary of the socioeconomic impacts on the residents on the Coeur d’Alene Reservation from the alternatives considered. On page 235 of the IRMP PEIS, there is a section entitled, “Methodology”, which states that data from the 2000 Census was used in addition to the quality of life information contained in the Tribe’s EAP Assessment (2000), along with conventional tools of economic analysis. The Tribe’s EAP Assessment contains locally developed research on quality of life obtained from local residents.

Chapter 6 List of Agencies, Organizations and Persons Receiving the Draft PEIS

Comment 023-017 —(P. 255) “The IRMP DPEIS has benefited from extensive consultation and coordination. Appendix C contains additional details on the results of the public involvement as well as more detail on agency consultations.” Quite simply, there was ALMOST ZERO “consultation and coordination” with the public or with our local elected officials within our counties. This statement, in itself, is a violation of NEPA which is to be an inclusive and public process involving consideration of alternatives. NEPA warns against repetitious, padded documents and admonishes against “wasting paper.” This DPEIS is a violation of those NEPA mandates. It is repetitious, unclear, contradictory, and it repeats the same information in several different formats.

Comment 023-005 P. 256 states; “*The first series of IRMP Public meetings was held in April and May of 2001. The CdA Tribe held the first IRMP Community Advisory Committee on May 31, 2001.*” These “public” meetings began 4 years after the initial planning, about which the Interdisciplinary Team knew absolutely nothing, and from which (we assert) we were excluded by the very persons said to be working on the project!

P. 256 continues: “*The IRMP CAC advises the Tribe on the development of the IRMP. The IRMP CAC has been meeting as needed on the last Thursday of the month since it was formulated.*” These statements are (at best) extremely misleading. The CAC did not meet at all for nearly two years, during which time this DPEIS became reality. We attended most of the CAC meetings, and our many questions remain unaddressed/ignored to this day. The clear message derived from our repeated attempts to participate in these decisions is: The public—those holding fee title to the land in particular—IS NOT NEEDED!

Response Please see response to Comment 023-022 above.

As of October 2004, a total of 21 IRMP Community Advisory Committee meetings had been held by the Tribe. These meetings are not required by NEPA but were held in order to involve all interested people in the IRMP process.

Appendix A

Comment 023-025 APPENDIX A: HISTORY OF THE COEUR D’ALENE TRIBE

This abbreviated section contains revisionist history and omits mention of important local and national history. In so doing, ironically, this Appendix makes “invisible” the vast current majority of people living within (and owning the land) included in the aboriginal 5 million acres the DPEIS purports to include. Further, by omitting these facts, the DPEIS violates its repeated assertions of “collaboration, inclusion, cooperation,” and denigrates its own goal to “moderately improve cultural diversity.” (You cannot “improve diversity” when you refuse to acknowledge other cultures exist or have valid, legal claims to just “be.” In addition, this section (as with all Tribal history we have seen) omits any reference to the 19th century journals of Jesuit Father Nicholas Point’s illustrated diary (first hand account) of a priest in the Northern Rockies among the Coeur d’Alenes, Flatheads, and Blackfeet. Without in any way denigrating the importance of oral history, it seems intellectually dishonest to avoid Father Point’s works.

Key omissions also include the cession from the Reservation of the UPRR Railroad easement, for which the Tribe was paid, thus making this land “Former” Reservation (as stated in the Supreme Court Lake suit), just like the Harrison Cession. Since the railroad was granted an easement, the land under this easement was included within the 160-acre homestead patents. In our family, the patent includes not only land under the easement, but acreage (now submerged) out into the Lake with an easement granted to Washington Water Power to store water there. Further, the opening of the Coeur d’Alene Reservation to homesteading under the Dawes Act is omitted, yet the overwhelming majority of the land the DPEIS purports to cover is private, fee simple land harking back to homestead times when it became former Reservation land. Also, the payment to the Tribe under the Indian Claims Commission (to settle land claims, once and for always) are omitted. And, the references to the Indian Self-Determination Act does not include the fact that nowhere in the Act does it state that the self-determination is meant to work to the detriment of legitimate U.S. citizen landowners.

Comment 023-026 P. 264 states that “Lands were made available for fee patent, while Tribal members were required to take parcels of lesser value. The big successful Reservation farms of the Coeur d’Alene families were

broken up and made available to homesteaders. Tribal members essentially got what was left over, although the process was supposed to work in the opposite way.” This blatantly false assertion comprises revisionist history. Tribal members had first choice when the surplus lands were opened, and they chose the best farm land. The sizes of their allotments were the same (160 acres) as the non-tribal public, who drew lots for surplus lands left over after Tribal members chose their limit. The homesteading public participated in a lottery after tribal members, who were encouraged by the Catholic Fathers to take farmlands, made their selections. The Catholic Missionaries urged the Indians not to take the land along the Lake because it was not tillable, and was of less commercial value at the time. Selectively interpreted, revisionist history has no place in a NEPA document.

Comment 023-027 Much of this historic Appendix A is general summaries of what happened to other tribes nationwide, and thus is not directly applicable to the Coeur d’Alene Tribe. (This is all too reminiscent of the Indian Land Tenure Class we took recently in St. Maries in which almost zero discussion or material related to the Coeur d’Alene Tribe. In fact, the Coeur d’Alene Tribe is somewhat of an anomaly among tribal horror stories. Not only did the Executive Order Reservation and subsequent homesteading come late, but also, by the time it came, there were some Tribal families owning several thousand-acre farms on the Palouse. These wealthy farmers did not want to lose land via the allotments. It was they, the rich Indian farmers, who protested losing their large land holdings.

Comment 028-012 Also, in reading this IRMP DPEIS, the history the tribe tells on page 263-268, is not historically correct, and I will get into this later, but how can they educate if they create their own history? I do not want to be educated by the tribe. Nor do I want them in our school system, educating my child on their beliefs. This is a choice issue, A person should have the right to choose to, or not to, learn this.

Comment 028-061 Page 264, five lines from top: Not only were enormous tracts placed in non-Indian ownership, the way in which the lands were allotted was unfair and arbitrary and often, the best farmland was saved for homesteaders. Tribal members were forced away from their territorial waters in the process, even burned out when they refused to leave, so that non-Indians and the State of Idaho (with Heyburn Park, as described below) could have this, most valuable land. Lands were made available for fee patent, while tribal members, were required to take parcels of lesser value. The big, successful reservation farms of Cd’A families were broken up and made available to homesteaders. Tribal members essentially got what was left over, although the process was supposed to work in the opposite way. Tribal members who had lived along Cd’A Lake since time immemorial were pushed off that land so that non-Indians could take title to it. This was a calculated move on the part of the U.S. government to force tribal members to give up the best farmland, their traditional lakeside camps and homes and push them to the farthest edge of the reservation. On top of this, tribal members could have only 160 acres each. The above infuriates me. I cannot figure out what history the tribe is looking at, as in reality, the tribal people were given first choice of land. The Jesuit Priests are the ones that moved the Indians away from the lake, convincing them to take the better farmlands located in the DeSmet area. 160 acres was the normal size for allotments, and that was also what homesteaders got, after the tribe had first pick of the lands. Tribal members had the choice of taking their lands in fee, or putting it in to trust, held for them by the federal government. They had a choice, but the above says they did not. I find the historical information the tribe has put into this DPEIS, inaccurate, and full of holes. If I had not known better, I would have cried for the poor Indians. This just sickens me. If you’re going to give historical facts, make sure they are accurate and true. Lies should not be created to earn pity.

Response Minor clarifications have been made to Appendix A, History of the Coeur d’Alene Tribe, as reflected in the errata. The history contained in Appendix A is not meant to be an exhaustive history of the Tribe. Rather, it is meant to provide a general Tribal historical context for the PEIS.

Comment 028-062 Page 265, ten lines up from bottom: Now, of course, we know better, and it is one of the Cd’A tribe’s most important efforts to restore and clean up the natural world which was so depleted and damaged by the uncontrolled exploitation of the once abundant natural resources. This makes me gag. So, instead of forcing Union Pacific Rail Road to “clean up” their lead, arsenic, cadmium, etc. along ROW, the tribe gives in, in exchange for control over ROW land that does not belong to them . And they constantly claim to be good environmentalist, yet they fill in a wetland, to spread more development at their casino. Boo hoo!

Response The PEIS specifically excluded an assessment of the impact of historic mining and/or milling activities

on or near the Reservation. Please note, however, the removal of contaminants within the right-of-way located on the Reservation was more extensive than removals outside the Reservation.

Comment 028-063 Page 268, fourteen lines from bottom: The tribe, through the construction and operation of a beautiful golf course, and expanded hotel is pursuing a goal of making this area a destination resort and recreation hub. Through the diversification of its economic base, the tribe has the goal of bringing more jobs and revenue to this region. Call me crazy, but hasn't the tribe been stating throughout this whole DPEIS, that they want pre-settlement conditions? That they want building to only occur in designated areas; I guess their casino is a designated area, eh? How does expanding the casino area, make it more like pre-settlement? I am confused here! So are they, it sounds like!

Response The IRMP is a planning document that will be used internally by the Coeur d'Alene Tribe to help ensure that Tribal resources are protected and balanced with the increasing demand for development. The IRMP PEIS evaluates numerous land uses including development, conservation, rural, recreation, agriculture and forest.

Appendix D – Applicable Laws and Minimum Management Requirements

Comment 028-064 Page 299, fourteen lines from bottom: Indian Land Consolidation Act: This Act instructs and designates consolidation of reservation lands in order to retain contiguous elements of traditional tribal lands or reservations. This does not mean they can take privately owned or public lands and add it to trust lands as a "reservation". This is what the tribe is doing here! Except, they are not putting private/public lands into trust, they are just claiming all the land as 'their' reservation.

Response The Indian Land Consolidation Act was passed in 1983 and relates to the passing of fractional interests of an allotted tract by intestacy or devise.

Appendix E – Tribal Forest Plan Standards and Guidelines

Comment 006-009 1.2.1 FCP supports the first provision of 1.2.1: "Ground based skidding shall not be used where or when it would cause rutting, deep soil disturbance, or accelerated erosion." However, we note that the provision restricts tractor and rubber tired skidder activity to slopes less than 45 and 25%, respectively and in a manner more restrictive than does the Idaho Forest Practices Act Rules (IFPA) at 030.03, unless approved by the Interdisciplinary Team. FCP requests that the Tribe provide the technical basis and need for this restriction, and does not support this restriction prior to reviewing this information. Moreover, what is the Interdisciplinary Team, and what are the qualifications of personnel that comprise it?

Response Standard 1.2.1 is based on equipment operability, safety and erosion hazard for the most common forest soils on the Reservation. Cable Logging Systems by Donald Studier and Virgil Binkley, Table 1-1, Yarding Systems Capabilities shows limiting slopes of 20% uphill and 35% downhill for tractors and 15% uphill and 25% downhill for skidders. Another reference: Logging Practices by Steve Conway discusses operability of crawler tractors and wheeled skidders, noting less safety, lost ground for growing trees and erosion result from operating equipment on steeper slopes. He includes a table from Mayfield, "Skidding with Crawler Tractors", that characterizes tractor operability as good up to 30%, poor up to 50% and impractical over 50%; and skidder operability as good up to 15%, poor up to 25% and impractical over 30%. The limiting slopes for downhill yarding from Cable Logging Systems were used in Standard 1.2.1, because both types of equipment are preferentially used for downhill skidding.

The Soil Surveys of Benewah and Kootenai Counties both include a Table 6. Woodland Management and Productivity listing management concerns and potential productivity. Table 6 for Benewah County lists equipment limitations, predominately slight for soils on slopes less than 20%, moderate for 20 to 35% slopes and severe for slopes over 35% because of the erosion hazard and compactibility of fine textured soils that dominate the Reservation. Table 6 for Kootenai County lists both erosion hazard and equipment limitations. The trend is similar, except the erosion hazard is severe for some soils on 20 to 35% slopes with moderate equipment limitations, and severe equipment limitations on 35 to 65% slopes. That extra detail indicates erosion hazard can be mitigated

on 20 to 35% slopes (waterbars). These factors also contributed to the restrictions on tractors and skidders. Standard 1.2.1 used this information to clarify Rule 030.03.a. of the Idaho Forest Practices Act.

The Tribe's definition of the Interdisciplinary Team is as follows: Interdisciplinary (ID) team is a group of specialists assembled as a cohesive team with frequent interactions to solve a problem or perform a task. The Tribal Interdisciplinary Team is made up of Tribal professional natural resource staff members (i.e. Forester, Forest Development Forester, Fuels Planner, Fire Management Officer, Forest Roads Administrator, Fisheries Biologist, Wildlife Biologist, Water Resources Specialist, Cultural Resources Specialist) which can vary depending upon project needs.

Studier, Donald D. & Virgil W. Binkley. 1974. Cable Logging Systems. Division of Timber Management, Forest Service, U.S. Department of Agriculture, Portland, Oregon. (Reprinted by OSU Book Stores, Inc. Corvallis, OR, 1982);

Conway, Steve. 1976, 1982. Logging Practices: Principles of Timber Harvesting Systems. (Revised Edition). Miller Freeman Publications, Inc. San Francisco, CA;

Weisel, Charles J. 1980. Soil Survey of Benewah County. USDA, Soil Conservation Service, USDI, Bureau of Indian Affairs, in cooperation with University of Idaho, Idaho Agriculture Experiment Station;

Weisel, Charles J. 1981. Soil Survey of Kootenai County. USDA, Soil Conservation Service, in cooperation with University of Idaho College of Agriculture, Idaho Agriculture Experiment Station, USDI, Bureau of Indian Affairs, and the Idaho State Soil Conservation Commission;

State Board of Land Commissioners, 2000. Rules Pertaining to the Idaho Forest Practices Act Title 38, Chapter 13, Idaho Code. Idaho Department of Lands, Boise, ID.

Comment 006-010 1.2.2 This provision requires that “Cable or aerial yarding shall be used on most sites with slopes exceeding 45%, those on unstable soils and on slopes exceeding 25% that are located between a road and a riparian management zone.” FCP requests that the Tribe provide the technical basis and need for this restriction, and does not support this restriction prior to reviewing this information.

Response Please see response to Comment 006-009 above. The explanation for Standard 1.2.1 applies to Standard 1.2.2.

Comment 006-011 1.2.3 This provision generally requires designation of skid trails in advance of cutting to provide permanent stand access and that average spacing between trails should not exceed 100 feet between trails, whereas the IFPA only restricts trails to “minimum feasible width and number”. FCP requests that the Tribe provide the technical basis and need for this restriction, and does not support this restriction prior to reviewing this information.

Response The technical basis for designating skid trails to provide permanent stand access is research by Dr. Henry Froelich and others on soil compaction and reduced productivity. Spaced at 100 feet, approximately 11% of thinned settings were compacted, compared to 20% or more for logger's choice skidding.

Froelich, H.A., D.E. Aulerich, and R. Curtis. 1981. Designing Skid Trail Systems to Reduce Soils Impacts from Tractive Logging Machines. Forest Research Laboratory, School of Forestry, Oregon State University, Corvallis, OR.

Comment 006-012 1.6 Stream Protection. This provision requires that “Forest practice operations shall protect streambeds and streamside vegetation to leave them in the most natural condition possible to maintain water quality and aquatic habitat. Riparian management zones (RMZ) widths vary depending on stability of adjacent hillslopes, but should always encompass the 100-year floodplain.” FCP supports the goal of maintaining water quality and aquatic habitat. However, FCP does not agree that it is always necessary or even desirable to leave streamside vegetation in the most natural condition possible to maintain water quality and aquatic habitat, nor does FCP believe it necessary to always encompass the 100-year floodplain within the RMZ.

Response Comment noted. There are several management approaches to effectively address the problem of achieving multiple design criteria in riparian areas. Given the critical role that riparian vegetation plays in the dynamics of forest plant communities and numerous other ecological functions for other aquatic and terrestrial

communities, the Tribe has adopted management practices that are modeled after a maximum protection approach. This approach evaluates each of several design criteria (e.g., temperature moderation, LOD recruitment, sediment filtration, wildlife habitat needs, and floodplain and geomorphic function) in terms of buffer strip width and management operations, and then adopts a width so as to accommodate all criteria.

Maintenance of floodplain functions is an extremely important and frequently overlooked component of riparian management. Riparian vegetation protects these areas, and removal of this vegetation through harvest or road construction makes them vulnerable to massive erosion during subsequent floods (Johnson et al. 1985; University of Washington 1988). Buffer strips and adjacent wetlands can moderate flooding caused by the cumulative effects of timber harvest by adding hydraulic resistance from riparian vegetation and additional storage capacity at flood stage (Belt et al. 1992). In key watersheds on the Reservation, widespread channel instability has been directly attributed to removal and or alteration of vegetation in floodplains (Inter-Fluve 2002; Lillengreen et al. 1996).

Entire floodplains must be managed to function during the large flood events that occur several times (50-100-year intervals) throughout a forest rotation. These challenges require new and broader perspectives of our forests and streams across the landscape. These perspectives are increasingly being incorporated into riparian management systems and the Tribal recommendations are not unusually conservative for this part of the country, as is evidenced by other regional riparian zone guidelines. For example, the Forest Practices Board in Washington adopted the "Forest and Fish Report" which implemented riparian buffer zones ranging from 75-130 feet for perennial streams in eastern Washington forests. Also, the Forest Service is required by Executive Orders 11988 and 11990 (FSM 2527.03) to recognize floodplains and wetlands as specific management areas.

Belt, G.H., J. O'Laughlin, and T. Merrill. 1992. Design of forest riparian buffer strips for the protection of water quality: Analysis of scientific literature. Idaho Forest, Wildlife and Range Policy Analysis group, Report No. 8. University of Idaho, Moscow.

Inter-Fluve, Inc. 2002. Benewah Creek assessment and restoration prescriptions report. Preliminary project report, Submitted to Coeur d'Alene Tribe Fisheries Program, Plummer, ID. December.

Johnson, R.R. et al (editors). 1985. Riparian ecosystems and their management: reconciling conflicting uses. First North American Riparian Conference. USFS Technical Report RM-120. 523 p.

Lillengreen, K.L., A.J. Vitale, and R. Peters. 1996. Fisheries habitat evaluation on tributaries of the Coeur d'Alene Indian Reservation, 1993-1994 annual report. USDE, Bonneville Power Administration, Portland, OR. 260p.

University of Washington. 1988. Streamside Management Symposium Proceedings: Riparian wildlife and forestry interactions. College of Rest Resources, University of Washington, Seattle. February 11-13, 1987.

Comment 006-013 1.6.4.1 This provision requires that "Class I riparian management zones shall range from 100 to 200 feet horizontally on both sides of the active channel. Average width should be 125 feet for streams adjacent to stable hillslopes and 150 feet for streams adjacent to moderate and unstable hillslopes." FCP does not agree that riparian zones need be this wide in order to provide for near total provision of large woody debris (LWD), stream shade and temperature control, sediment filtering and other important riparian management benefits. In fact, FCP believes that the technical literature demonstrates that well over 90% of all LWD and potential stream shade is provided within one half of site potential tree height of streams, translating in Idaho to approximately 75 feet even on the most productive riparian sites. Similarly, sediment is effectively filtered by riparian zones as long as upland sources of erosion and concentrated discharges of sediment, such as from road culverts, are effectively regulated. FCP is also unaware of technical literature that supports the Tribe's provision for average RMZ width of 125 and 150 feet based on stable vs. unstable hillslopes.

Response Riparian zones are widely viewed as some of the most productive habitat types in western forests. Their values reach beyond water quality and aquatic habitat. Their value to neotropical songbirds, small mammals, amphibians, and big game are noted throughout the scientific literature. In their comprehensive review of riparian buffer recommendations Johnson and Ryba (1992) reported average widths ranging from 78 to 412 feet for meeting various functions of riparian areas (*See Table*). The Tribal Riparian Management Zone recommendations fall within the range of average values for this part of the country, as is evidenced by other regional riparian zone guidelines.

Range and average widths to retain riparian function as reported in the literature (from Johnson and Ryba 1992).

<i>Riparian habitat function</i>	<i>Range of reported widths in meters (feet)</i>	<i>Average of reported widths in meters (feet)</i>
Temperature control	11-46 (35-151)	27 (90)
Large woody debris	30-61 (100-200)	45 (147)
Sediment filtration	8-91 (26-300)	42 (138)
Pollution filtration	4-183 (13-600)	24 (78)
Erosion control	30-38 (100-125)	34 (112)
Microclimate maintenance	61-160 (200-525)	126 (412)
Wildlife habitat	8-300 (25-984)	88 (287)

The source-distance curves generated from empirical data and model simulations indicate that the proportion of total loading of woody debris from the riparian forest approaches 100% at a distance from the stream edge approximately equal to the site potential tree height (McDade et al. 1990; Robison and Beschta 1990; Meleason et al., in press). For large woody debris management alone, riparian management zone widths of at least 100 feet are required to maintain long-term inputs to streams and lakes on the Coeur d'Alene Reservation. Additional consideration of floodplain functions and wildlife habitat needs require even wider management zones.

The Tribe has adopted a variable width buffer by stream class based on adjacent hillslope stability following the lead of other state and federal management agencies. For optimal management of riparian resources, riparian management zones should have variable widths that are delineated at ecological and geomorphic boundaries (Gregory and Ashkenas 1990). Variable width buffer strips are prescribed in Oregon, California, and Washington under forest practice legislation and rules and regulation. Site-specific factors, including hillslope angle and stability, are used to refine the minimum or maximum widths prescribed in the law. Incorporating considerations of slope stability into buffer width prescriptions clearly has the potential to improve stream protection benefits.

Gregory, S.V., L.Ashkenas. 1990. Riparian Management Guide, Willamette National Forest. USDA Forest Service, Pacific Northwest Region.

Johnson, A.W. and D.M. Ryba. 1992. A literature review of recommended buffer widths to maintain various functions of stream riparian areas. Seattle, WA: The Division.

McDade, M.H., F.J. Swanson, W.A. McKee, J.F. Franklin, and J. VanSickle. 1990. Source distances for coarse woody debris entering small streams in western Oregon and Washington. Canadian Journal of Forest Research 20(3):326-330.

Meleason, M.A., S.V. Gregory, and J. Bolte. In press. Implications of riparian management strategies on wood in streams in the Pacific Northwest. Ecological Applications.

Robison, G.E. and R.L. Beschta. 1990. Identifying trees in riparian areas that can provide coarse woody debris to streams. Forest Science 36(3):790-801.

Comment 006-014 1.6.4.2 This provision of the Tribe's standards requires 100-foot no harvest zones adjacent to Class I streams and allows only partial overstory removal within the remainder of the RMZ. For reasons discussed above, FCP believes there is no technical justification for these restrictions. FCP would welcome the opportunity to review the Tribe's data and technical reports that they believe support these restrictions; in the absence of sound science that provides justification for these restrictions, FCP opposes them.

Response Within the Reservation watersheds, particularly those targeted for native trout restoration and recovery, lack of large woody debris, both within the stream channel and the adjacent floodplain, has been identified as a contributor to poor habitat quantity and quality in low-order streams (Vitale et al. 2004). Measured large woody debris volume in Reservation streams was one to three orders of magnitude lower than other forested streams reported by McGreer and Andrus (1992), Richmond and Fausch (1995) and Hauer et al. (1999). The paucity of

large stable wood and relative lack of habitat complexity may account for the low quantity of suitable spawning gravels in 2nd order tributaries (Vitale et al. 2003). The Tribe mapped usable spawning substrate and found suitable gravels were unevenly distributed and often associated with stable wood that increased channel bottom roughness (Vitale et al. 2003). The quantity of suitable spawning gravel was generally low, averaging just 4.1% of measured stream area. These results lie in contrast with those of Magee et al. (1996), who reported a wide variance in proportion of spawning gravel for a Montana stream basin, even among nearby reaches, and documented much higher proportions of suitable spawning substrate (up to 25%). The extent of instream wood shortages and the short- and long-term recruitment potential for large wood is poorly understood in the Reservation watersheds. Also the relationship between wood volume/frequency and fisheries production potential needs to be examined as part of ongoing physical habitat and population monitoring conducted by the Tribe. A more detailed and thorough assessment of recruitment processes and refinement of performance standards for LWD volume and frequency is needed to prioritize future efforts to address this limiting factor.

In the mean time, Tribal Riparian Management Zone prescriptions are designed to address these inadequacies by maximizing the opportunity for large woody debris recruitment within the Riparian Management Zone. Within the outer portions of the RMZ where recruitment processes are not likely to occur, the benefits of large woody debris for floodplain protection and maintenance, input of terrestrial food resources, and wildlife habitat justify the management recommendations.

Hauer, Richard F., G.C. Poole, J.T. Gangemi and C.V. Baxter. 1999. Large woody debris in bull trout (*Salvelinus confluentus*) spawning streams of logged and wilderness watersheds in northwest Montana. *Can. J. Fish. Aquat. Sci.* 56: 915 - 924.

Magee, J.P., T.E. McMahon, and R.F. Thurow. 1996. Spatial variation in spawning habitat of cutthroat trout in a sediment-rich stream basin. *Transactions of the American Fisheries Society* 126:768-779.

McGreer, D. J. and C. Andrus. 1992. Woody debris in streams and riparian zone management research. *Forest Soils and Riparian Zone Management Symposium*, Oregon State University, Corvallis, OR.

Richmond, A.D. and K.D. Fausch. 1995. Characteristics and function of large woody debris in subalpine Rocky Mountain streams in northern Colorado. *Can. J. Fish. Aquat. Sci.* 52: 1789-1802.

Vitale, A.J., D.A. Bailey, and R. Peters, K.L. Lillengreen. 2003. Fisheries Habitat Evaluation on Tributaries of the Coeur D'Alene Indian Reservation. 1998 Annual Report, DOE #10544-6. U.S. Department of Energy, Bonneville Power Administration, Portland, OR.

Vitale, A.J., D.W. Chess, D.S. Lamb, and M. H. Stanger. 2004. Implementation of fisheries enhancement opportunities on the Coeur d'Alene Reservation. 2003 Annual Report, Publication #00010885-3. U.S. Department of Energy, Bonneville Power Administration, Portland, OR.

Comment 006-015 1.6.5 Class II Streams. Similarly to our comments regarding Class I streams, FCP believes that the technical literature and data applicable to Idaho's forests does not justify the width (50 to 100 feet with an average width of 75 feet) and no harvest zone (innermost 50 feet) requirements of this section of the Tribe's Standards.

Response The processes of sediment storage and transport can be of critical importance in small intermittent or ephemeral headwater streams - considered as Class II or Class III streams in the Tribal standards. The relative stability of these channels can significantly affect the amounts of sediment transported by the stream (Montgomery et al. 2003; Swanston 1991). Recruitment of large woody debris to Class II streams is critical, as woody debris maintains the stair-step structure of steep stream channels, which is essential for trapping sediments and reducing water velocity (Mutz 2003). Mature riparian forests and large woody debris in streams can also serve to limit the downstream impacts of mass failures/debris torrents, particularly in headwater streams (Gregory and Ashkenas 1990). Streamside forests reduce the potential for local failures, and downstream riparian stands intercept and impede the flow of sediment and debris.

Increased suspended sediment and turbidity are major issues in water quality for Reservation streams. Most of the major streams on the Reservation are water quality impaired and will be subject to TMDL limitations for sediment and other pollutants. Sources of increased sediment load include both immediate harvest practices on site and associated forest-wide activities, such as road building. Riparian Management Zone prescriptions for headwater streams are a critical component of meeting beneficial uses for Reservation waters.

- Gregory, S.V., L.Ashkenas. 1990. Riparian Management Guide, Willamette National Forest. USDA Forest Service, Pacific Northwest Region.
- Montgomery, D.R., B.D. Collins, J.M. Buffington, and T.B. Abbe. 2003. Geomorphic effects of wood in rivers. Pages 21-48 in S.V. Gregory, K.L. Boyer, and A.M. Gurnell, editors. The ecology and management of wood in world rivers. American Fisheries Society, Symposium 37, Bethesda, Maryland.
- Mutz, M. 2003. Hydraulic effects of wood in streams and rivers. Pages 93-108 in S.V. Gregory, K.L. Boyer, and A.M. Gurnell, editors. The ecology and management of wood in world rivers. American Fisheries Society, Symposium 37, Bethesda, Maryland.
- Swanston, D.N. 1991. Natural processes. American Fisheries Society special Publication 19:139-179.
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Comment 006-016 1.7.5 “The Interdisciplinary Team shall consult the Tribal Cultural Committee and the Tribal Culture Program to establish protection for any known cultural resources.” Once again, FCP needs to understand whether the Tribe intends for this and many similar provisions of its Standards to in any way apply to FCP lands.

Response Sections 4.2.1 and 4.2.2 of the PEIS identify the federal regulations and policies that govern the identification, preservation, protection, and management of cultural resources. The Coeur d’Alene Tribe will comply with federal law with respect to its cultural resources, sacred sites, and traditional cultural properties. The Coeur d’Alene Tribe will exercise its authority consistent with its inherent powers, treaty rights, agreements and federal law.

Comment 006-017 4.7.2 FCP believes that the Standard regarding application of pelletized fertilizer is undefined for Class I streams and requires clarification before FCP can comment with regard to its practicality and need.

Response When applying pelletized fertilizer, the Tribe’s recommendation is to leave a minimum of fifty (50) feet untreated on each side of all Class I streams, flowing Class II streams, and other areas of untreated water. This was unclear due to a typo and has now been corrected. The PEIS has been corrected to state that, “When applying pelletized fertilizer, leave a minimum of fifty (50) feet untreated on each side of Class I streams, flowing Class II streams, and other areas of open water.”

Comment 006-018 1.1.2 Overall Objectives for the Riparian Management Zone (RMZ), and 1.1.4 Management within the Riparian Management Zone. Here we note that the Standards reference (McDade et al. 1989), asserting that McDade’s results demonstrate that 90% of the large wood in the channel originated within 92 feet of the stream in old growth and mature forests. McDade’s old growth data do demonstrate this relationship for western Oregon forests. However, her “mature conifer” data show that over 90% of all LWD was provided within substantially less width. Most importantly, her studies were conducted in western Oregon forests where site potential tree heights of 180 or more feet occur. These very data demonstrate that over 90% of all LWD recruitment occurs within a distance of 0.5 site potential tree heights. Rather than justify the Tribe’s RMZ Standards, these very data support narrower RMZ widths. Additional data provided by Murphy and Koski, 1989; Martin et al, 1998; Andrus and Froehlich, unpublished, reported in McGreer and Andrus, 1992; and by McKinley, 1997, further support that greater than 90% of all LWD originates from within distances of less than 50% of site potential tree height.

Response In a study of 39 sites in western Oregon and Washington, McDade et al. (1990) suggested that a 30-meter (98 ft) wide buffer strip would provide 85% and a 10-meter (33 ft.) strip would supply less than half the amount of naturally occurring debris. Other source-distance curves generated from empirical data and model simulations indicate that the proportion of total loading of woody debris from the riparian forest approaches 100% at a distance from the stream edge approximately equal to the site potential tree height (Robison and Beschta 1990; Meleason et al., in press). For large woody debris management alone, riparian management zone widths of at least 100 feet are required to maintain long-term inputs to streams and lakes on the Coeur d’Alene Reservation. Additional consideration of floodplain functions and wildlife habitat needs require even wider management zones.

McDade, M.H., F.J. Swanson, W.A. McKee, J.F. Franklin, and J. VanSickle. 1990. Source distances for coarse woody debris entering small streams in western Oregon and Washington. Canadian Journal of Forest Research 20(3):326-330.

Meleason, M.A., S.V. Gregory, and J. Bolte. In press. Implications of riparian management strategies on wood in streams in the Pacific Northwest. *Ecological Applications*.

Robison, G.E. and R.L. Beschta. 1990. Identifying trees in riparian areas that can provide coarse woody debris to streams. *Forest Science* 36(3):790-801.

Comment 006-019 1.1.2 Riparian Management Zone Boundaries by Stream Class. As indicated above, FCP believes that the Tribe’s Standards require riparian zone widths and restrictions that are not supported by the technical literature. FCP does not support these provisions in the absence of data demonstrating their justification. With respect to the provision of the Standards regarding shade; “* Shade Management No trees that provide shade to Class I or II stream channels shall be removed”, FCP does not believe that this provision is necessary for adequate control of stream temperatures, particularly for Class II streams. In fact, the technical literature demonstrates that shade can be removed from many riparian zones while providing for cold temperatures that provide full support of beneficial uses of the water including cold water biota and aquatic species that require cool waters.

Response Elevated stream temperatures are an important physical effect resulting from land-use practices, with consequences for aquatic ecosystems on the Reservation. Human alterations to the landscape of Reservation watersheds have indirectly harmed the aquatic environment through alteration of stream thermal regimes. Streamside riparian canopy closure has been systematically reduced in key watersheds that are targeted for salmonid recovery and restoration, and the older age riparian stands that have a moderating affect on stream temperature, provide large organic debris, and affect nutrient input and cycling have been particularly affected. For several key watersheds on the Reservation, the extent of riparian harvest ranges from less than 13% in Evans Creek, between 13%-33% for Alder and Lake creeks, and greater than 33% in Benewah Creek. Many 3rd and 4th order mainstem reaches exceed Tribal water quality standards for cold-water biota (*See Table*). Instantaneous maximum temperatures in excess of 20°C have been recorded in Alder, Benewah, Lake, Fighting, Hangman, and Willow creeks during each of the last ten years. In Benewah Creek, mainstem water temperatures increase as much as 3°C over a distance of approximately 5.6 km (unpublished 2005 data). Tribal riparian management recommendations that restrict harvest adjacent to Class I and II streams is a critical measure that is designed to minimize increases in water temperature as well as meeting other riparian resource objectives.

Exceedances of Tribal water quality standards expressed as # of days and percent time for selected subbasins in key Reservation watersheds (2005 data).

<i>Watershed</i>	<i>Subbasin</i>	<i>Stream Order</i>	<i>Hierarchy</i>	<i>Instantaneous Max. Temp (°C)</i>	<i>% Exceedance¹</i>
Alder	Upper Alder	4th	Mainstem	22.4	33 (15.4%)
Benewah	Upper Benewah	4th	Mainstem	20.7	40 (19.2%)
Benewah	School House	3rd	Tributary	15.3	0 (0%)
Evans	Lower Evans	3rd	Mainstem	17.0	0 (0%)
Lake	Bozard	3rd	Tributary	19.3	17 (7.9%)
Lake	Upper Lake	2nd	Tributary	20.7	26 (12.1%)
Lake	WF Lake	3rd	Tributary	17.7	0 (0%)

¹ Tribal Water Quality Standard: 7-day average of daily maximum temperature <18°C from July 1-January 31 for all cutthroat trout streams.

The scientific literature reports a range of buffer widths from 11-46 meters (35-151 feet) with a mean of 27 meters (90 feet) for providing temperature control (Johnson and Ryba 1992). Tribal management recommendations fall within the range of reported literature. Moreover, scientific reviewers in Idaho indicate that research does not show that maintaining 75%, or any other pre-harvest level of shade, will assure that salmonid temperature standards are met (Belt et al. 1992). Tribal provisions for no harvest in portions of the riparian management zone

are intended to improve and maintain water temperature conditions where beneficial uses for cold-water biota have been designated.

Belt, G.H., J. O'Laughlin, and T. Merrill. 1992. Design of forest riparian buffer strips for the protection of water quality: Analysis of scientific literature. Idaho Forest, Wildlife and Range Policy Analysis group, Report No. 8. University of Idaho, Moscow.

Johnson, A.W. and D.M. Ryba. 1992. A literature review of recommended buffer widths to maintain various functions of stream riparian areas. Seattle, WA: The Division.

Comment 006-020 Forest Roads Regarding the Tribe's Standards for forest roads, FCP finds these standards to be well organized and generally justified. While FCP has some specific concerns, we do not regard them as nearly as important as those that have been made regarding RMZ's and how the Tribe may intend to apply these Standards to private lands. Accordingly, FCP does not provide detailed comments on the roads portion of the Tribe's Standards at this time, but may do so at some future opportunity.

Response Comment noted.

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IRMP DPEIS Comment Letters



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 10
1200 Sixth Avenue
Seattle, WA 98101

November 17, 2005

Reply To
Attn Of: ETPA-088

Ref: 05-053-BIA

Debra Rosenbaum, Superintendent
Bureau of Indian Affairs
P.O. Box 408, 850 A Street
Plummer, ID 83851

RECEIVED

DEC 8 2005

BIA

Dear Ms. Rosenbaum:

The U.S. Environmental Protection Agency (EPA) has reviewed the draft Programmatic Environmental Impact Statement (EIS) for the **Coeur d'Alene Tribe Integrated Resource Management Plan** (CEQ No. 20050397), in accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act. Section 309, independent of NEPA, specifically directs EPA to review and comment in writing on the environmental impacts associated with all major federal actions and the document's adequacy in meeting NEPA requirements.

The draft Programmatic EIS evaluates a range of alternatives for land use, natural resource enhancement and protection, residential and commercial growth and development planning, and cultural preservation for the Coeur d'Alene Reservation. In addition, the EIS evaluates management of natural, cultural and environmental resources for the Tribe's aboriginal territory. The Integrated Resource Management Plan (IRMP) EIS focuses on the Coeur d'Alene Reservation and establishes 100-year Desired Future Conditions and 20-year resource goals for the Reservation. To a lesser extent, the IRMP EIS focuses on the Tribe's aboriginal territory by outlining a broad 100-year Desired Future Conditions for landscape and cultural resources.

We support the EISs assurances that Tribal water quality standards will be met and the best management practices proposed for various land management activities. We have assigned a rating of LO (Lack of Objections) to the draft EIS. This rating a summary of our comments will be published in the Federal Register. A copy of the rating system used in conducting our review is enclosed for your reference. While we have rated the EIS LO, we would like to take this opportunity to provide comments and suggestions for including additional information in the final EIS.

All of the action alternatives in the EIS provide annual harvest levels for fish species present on the Coeur d'Alene reservation and the Tribe's aboriginal territory. In addition, the action alternatives call for protecting and restoring varying acres of different wildlife habitats. The EIS needs to discuss how the harvest levels and habitat ranges compare to historic populations and ranges. In particular, the EIS should discuss how the fish species harvest levels

called for in the EIS compare to historic populations and if management activities will be employed to eliminate non-native species such as Kokanee and Brook Trout from the project area. Also, the EIS should discuss how the areas designated for restoration and protection under each action alternative compare to historic Palouse Steppe, moist coniferous forest and dry forest habitat in size and location within the project area.

Thank you for the opportunity to review this draft EIS. If you would like to discuss these comments in detail, please contact Mike Letourneau at (206) 553-6382 or myself at (206) 553-1601.

Sincerely,



Christine Reichgott, Manager
NEPA Review Unit

Enclosure

**U.S. Environmental Protection Agency Rating System for
Draft Environmental Impact Statements
Definitions and Follow-Up Action***

Environmental Impact of the Action

LO – Lack of Objections

The U.S. Environmental Protection Agency (EPA) review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC – Environmental Concerns

EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce these impacts.

EO – Environmental Objections

EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no-action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU – Environmentally Unsatisfactory

EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

Adequacy of the Impact Statement

Category 1 – Adequate

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis of data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2 – Insufficient Information

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses or discussion should be included in the final EIS.

Category 3 – Inadequate

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the National Environmental Policy Act and or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

* From EPA Manual 1640 Policy and Procedures for the Review of Federal Actions Impacting the Environment. February, 1987.

NORTHWEST REGIONAL OFFICE
Forest Management Inventory & Planning
Record of Management Planning Document Review

AGENCY Coeur d'Alene RESERVATION Coeur d'Alene
DOCUMENT TYPE Draft EIS summary DRAFT NO. _____
AGENCY CONTACT Tiffany Allgood FMI&P CONTACT Arnie
DATE RECEIVED 10/4/05 DATE TO RETURN 11/1/05 DATE RETURNED 10/26/05
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NWRO Division of Forestry reviewers:					
Name	Initials	Date Rcvd.	Date Done	Phone No. Area (503)	Comments
Terry Shand	TS	10/5/05	10/6/05	231-6932	Very well organized and presented
Mark Brown	MB	10/6	10/7	231-2273	very good
Arnie Browning	AB	10/4/05	10/5/05	231-6205	Nice Summary
Alex Whistler	AW		12/01/05	231-6802	
Dave Renwald	DR	10/7/05	10/7/05	231-6808	
Joe LaVerdure	JL	10/18	10/20	231-6801	
Cory Winnie	CW	10/12	10/12	231-6759	
Tom Branson				231-6797	
Gene Lonning	GL	10/20	10/21	231-2175	
Nate Shourds				231-6806	
June Boynton		June is on 1 Month Detail to			fax: (503) 231-6817

Last:

Return to Arnie Help Katrina Victims - will be back by 11/1/2005

12/1/05

Target Review Period is 20 work days



Coeur d'Alene Lake (Alison Meyer photo)

1.0 Purpose and Need

The Coeur d'Alene Tribe is developing an Integrated Resource Management Plan to address the natural resources and environmental issues that were identified in the Tribe's *Environmental Action Plan (EAP) Assessment of Environmental Concerns on and near the Coeur d'Alene Reservation* report. The National Environmental Policy Act (NEPA) requires that a range of alternative actions be developed and compared in an effort to minimize environmental impacts of proposed actions. The range of alternatives included in this Summary represent a diversity of perspectives on how the natural, environmental and cultural resources of the Coeur d'Alene Reservation and original territory should be managed. This Summary contains a description of the alternatives, identifies the preferred alternative and provides a summary of the environmental consequences of alternatives.

The purpose of the DPEIS and the NEPA process is to evaluate impacts of the preferred and alternative actions. This DPEIS has been prepared to inform decision makers and the public of impacts associated with each of the considered alternatives. It focuses on the issues and concerns identified by the public and resource agencies during initial scoping and subsequent public involvement activities.

1st use
spell out
DPEIS

- Maintain existing agricultural and forestlands in production.
- Encourage and designate appropriate areas for expansion of infrastructure (water, sewer, utilities, and roads) to meet the needs of recreational use.
- Encourage reduction of road density for a target road density of 3 miles/square mile.
- Encourage application of Tribal Forest Management Plan Standards and Guidelines, especially those related to riparian zone management.

LMR5: Agriculture (Light Yellow Areas on Maps)

This land use designation in the IRMP alternatives provides for the maintenance and protection of the rural and agricultural character of the Reservation. Agriculture would take priority over all other uses in this LMR.

- Encourage and designate areas for agricultural production.
- Allow for the designation of areas for recreational activities that are complimentary to agricultural land use.
- Where appropriate, recommend restoring agricultural lands back into forest or native grasslands.
- Discourage new infrastructure (water, sewer, utilities, and roads) development. Any new infrastructure needs would be compatible with the environment and on a case-by-case basis.
- Encourage reduction of road density for a target road density of 2 miles/square mile.
- Encourage application of Tribal Forest Management Plan Standards and Guidelines, especially those related to riparian zone management.

LMR6: Forest (Green Areas on Maps)

This land use designation in the IRMP alternatives provides for the maintenance and protection of the Reservation's forested areas. Forests and forestry activities would take priority over all other uses in this LMR.

- Encourage and designate areas for timber production. Recommend timber harvests that maintain an ecological balance and foster healthy habitats, consistent with the Tribal Forest Plan.
- Discourage new housing development

Add: Encourage protection and enhancement of non-timber resources (wildlife, fisheries, riparian, recreation) to extent compatible with timber development

compatible with timber development and production. agricultural or other land uses. , utilities, and roads) development. Any new infrastructure the environment and on a case-by-case basis.

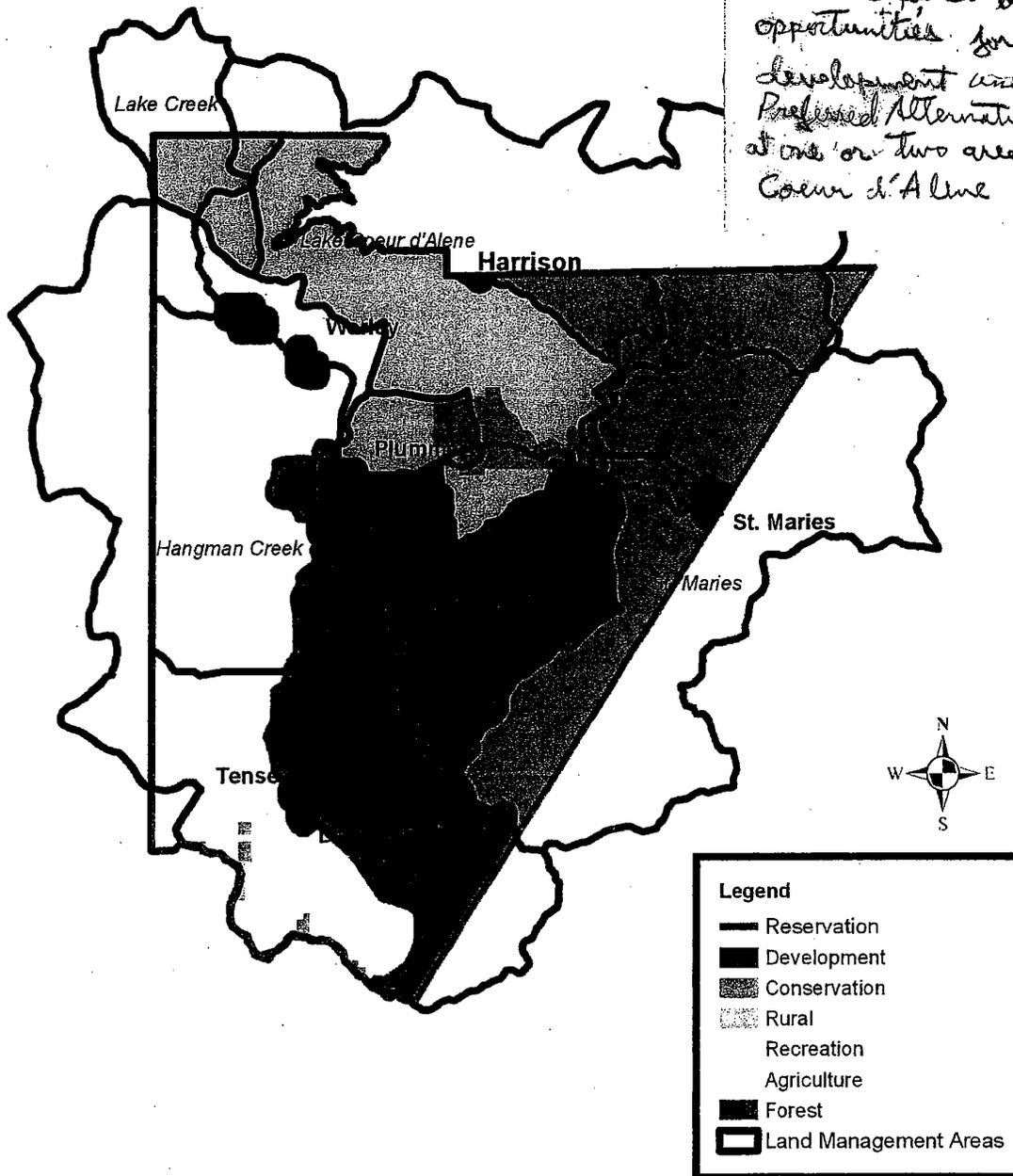
Tony Shand

ES 12

Letter 2 03

**Figure 2.3.1 Coeur d'Alene Tribe - IRMP
Alternative B**

It would seem that there should be some opportunities for recreational development under the Preferred Alternative especially at one or two areas on Lake Coeur d'Alene TS



gis3 d:\data\TIFFANY-EAP\buildout.mxd 10/8/02 modified by j.twoteeth 2/3/03



IDAHO FISH & GAME
PANHANDLE REGION
2750 Kathleen Avenue
Coeur d'Alene, Idaho 83815

Dirk Kempthorne / Governor
Steven M. Huffaker / Director

November 16, 2005

Ms. Tiffany Allgood
Environmental Programs Office
Coeur d'Alene Tribe
PO Box 408
Plummer, ID 83851-0408

Dear Tiffany:

REFERENCE: DRAFT PROGRAMMATIC ENVIRONMENTAL IMPACT
STATEMENT FOR THE INTEGRATED RESOURCE
MANAGEMENT PLAN

Thanks for the opportunity to review the draft programmatic EIS for the Coeur d'Alene Tribe's Integrated Resource Management Plan. It is clear that the Tribe has put considerable effort into development of the plan and the DEIS, and that there is considerable emphasis on managing fish and wildlife resources for the benefit of the Tribe, others, and the environment. This emphasis is particularly evident in Alternatives B and C, and in the interest of conserving, protecting, and restoring the rich wildlife resources of the area, we hope that both of these alternatives continue to be given serious consideration and emphasis.

As we understand the information provided, whatever alternative is selected, the Tribe proposes to work closely with other agencies and stakeholders to achieve resource management goals and objectives, including those for fish and wildlife. The Department looks forward to continuing, building upon, and adding to cooperative fish and wildlife projects with the Tribe, such as the cooperative elk study and kokanee population monitoring. As described, we believe there is substantial commonality in the Tribe's expressed desired future conditions for fish and wildlife, and management goals and objectives established by and for the Department.

Some specific comments, observations, and suggestions are as follows:

Fisheries

Native salmonids – Depending on the alternative, the 20 year goals for harvest of bull trout and cutthroat trout are up to 2,000 and 20,000 annually, respectively. Based on existing habitat conditions, the modified fish community, and the life history/reproductive capacity of these species, we believe it will be difficult to meet these goals. Even with the very aggressive habitat restoration approach the Tribe is pursuing, coupled with habitat restoration and other

conservation efforts by the Department and federal agencies, providing sustainable harvestable surpluses of these two species at high levels will not likely be achievable in the near future. Both species are highly susceptible to over-harvest. The Department would like to work closely with the Tribe in continuing to improve conditions for these two species, and making headway towards populations that are healthy and sustainable while providing for harvestable surpluses.

In the document's comparison of environmental consequences for each alternative, we note some possible inconsistencies with meeting the desired future condition provided for each alternative. For example, in order to meet stated goals for cutthroat trout, it would seem like Alternatives B and C would need to result in "major beneficial" changes to resource category indicators listed for fish. Likewise, we suggest that in order to achieve harvestable surpluses of bull trout, under that category (listed under TES), both Alternatives B and C would need to have "likely to beneficially effect" determinations.

We also noted that mountain whitefish, another native salmonid which is very resilient to high harvest levels, is not discussed, nor are goals provided. There may be some benefit to describing the potential for mountain whitefish to meet both subsistence and sport fishing goals.

Chinook and kokanee – Proposed goals for chinook and kokanee, at this time, appear to have a higher probability for being reached than those for westslope cutthroat and bull trout. The Department hopes to continue to coordinate closely with the Tribe on monitoring and managing these species.

Largemouth Bass – The goal of a 0.5 fish per hour catch rate on largemouth bass seems reasonable; however it appears smallmouth bass are occupying more and more habitat around the lake, and possibly displacing largemouth bass in some instances.

Wildlife

Stated goals for the desired future conditions for wildlife are consistent with Department management direction. We look forward to a continued strong working relationship with the Tribe on wildlife management programs.

Other

In reviewing the maps for the document, the maps do not depict where the Reservation boundary crosses Coeur d'Alene Lake. Also, it is not clear whether the map depicting the Tribe's aboriginal territory is meant to be equivalent to the Tribe's ceded area. If it is intended to depict the ceded area, it does not coincide with the depiction provided in the 1988 agreement between the Tribe and the State of Idaho for hunting fishing, and trapping; that may be an issue which needs to be resolved.

The Department recognizes the Tribe's legal authorities to regulate and manage fish and wildlife within the Reservation. The Department also recognizes its responsibility to manage fish and wildlife in a manner which considers the Tribe's rights, and desires for fish and wildlife within the ceded area, where the Department has legal authorities. We view the Tribe's Integrated Resource Management Plan as an important assertion of their desires for fish and wildlife

Ms. Tiffany Allgood – Page 3
November 16, 2005

management both on and off the Reservation, and will consider that and other input from the Tribe in managing fish and wildlife resources outside of the Reservation. Again, we hope to work cooperatively with the Tribe in managing the fish and wildlife resources that are such a valuable component of the north Idaho landscape.

We commend the Tribe for developing this comprehensive and integrated plan, and for developing alternatives that clearly and positively address fish and wildlife conservation in the future. We look forward to working with the Tribe to implement programs which continue to improve conditions for fish and wildlife in the region. Thanks again for the opportunity to provide feedback.

Sincerely,



Charles E. "Chip" Corsi
Regional Supervisor

CEC:kh

C: Tracy Trent, NRPB, IDFG Boise

KOOTENAI COUNTY COMMISSIONERS

STATE OF IDAHO
COEUR D'ALENE

S. J. "GUS" JOHNSON
RICK CURRIE
KATIE BRODIE



451 N Government Way
P O Box 9000
Coeur d'Alene, ID 83816-9000
Ph: (208) 446-1600 Fax: (208) 446-2178
Email: kcbocc@kcgov.us

December 14, 2005

Debra Rosenbaum, Superintendent
Bureau of Indian Affairs, Plummer Agency
PO Box 408, 850 A Street
Plummer ID 83851

RE: Draft Programmatic Environmental Impact Statement (DPEIS)
Coeur d'Alene Tribe Integrated Resource Management Plan

Dear Ms. Rosenbaum:

Thank you for allowing the Kootenai County Commissioners the opportunity to comment on the DPEIS for the Coeur d'Alene Tribe Integrated Resource Management Plan. The Board appreciates that many hours of due diligence were spent in development of the document.

There are portions of the document that may put the County at odds with the Tribe; however, the County desires to partner with the Tribe whenever possible. Some of the concerns that we have deal with zoning issues, property rights, exclusion of private land owners, and overall philosophy of how the County lands should be managed.

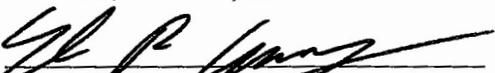
We are in support of the Tribe's ongoing concern of in-trust reservation properties, but believe that looking outside of the current established boundaries is not beneficial to all concerned. WE would encourage the Tribe to consider not only our constructive comments, but those of other agencies and private individuals as well, in the spirit in which they are intended.

The Commissioners' main goal and emphasis is to work with the Tribe for the betterment of Kootenai County as a whole. We look forward to future opportunities to work with the Tribe in this common goal.

Sincerely,

KOOTENAI COUNTY
BOARD OF COMMISSIONERS


S.J. "Gus" Johnson, Chairman


Elmer R. Currie, Commissioner


Katie Brodie, Commissioner

RECEIVED

DEC 16 2005

BIA

Fax

To: Coeur d'Alene Tribe

From: Benewah County Commissioners

Attn: Tiffany Allgood

Fax: 686-1182

Pages: 4 including cover

Phone:

Date: 12-13-2005

Re: Executive Summary and DPEIS

CC:

Integrated Resource Management Plan

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245-3212

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245-2421



County of Benewah

ST. MARIES, IDAHO 83861

Prosecuting Attorney
245-2564

Assessor
245-2821

Sheriff
245-2555

Coroner
245-2611

12 December, 2005

Coeur d'Alene Tribe
Natural Resource Department
Attn: Ms. Tiffany Allgood, EAP Coordinator
P.O. Box 408
850 A Street
Plummer, Idaho 83851
tallgood@cdatribe-nsn.gov

Ms. Debra Rosenbaum, Superintendent
Bureau of Indian Affairs, Plummer Agency
P.O. Box 408
850 A Street
Plummer, Idaho 83851

RE: Executive Summary and DPEIS
Integrated Resource Management Plan

Dear Ms. Allgood and Ms. Rosenbaum:

The Board of Commissioners for Benewah County has reviewed the Executive Summary for the proposed Integrated Resource Plan (IRMP) issued by the Coeur d'Alene Tribe. We are also currently reviewing the Draft Programmatic Environmental Impact Statement (DPEIS), which is voluminous. The comment period, although extended for an additional period of time to December 14, 2005, is insufficient to adequately review, research and develop comments on the entire DPEIS, and Benewah County will continue to monitor all activities conducted by the Coeur d'Alene Tribe that might affect the residents of Benewah County.

Ms. Allgood and Ms. Rosenbaum
Page Two
December 12, 2005

Without waiving any rights to future comments, objections or planning activities to be undertaken by Benewah County, the following observations and comments are submitted after review of the Executive Summary, including the alternatives developed, the preferred alternative (Alternative B) and the maps and illustrations included in the Executive Summary.

- I. During the last decade, the Coeur d'Alene Tribe has received ample funding from the taxpayers of the United States of America, by and through various federal agencies and funding sources, to develop a resource management plan for certain lands lying within the Coeur d'Alene Reservation. To the extent the IRMP and any future planning efforts are directed at lands and natural resources lying within the boundaries of the reservation that are owned either by the United States of America Department of the Interior as Trustee for the Coeur d'Alene Tribe as allotment or trust property for federally recognized tribal members of the Coeur D'Alene Tribe, or property owned by the Coeur d'Alene Tribe as a private property owner, Benewah County withholds comments or objections. However, Benewah County objects to and will not concede to any attempts made by the Tribe to impose land use planning, resource management planning or restrictions on private lands or natural resources owned, managed or operated by non-Indian owners within the boundaries of the Coeur d'Alene Reservation.
- II. For decades, Benewah County has actively engaged in land use planning consistent with state law. Benewah County has continuously maintained an active Planning and Zoning Commission to address long range planning and zoning issues, as well as to study and make recommendations on specific land use applications such as lot splits, subdivision development, and building permits. Further, Benewah County has a current Comprehensive Land Use Management Plan and is currently engaged in the development of a revised subdivision ordinance, a

Ms. Allgood and Ms. Rosenbaum

Page Three

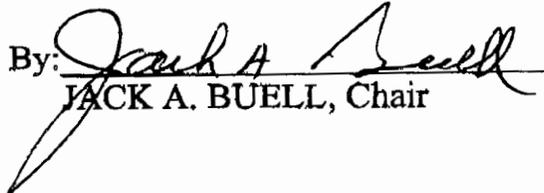
December 12, 2005

mobile home park ordinance, and a zoning ordinance. These county ordinances, in compliance with state law, are applicable to all properties and property owners located and residing within the boundaries of Benewah County. The Coeur d'Alene Tribe is encouraged to consult and coordinate planning efforts with Benewah County, the City of St. Maries and our planning and zoning commissions.

- III. The Executive Summary provides a limited overview of the Tribe's long range planning and resource management goals. Of significant concern to Benewah County are consistent references to "desired future conditions" and the applicability of the Tribe's resource management planning to areas outside of reservation boundaries and "aboriginal lands" or territories that are not part of the Coeur d'Alene Reservation. The State of Idaho and Benewah County are legally empowered to make planning decisions for all lands and natural resources lying outside of Reservation boundaries. The Coeur d'Alene Tribe is encouraged to consult with and make recommendations to Benewah County and the State of Idaho for land use and resource management issues beyond Reservation boundaries, as well as for any lands owned by private citizens or corporations within Reservation boundaries.

Sincerely,

BENEWAH COUNTY
Board of County Commissioners

By: 
JACK A. BUELL, Chair

JAB:naw

COMMENTS REGARDING
THE COEUR D' ALENE TRIBE'S
PROPOSED WATER QUALITY STANDARDS

AND

DRAFT INTEGRATED RESOURCE MANAGEMENT PLAN

Submitted By

Forest Capital Partners, LLC

Submitted To

Coeur d' Alene Tribe
Attention: Tiffany Allgood
Scott Fields
401 Annie Antelope Road
Plummer, Idaho 83851

Bureau Of Indian Affairs
Attention: Debra Rosenbaum
Superintendent, Coeur d' Alene Agency
P.O. Box 408
850 A Street
Plummer, Idaho 83851

U.S. Environmental Protection Agency
Region 10
Attention: Sally Brough
Water Quality Standards Unit
1200 Sixth Avenue
Seattle, Washington 98101

State Of Idaho
Department Of Environmental Quality
Attention: Gwen Fransen
Region Administrator
2110 Ironwood Parkway
Coeur d' Alene, Idaho

December 13, 2005

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I. Introduction

A. Purpose Of Comments

These comments are submitted by Forest Capital Partners, LLC ("FCP") with respect to the Coeur d' Alene Tribe's (the "Tribe") proposed water quality standards ("WQS") and draft Integrated Resource Management Plan ("IRMP"). The purpose of these comments is to inform the Tribe and interested government agencies as to items about which FCP has concern in connection with the actual application, in the context of practical use, of what the Tribe has proposed.

FCP believes that if amendments to the WQS and IRMP are shown to be warranted and justified, such changes can, and ought to be, made now before adoption of either the IRMP or the WQS.

These comments are submitted with respect to both administrative actions (the WQS promulgation and the IRMP adoption) because they have common issues of fact, law and application which make it convenient to address both items in one paper. This method will also make it more convenient for the Tribe and interested agencies to consider FCP's points.

B. Identification Of FCP

FCP is a privately held limited liability company with headquarters in Boston and Portland. It is in the business of acquiring and managing timberlands, through various legal entities owned by institutions and private investors including FCP, for sustainable, commercial timber production. (None of the legal entities or investors are members of the Tribe.) FCP actively cultivates, produces and sells timber products in the Pacific Northwest, Inland West, Southeast and northern Lake States. Since 2002, FCP has operated approximately 280,000 acres located in northern Idaho and eastern Washington.

In February 2005 FCP-affiliated entities acquired approximately 2.2 million acres of timberlands formerly owned by Boise Cascade Corporation, which are situated in various parts of the U.S., including Idaho. Even though FCP is a relatively new company, its land ownership includes parcels formerly held by companies with a long history in the region, including Plum Creek, Crown Pacific and Louisiana Pacific. In addition, some of the ownership goes back to the early days of Idaho's statehood; Diamond International, Burlington Northern and Pack River.

FCP is a "true" timber company, owning high value timberlands with freedom to manage them for maximum returns for its investors. It does not have any ownership interest

in sawmills and can therefore sell its logs to purchasers who's particular operation allows them to offer the best price. FCP sells its north Idaho-generated timber products to virtually all of the mills located in north Idaho, including those in Plummer, St. Maries and Coeur d' Alene.

FCP has region and other offices in various places in the U.S. Its Inland Region office is established in Coeur d' Alene, where approximately 10 foresters, other professionals and technical staff are employed. FCP, in addition, maintains offices in St. Maries (six persons) and Bonners Ferry (three persons), with respect to its Idaho operations. Many of FCP's employees have a long history in the "neighborhood" with their previous employers, including knowledge of the history of the Tribe and its operations.

FCP is managed by principals who are both professional foresters and seasoned investment managers. FCP's goal is to earn and maintain the trust and loyalty of its business partners-investors, mill customers, conservation interests- and the communities in which it operates, through performance, integrity and stewardship.

II. FCP's Interest In These Proceedings

A. Quantity And Location Of Fee Lands

FCP is interested in these administrative proceedings because it owns timberlands within the external boundaries

of the Tribe's reservation. In addition, it owns timberlands outside of the boundaries, but nearby them. And, some of FCP lands are located within the St. Joe River drainage basin.

According to EPA's Decision Document related to EPA's treatment of the Tribe as a state (August 6, 2005, p. 9), the reservation encompasses 343,000 acres within its boundaries. According to the draft IRMP, these acres exclude those encompassed by the Tribe's submerged lands. No information can be found in the draft IRMP, or elsewhere, as to the number of acres within the reservation which constitute trust lands, nor is there any information as to acres within the reservation owned by Tribe members. However, a cursory review of a land ownership map indicates that trust lands might constitute approximately 8,000-10,000 acres.

FCP fee timberlands within the reservation consist of approximately 6,474 acres. The FCP fee lands are comprised of 56 separate parcels. Almost all is managed for timber production. Some of the land adjoins Tribe trust parcels. The timberlands owned by FCP are accessed by public roads and easements granted by adjacent and nearby land owners, not by easements granted by the Tribe. The 6,474 acres are surrounded by State, federal and private lands, except

where Tribe trust lands are adjacent. The use of the surrounding land varies from recreation to timber production. FCP's land is open to the public for recreation, such as hiking and hunting, but not for other use. None of the FCP land within the reservation is adjacent to Coeur d' Alene Lake or the St. Joe River.

B. No Commercial Dealings With Tribe

FCP does not have, at the date of these comments, any business or commercial dealings or contracts with the Tribe related in any way to its fee lands, or of any other kind whether so related or not.

C. No Point Source Discharges

FCP does not have any point source discharges into the St. Joe River or its tributaries, and does not anticipate that it will have such discharges in the future. It does not have any point source discharges into Lake Coeur d' Alene or its tributaries, and does not anticipate that it will have such discharges in the future.

D. FCP Operations Upon Its Fee Lands

FCP does, of course, conduct timber harvest and silviculture operations upon its lands within the reservation. Therefore, FCP desires to understand the potential impact of any Tribe WQS upon its operations with respect to harvest and silviculture activities. Likewise,

it needs to understand how and when the IRMP might be implemented, because the forest practices provisions set forth there, when and if implemented, could impact FCP's activities if the intent is that the Tribe will regulate these activities.

III. Issues Regarding Proposed WQS

Set forth below are issues and questions which a review of the proposed WQS raise, in the context of practical application to FCP's operations upon its lands within the reservation. Comments are as follows:

Par. 1. Introduction. The introduction to the Tribe's Water Quality Standards (WQS) states that the Tribe "hereby establishes these water quality standards covering those surface waters of Coeur d'Alene Lake and the St. Joe River within the exterior boundaries of the 1894 Coeur d'Alene Reservation. Referred to herein as "Reservation TAS Waters". This statement seems to limit applicability of the WQS to these two waterbodies. However, per Par. 2, Definitions, the definitions for "Reservation Waters", "Coeur d'Alene Reservation Waters", "Reservation TAS Waters", and "Coeur d'Alene Reservation TAS Waters" include "lakes, rivers, ponds, streams (including intermittent and ephemeral streams), wetlands, and all other surface water courses within the exterior boundaries of the 1894 Coeur d'Alene Reservation", and subsequent sections (e.g., Par. 3. (1)) of the Tribe's WQS indicate that the WQS are to apply to this broader set of waters. FCP needs to clearly understand whether the Tribe intends that these WQS will apply to all of the waters set forth in accordance with Par. 2 of the Tribe's WQS. Moreover, FCP needs to understand whether the Tribe intends for these WQS to apply to waters within FCP lands and/or waters leaving from FCP lands.

Par. 2. Definitions. The WQS define best management practices (BMP) as "physical, structural, and/or managerial practices that, when used singularly or in combination,

prevent or reduce pollution." While FCP supports this definition, we have important questions regarding the applicability of Tribe BMPs to FCP lands within or outside the external boundaries of the 1894 Coeur d'Alene Reservation. Does the Tribe intend that its Tribal Forest Plan Standards, that FCP also comments upon, apply to FCP and other private lands either within or outside the external boundaries of the 1894 Coeur d'Alene Reservation in order to assure compliance with the Tribe's WQS, or otherwise?

Par. 2. Definitions. "Damage to the ecosystem means any demonstrated or predicted stress to aquatic or terrestrial organisms...which the Department concludes may interfere with the health or survival success or natural structure and functioning of such populations. This stress may be due to alteration of habitat..." This definition is incredibly broad and vague. In particular, FCP is concerned that use of "predicted" and "may interfere" and "as determined by the Department" could allow a determination of damage that is essentially arbitrary and capricious rather than as a determination that is based on rigorous science and procedures. Moreover, FCP does not understand why this definition within the WQS mentions terrestrial organisms.

Par. 2. Definitions. Under "Reservation TAS Waters" the WQS mentions "Attachments 1 through 4 hereto and referred to therein as "Reservation TAS Waters". However, no such attachments accompany our copy of the Tribe's WQS. FCP requests a copy of these attachments believing that they may help FCP understand the potential reach of the WQS and BMPs (see below).

Par. 2. Definitions. A definition is provided for "nonpoint source", which includes surface water runoff from forest lands. That, taken with the definition of "storm water", and also related to par. 6, the Antidegradation Policy where reference is made to "best management practices for nonpoint source control", along with par. 11(5) which deals with nonpoint source pollution of wetlands, renders the standards unclear. The reason they are not clear is because no "best management practices" are set forth, or referred to, in order that FCP will know exactly what practice it must follow to comply with the standard. The remedy might be to make clear either in the

WQS or in a preamble, that the standards, in this instance, are not applicable until the Tribe adopts by regulation EPA approved best management practices. Or, it might be made clear that for the time being, the Idaho Forest Practices Act controls.

Par. 3. General Conditions, (1). Here the WQS state "All Reservation TAS Waters shall be free from pollutants in concentrations or combinations that do not protect the most sensitive use of the water body..." Once again, FCP needs to understand whether the Tribe intends for these WQS to apply to FCP or other private lands within or outside the external boundaries of the 1894 Coeur d'Alene Reservation.

Par. 6. Antidegradation Policy (2). This policy in part provides that "the Tribe shall assure that there shall be achieved...all approved, cost-effective, and reasonable best management practices for nonpoint source control." Forest practices conducted on FCP lands within Idaho are regulated by the Idaho Forest Practices Act and its implementing rules and regulations that are recognized under Idaho water quality regulations as the designated BMPs for forest practices within Idaho. These rules and regulations are also approved under federal law by the Environmental Protection Agency as the BMPs for nonpoint forest management sources. FCP needs to understand whether the Tribe intends that its Tribal Forest Plan Standards apply to FCP and other private lands either within or outside the external boundaries of the 1894 Coeur d'Alene Reservation, and whether the Tribe intends to in any way replace or supplement Idaho's Idaho Forest Practices Act and its implementing rules and regulations with its own Standards with application to FCP lands. FCP is similarly concerned with respect to Par. 6. Antidegradation Policy (4) regarding outstanding resource waters wherein "the Department may require water quality controls, maintenance of natural flow regimes, protection of instream habitats, and pursuit of land use practices protective of the watershed".

Par. 13. Implementation. Here the WQS state "The requirements of these water quality standards shall be met for all waters of the Coeur d'Alene Tribe with approved water quality standards. No person shall engage in any activity that violates or causes the violation of these standards...all activities which generate nonpoint source

pollution shall be conducted so as to comply with this chapter. Compliance shall be determined by the Department." Once again, FCP needs to understand whether the Tribe intends that its Tribal Forest Plan Standards apply to FCP and other private lands either within or outside the external boundaries of the 1894 Coeur d'Alene Reservation, and whether the Tribe intends to in any way replace or supplement Idaho's Idaho Forest Practices Act and its implementing rules and regulations with its own Standards with application to FCP lands.

If the Tribe intends for these WQS and BMP Standards to in any way apply to FCP lands, FCP needs to understand how the Department would make such determinations, including the Department's procedures, and how FCP would participate in the process. FCP requests that the Tribe provide copies of any existing procedures to FCP for review, as well as any notice to the public giving them the right to participate.

IV. Issues Regarding Draft IRMP

Set forth below are issues and questions which a review of the draft IRMP raise in the context of practical application to FCP's operations upon its land. It is understood that, at this point, the IRMP constitutes goals, with no implementation mechanism yet in place. Nevertheless, FCP deems it prudent, and hopefully helpful, to point out concerns which might be addressed now, on the assumption that at least parts of the IRMP will be implemented by the Tribe in due course.

A. General Comments

The DEIS is well-organized and very readable, for a document of its size and scope. We found the concise description of both the 100-year "desired future conditions", and the 20 year goals for achieving those conditions, to be a good framework for the analysis of alternatives and provisions of the plan.

There are two goals of the desired future conditions for "biodiversity" (page 30 of the full DEIS) where there are clear mutual objectives—the control of noxious weeds and the need for environmental education in area schools. FCP agrees with both goals and points out that the Idaho Forest Products Commission, which we support, maintains an excellent educational program for students and teachers. We encourage the Tribe to work with the IFPC in exploring how their programs might complement the achievement of Tribe educational goals.

Obviously, private landowners within the Reservation boundaries will view the plan's provisions in terms of any potential impacts on their lands. We are no different in this regard. However, the numerous references in the plan to clarify that its provisions are "recommendations" which should be "encouraged" on lands other than those owned by the Tribe or allotted to its members is, in our view, a

sound approach. Our assumption is that, at some future point, the "recommendations" will be incorporated in various Tribal ordinances and rules. We will be interested in the Tribe's views on the legal mechanisms to build enforceability into the Plan.

B. Management of Forest Land Goals

FCP believes that its ownership within the reservation is exclusively within the "resource management area" designated as "Forests" in the "Land Management Recommendations" for Alternative B. Therefore, we view our management goals to be quite compatible with the Tribe's desire to manage these lands for forestry activities, primarily timber production. We do note three goals related to the management of forested lands that deserve broader discussion. They are:

1. "Establish biodiversity corridors through already-developed areas that are linked with adjacent natural areas" (page 22). We would like to know more about what is envisioned and how "already-developed areas" are defined. We would hope that prior or planned logging would not detract from the capability of commercially managed forest lands to help serve this function.
2. "Coordinate Tribal forest management practices with private forest land owners on the reservation to provide consistent management" (page 31). Forest Capital Partners actively manages its forests under sustainable guidelines set forth by the Sustainable Forestry Initiative®. The SFI process includes the establishment of a rigorous set of standards, and third-party field audits to ensure compliance. Forest

Capital became an SFI licensee in early 2005. We would like the opportunity to complete a detailed comparison of the Tribe's forest management practices with those sanctioned by SFI and those required by the State of Idaho to identify any differences.

3. "Expand the Tribal Water Resource Program to bring Reservation streams and lakes into compliance with the Tribe's Water Quality Standards by the year 2024" (page 32). This is similar to the previous point on coordinating forest management practices. FCP is bound by Idaho's water quality standards and the forest practices deemed necessary to meet them, including regular reviews of these practices and modification to them if they are not effective. Again, the provision in the DEIS for the IRMP found on page 24, "Continue to implement the Tribal Forest Management Plan on Tribal and allotted lands," and, "Encourage use of Tribal recommendations for minimum buffers on all Reservation streams", makes a useful distinction between private land ownerships within the Reservation boundaries and how they might be managed.

C. Specific Comments-Forest Plan Guidelines And Standards

Specific comments regarding proposed forest practices guidelines and standards are:

1.2.1 FCP supports the first provision of 1.2.1: "Ground based skidding shall not be used where or when it would cause rutting, deep soil disturbance, or accelerated erosion." However, we note that the provision restricts tractor and rubber tired skidder activity to slopes less than 45 and 25%, respectively and in a manner more restrictive than does the Idaho Forest Practices Act Rules (IFPA) at 030.03, unless approved by the Interdisciplinary Team. FCP requests that the Tribe provide the technical basis and need for this restriction, and does not support this restriction prior to reviewing this information. Moreover, what is the Interdisciplinary Team, and what are the qualifications of personnel that comprise it?

1.2.2 This provision requires that "Cable or aerial yarding shall be used on most sites with slopes exceeding 45%, those on unstable soils and on slopes exceeding 25%

that are located between a road and a riparian management zone." FCP requests that the Tribe provide the technical basis and need for this restriction, and does not support this restriction prior to reviewing this information.

1.2.3 This provision generally requires designation of skid trails in advance of cutting to provide permanent stand access and that average spacing between trails should not exceed 100 feet between trails, whereas the IFPA only restricts trails to "minimum feasible width and number". FCP requests that the Tribe provide the technical basis and need for this restriction, and does not support this restriction prior to reviewing this information.

1.6 Stream Protection. This provision requires that "Forest practice operations shall protect streambeds and streamside vegetation to leave them in the most natural condition possible to maintain water quality and aquatic habitat. Riparian management zones (RMZ) widths vary depending on stability of adjacent hillslopes, but should always encompass the 100-year floodplain." FCP supports the goal of maintaining water quality and aquatic habitat. However, FCP does not agree that it is always necessary or even desirable to leave streamside vegetation in the most natural condition possible to maintain water quality and aquatic habitat, nor does FCP believe it necessary to always encompass the 100-year floodplain within the RMZ.

1.6.4.1 This provision requires that "Class I riparian management zones shall range from 100 to 200 feet horizontally on both sides of the active channel. Average width should be 125 feet for streams adjacent to stable hillslopes and 150 feet for streams adjacent to moderate and unstable hillslopes." FCP does not agree that riparian zones need be this wide in order to provide for near total provision of large woody debris (LWD), stream shade and temperature control, sediment filtering and other important riparian management benefits. In fact, FCP believes that the technical literature demonstrates that well over 90% of all LWD and potential stream shade is provided within one half of site potential tree height of streams, translating in Idaho to approximately 75 feet even on the most productive riparian sites. Similarly, sediment is effectively filtered by riparian zones as long as upland sources of erosion and concentrated discharges of sediment, such as from road culverts, are effectively regulated. FCP is also unaware of technical literature that supports the

Tribe's provision for average RMZ width of 125 and 150 feet based on stable vs. unstable hillslopes.

1.6.4.2 This provision of the Tribe's standards requires 100-foot no harvest zones adjacent to Class I streams and allows only partial overstory removal within the remainder of the RMZ. For reasons discussed above, FCP believes there is no technical justification for these restrictions. FCP would welcome the opportunity to review the Tribe's data and technical reports that they believe support these restrictions; in the absence of sound science that provides justification for these restrictions, FCP opposes them.

1.6.5 Class II Streams. Similarly to our comments regarding Class I streams, FCP believes that the technical literature and data applicable to Idaho's forests does not justify the width (50 to 100 feet with an average width of 75 feet) and no harvest zone (innermost 50 feet) requirements of this section of the Tribe's Standards.

1.7.5 "The Interdisciplinary Team shall consult the Tribal Cultural Committee and the Tribal Culture Program* to establish protection for any known cultural resources." Once again, FCP needs to understand whether the Tribe intends for this and many similar provisions of its Standards to in any way apply to FCP lands.

4.7.2 FCP believes that the Standard regarding application of pelletized fertilizer is undefined for Class I streams and requires clarification before FCP can comment with regard to its practicality and need.

1.1.2 Overall Objectives for the Riparian Management Zone (RMZ), and 1.1.4 Management within the Riparian Management Zone. Here we note that the Standards reference (McDade et al. 1989), asserting that McDade's results demonstrate that 90% of the large wood in the channel originated within 92 feet of the stream in old growth and mature forests. McDade's old growth data do demonstrate this relationship for western Oregon forests. However, her "mature conifer" data show that over 90% of all LWED was provided within substantially less width. Most importantly, her studies were conducted in western Oregon forests where site potential tree heights of 180 or more feet occur. These very data demonstrate that over 90% of all LWD recruitment occurs within a distance of 0.5 site potential

tree heights. Rather than justify the Tribe's RMZ Standards, these very data support narrower RMZ widths. Additional data provided by Murphy and Koski, 1989; Martin et al, 1998; Andrus and Froehlich, unpublished, reported in McGreer and Andrus, 1992; and by McKinley, 1997, further support that greater than 90% of all LWD originates from within distances of less than 50% of site potential tree height.

1.1.2 Riparian Management Zone Boundaries by Stream Class. As indicated above, FCP believes that the Tribe's Standards require riparian zone widths and restrictions that are not supported by the technical literature. FCP does not support these provisions in the absence of data demonstrating their justification. With respect to the provision of the Standards regarding shade; "** Shade Management--No trees that provide shade to Class I or II stream channels shall be removed", FCP does not believe that this provision is necessary for adequate control of stream temperatures, particularly for Class II streams. In fact, the technical literature demonstrates that shade can be removed from many riparian zones while providing for cold temperatures that provide full support of beneficial uses of the water including cold water biota and aquatic species that require cool waters.

Forest Roads Regarding the Tribe's Standards for forest roads, FCP finds these standards to be well organized and generally justified. While FCP has some specific concerns, we do not regard them as nearly as important as those that have been made regarding RMZ's and how the Tribe may intend to apply these Standards to private lands. Accordingly, FCP does not provide detailed comments on the roads portion of the Tribe's Standards at this time, but may do so at some future opportunity.

V. Legal Points For Consideration

FCP is mindful that the Tribe desires to assert any and all jurisdiction over activities within its reservation to the full extent which is allowed by law. FCP does not criticize the Tribe's objective. However, FCP needs to obtain a clear understanding of exactly what regulatory

activity is planned by the Tribe, how the Tribe's plans may impact FCP's operations, and how the Tribe's regulatory scheme fits with regulatory schemes of other government agencies. In short, FCP needs to know what is expected and what it must comply with. It is not always clear from the Tribe's proposals what is intended.

In addition it is important for FCP to understand the Tribe's view, and the view of interested government agencies, as to the law which applies to the WQS proceedings and to the future implementation of the IRMP. Therefore, brief legal comments in outline form are set forth below. FCP assumes that the legal points will be addressed and explained by the Tribe and other government agencies as a part of the administrative action now underway.

A. Lack Of Administrative Record-WQS

There is no administrative record available, so far as we know, with respect to the Tribe's promulgation of WQS. If one is available, no public notice has been given as to where it is located and how FCP may review it.

Yet, the law is clear that when a state or EPA adopts WQS they must proceed through formal rule making to develop a complete administrative record. See Asarco, Inc. v. State, 138 Idaho 719 (2003) and the Idaho Administrative

Procedures Act as to the State of Idaho, and City of Albuquerque v. Browner, 97 F.3d 415, 424 fn 15 (10th Cir. 1996), and 33 U.S.C. s1313(d)(4) as to EPA. In Browner, supra, the court recognized that "it is the states and tribes which conduct rulemaking proceedings." Rulemaking proceedings generate an administrative record, something which has not been done here.

There is nothing in applicable law to suggest that the Tribe should act differently from states and EPA when it is the agency adopting WQS. It can be noted in this regard that EPA, in its Decision Document of August 6, 2005 associated with the TAS proceeding, found that the Tribe is expected to be capable of carrying out its functions in accordance with Chapter 26 of Title 33 of the U.S. Code. However, the Tribe is not actually doing so with respect to completely open, with a full record, administrative procedures associated with adoption of WQS. Usually, a full and complete administrative record provides a complete explanation of purpose, and lends clarity to what is proposed.

B. The Proposed WQS Are Too Broad

EPA makes clear in its TAS Decision Document (and associated materials), and the Tribe makes clear in its preamble to the proposed WQS, that the WQS apply only to

Lake Coeur d' Alene and the St. Joe River within the reservation boundaries. Moreover, the EPA TAS materials speak only to use of the WQS in connection with issue of NPDES permits. And, EPA points out in its TAS Decision Document (and associated materials) that the Tribe is delegated authority only to promulgate standards, not enforce them.

If EPA and the Tribe mean what they say, then provisions in the WQS which address anything else are outside the authority delegated. Examples are: Par. 2, definitions of "intermittent stream", "reservation waters", "disputed waters" and "wetlands". Par. 6, reference in the policy to "reasonable best management practices for nonpoint source control". Par. 11, reference to wetlands "which are considered Reservation TAS waters" is not applicable, because EPA has not defined such wetlands in its TAS Decision Document. Par. 13, Implementation, par. 14, Enforcement, and par. 15, Compliance Schedules, have no applicability under the circumstances, because EPA has not delegated authority to the Tribe for enforcement of the standards, and language within those sections implies that the Tribe does have enforcement authority. ("Compliance shall be determined by the Department", enforcement shall be through "all methods available to the Department".)

Therefore, the WQS should be revised to delete the provisions specified above. To leave such provisions in the standards creates uncertainty surrounding the Tribe's authority and surrounding the regulatory scheme.

C. Tribe Authority Over Fee Lands Is Not Clear

EPA's TAS Decision Document explains (pages 19-20) applicability of the delegated authority to fee lands both within and outside of the reservation "TAS waters". On the one hand EPA states "such lands are beyond the geographic scope of this approval". But, on the other hand, EPA points out that "effluent limitations in NPDES permits must assure compliance with downstream water quality standards."

This explanation is understandable with respect to NPDES permits and point source discharges. However, the explanation is not clear with respect to nonpoint source discharges, and more important, as to forest practices on fee lands within the reservation or on such lands outside the reservation. In short, what is expected by the Tribe and by EPA, given the language of the proposed WQS, regarding the Tribe's interest in nonpoint discharges to "TAS waters, and regarding forest practices on fee lands within the reservation?

Because of lack of clarity, and because of language in the proposed WQS which refers to best management practices

without pointing to particular ones, the WQS are rendered vague and they lack required certainty. Clarification of this point by the Tribe and interested agencies is warranted.

D. The IRMP Raises Tribe Jurisdiction Issues

EPA's decision to treat the Tribe as a state within the scope of EPA's Decision Document is understood by FCP, as explained by EPA in that document, to apply only to the Tribe's promulgation of WQS and certification of NPDES permits. Such decision, made pursuant to 33 U.S.C. s1377(e), is a matter different from the Tribe's right to regulate activities on fee lands within the reservation which are not based on the Clean Water Act.

With the Clean Water Act as a basis for Tribe regulation, EPA has concluded that a presumption exists as to the Tribe's inherent authority to regulate. Wisconsin v. EPA, 266 F.3d 741, 744 (7th Cir. 2001). Without that basis, the law is the other way; a presumption of no tribal jurisdiction over nonmembers exists, subject to the two exceptions set forth in Montana v. U.S., 450 U.S. 544 (1981). Ford Motor Company v. Todecheene, 394 F.3d 1170 (9th Cir. 2005), Atkinson Trading Company v. Shirley, 532 U.S. 645 (2001).

The burden is on the Tribe to show that an exception is applicable. Here, there are no consensual relationships between FCP and the Tribe, so that the "relationship" exception set forth in Montana, supra, is not applicable. As to the other exception, activities directly affecting the Tribe's health or welfare, the burden is on the Tribe to show that it is applicable, and it is a heavy burden. The impact of the activity to be regulated must be "demonstrably serious" (or "serious and substantial") and directly affect the Tribe's health or welfare. Montana v. EPA, 137 F.3d 1135, 1139 (9th Cir. 1998).

For the reasons explained, FCP requests that the Tribe take FCP's rights as a non-Tribe member operating on fee lands into account as it proceeds with its decision making process related to implementation of the IRMP.

E. EPA's TAS Record Is Weak

FCP will make one final point, least it be said that FCP should have spoken during the administrative proceedings. EPA's record in support of its TAS Decision Document is weak.

The reason FCP believes that the record is not sufficient to support the decision is that EPA has made clear in the course of adoption of its TAS regulations (40 C.F.R. 131.8) that it will evaluate on a case-by-case basis

activities on fee lands within the reservation to ascertain whether the tribe has inherent authority to regulate there to protect the health or welfare of the tribe. (See Wisconsin v. EPA, 266 F.3d 741, 744 (7th Cir. 2001)).

In these administrative proceedings the Tribe has not made any showing at all that any activities on FCP fee lands actually pollute "TAS waters", or that the activities have the potential to pollute such waters. Without such a showing, it is not possible for the Tribe to demonstrate that any FCP activities directly affect the Tribe's health or welfare, and that the Tribe is therefore legally entitled to regulate activities upon FCP fee lands.

VI. Conclusion

FCP respectfully requests that the Tribe and interested agencies consider the proposed WQS and draft IRMP in the light of these comments. FCP believes that revisions to, and clarifications of, the proposed actions are warranted.

Of equal importance, however, is FCP's desire to develop a working relationship with the Tribe. Not only is FCP a neighbor to the Tribe, but it also shares with the Tribe a long history of the property being managed as productive timberlands. FCP looks forward to the

opportunity to meet with Tribal representatives to explore shared interests, and to discuss the foregoing comments.

Dated this 13th day of December, 2005.

Forest Capital Partners, LLC

By



Kevin Boling, Inland Region
General Manager

Contact Persons:

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Fax 208-292-2469

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Phone 208-665-0666
Fax 208-665-0864

.....

P. O. Box #207
Harrison, Idaho 83833

North Idaho Citizen's Alliance

December 13, 2005

Bureau of Indian Affairs
Attn: Debra Rosenbaum, Superintendent
P. O. Box #408
Plummer, Idaho 83851

RECEIVED

DE 13 2005

BIA
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DEC 16 2005

BIA

Debra:

We are writing to represent our organization and express our objections to your proposed (DPEIS) Draft Programmatic Environmental Impact Statement for the (IRMP) Integrated Resource Management Plan.

We object for the following reasons:

While Alternatives "C" and "D" are not all that different from Alternative "B," these alternatives still represent major changes to large portions of land that you the Tribe do not own. We strongly feel that you should have "NO" input regarding the disposition or use of these lands.

We also oppose "Alternative B" because the Tribe has no business making recommendations for the management of natural, cultural and environmental resources on the Tribe's (former) aboriginal territory. This land is no longer within your reservation boundaries and you have no right to make recommendations on land you do not own.

It is very clear to us after reading this draft that Tribal needs are being considered ahead of others even though you have less than 1000 Tribal members versus thousands of non-tribal members who reside on former reservation land.

We do not choose to be regulated by a government in which we have no vote or voice. We prefer to be represented by our own government and state agencies that better represent our interests.

.....

Again, let us reiterate our position we oppose your (DPEIS) Draft Programmatic Environmental Impact Statement in preparation for the development of the Tribe's first (IRMP) Integrated Resource Management Plan.

Sincerely,



North Idaho Citizens Alliance Board Members:

Pam Secord, President

Mary M. Carver

Angie Morrow

Howard Wilson

Phil Sergent

Dean Gentry

Fred Shoenick

Tom DuHamel

cc: Mr. Stanley Speaks - Bureau of Indian Affairs

Governor Dirk Kempthorne

Benewah County Commissioners

Coeur d' Alene Lakeshore Property Owners Association

ERIC and Marianne Besaw
6827 E. Garnet Dr.
St. Maries, ID 83861

December 14, 2005

We would like to comment on the proposed Coeur d'Alene Tribe's Draft Programmatic Environmental Impact Statement (DPEIS).

We support Alternative A, the "no-action" plan. In our opinion, the existing laws, policies, land use practices, management plans and agreements that are currently in place are sufficient to ensure sound land management practices, as well as allow for management of our natural resources and provide commercial, industrial, residential and recreational opportunities. We do not see a need or benefit in changing the way land is currently being managed or the laws which govern its use.

Thank you for the opportunity to comment.

Sincerely,

Marianne R. Besaw

Eric Besaw

RECEIVED

DEC 16 2000

BIA

DEAR MISS ROSEBATHAM,

I OPPOSE THE TRIBE'S INTEGRATED
RESOURCE MANAGEMENT PLAN. I FEEL I
SHOULD BE ABLE TO DECIDE WHAT TO DO WITH
THE PROPERTY I OWN.

THANK YOU FOR YOUR TIME.

SINCERELY,



5305 E. O'Gara Road
Harrison, ID 83833
November 8, 2005

RECEIVED

NOV 9 - 2005

BIA

Bureau of Indian Affairs
Attn: Debra Rosenbaum, Superintendent
P.O. Box 408, 850 A Street
Plummer, ID 83851

Dear Ms. Rosenbaum

I called the BIA Office in Plummer at 686-1887 this morning at 0919 to ask you for a 60-day extension of the comment period for the IRMP DPEIS beyond the November 14, 2005 deadline, but a recorded message told me the current representative was not available, so I could only leave a recorded message of my own in return. When a name is published as the contact in the official documents, one would expect that person to be on duty and available. I am following up with this written request both to the BIA and Tiffany Allgood to confirm my telephone request. I would appreciate it if you would forward this to the appropriate agencies with a confirmation returned to us.

I previously requested and received the complete DPEIS which is 405 pages long. It is not an easy read for thorough comprehension of what is being proposed by the Tribe which will impact non-tribal residents within the Tribe's proposed boundaries of control and management. I am only one-third of the way through this lengthy document. As you know, only approximately 20 people attended the "Public Hearing" on October 19th in Plummer. (And "Public Hearing" was a complete misnomer! No discussions, just viewing slides and several display boards. We were two of those "20" people, so we know what we are talking about.)

This attempt to push something so monumental through the system is a major event and it deserves proper dissemination throughout the impacted area before it is set in stone. Only those few attending IRMP meetings are aware of the proposal at all. And for sure, the Tribe's proposed Alternative B will affect thousands of non-tribal property owners who don't even know it exists. In fairness, all people involved (including aboriginal lands) deserve proper notification and exposure to your DPEIS.

Therefore, our request for a 60-day extension of the comment period for the IRMP DPEIS is submitted herewith. Such extensions have routinely been granted on other important issues, so we would request and expect you to follow suit.

Thank you for your consideration.

Sincerely,

Angelo & Joyce Bissell
ANGELO and JOYCE BISSELL

cc: Tiffany Allgood

5305 E. O'GARA ROAD
HARRISON, ID 83833
DECEMBER 13, 2005

BUREAU OF INDIAN AFFAIRS
ATTN: DEBRA ROSENBAUM, SUPERINTENDENT
P.O. Box 408, 850 "A" STREET
PLUMMER, ID 83851

DEAR Ms. ROSENBAUM:

I **OPPOSE** THE COEUR D'ALENE TRIBE'S IRMP/DPEIS, ALTERNATIVES B, C AND D, WHICH ATTEMPT TO CONTROL LAND, AIR AND WATER ON PRIVATE, FEE-SIMPLE LAND AND UPON NON-TRIBAL RESIDENTS.

ALTERNATE A - NO ACTION - SHOULD PREVAIL. CURRENT LAND USE, RECREATION AND RESOURCE MANAGEMENT ACTIVITIES WOULD CONTINUE USING EXISTING LAWS AND POLICIES, LAND USE PRACTICES, MANAGEMENT PLANS AND AGREEMENTS. AND THE POPULATION WOULD BE ACCOUNTABLE TO ONLY ONE GOVERNMENT, THE ONE TO WHICH THEY PAY TAXES AND HAVE A VOICE! I SUPPORT THAT 100%.

I OPPOSE ALTERNATIVES B, C. AND D. THE TRIBE'S PREFERRED ALTERNATIVE B (WHICH INCLUDES MANAGEMENT PLANS FOR THE ABORIGINAL AREA) IS BASED ON THE TRIBE'S SUBSISTENCE LIFE STYLES THAT DO NOT EXIST AND HAVE NOT EXISTED FOR OVER 100 YEARS. THE VAST MAJORITY OF LAND AND PEOPLE IN THE ENTIRE AREA ARE NON-TRIBAL. THOUSANDS AND THOUSANDS OF PEOPLE WOULD BE SUBJECT TO THE "ALTERNATIVE" (B) OFFERED BY A 7-MEMBER TRIBAL COUNCIL REPRESENTING A CORPORATION/GOVERNMENT IN WHICH WE HAVE NO VOTE, NO VOICE AND NO REPRESENTATION.

THE IRMP/DPEIS ENCOMPASSES "FIVE MILLION" ACRES (THEIR QUOTE, NOT MINE) WHEN THE WORDS "ABORIGINAL LANDS" ARE USED. THIS PROPOSED PLAN, WHICH HAS NOT BEEN PUBLICIZED OUTSIDE OF SOUTHERN KOOTENAI COUNTY AND AN ADJACENT PORTION OF BENEWAH COUNTY NEAR THE TRIBAL HEADQUARTERS AREA, IS UNKNOWN TO THE VAST MAJORITY OF RESIDENTS (NON-TRIBAL) OWNING FEE-SIMPLE LANDS IN THE PROPOSED AREA. THAT IS NOT DEMOCRACY AT WORK TO SLIP SUCH A DOCUMENT THROUGH WHEN THOUSANDS AND THOUSANDS OF RESIDENTS ARE NOT EVEN AWARE OF THE "TAKE OVER" BEING PROPOSED. IF YOU DON'T BELIEVE ME, CANVAS PEOPLE ON THE STREETS OF BONNERS FERRY TO GRANGEVILLE, IDAHO, OR ROSALIA, WA, TO ST. REGIS, MT, AND ASK THEM HOW THEY FEEL ABOUT A TRIBE CONTROLLING THEIR LANDS TO FULFILL THE REQUIREMENTS OF THIS IRMP WITHOUT BEING ADVISED OF THE RAMIFICATIONS AND ALLOWED TO EXPRESS THEIR OPINIONS ON IT. THIS IS WHAT I WOULD EXPECT FROM A COMMUNIST REGIME, NOT A DEMOCRATIC PROCESS WHICH WE ADVOCATE IN OUR SYSTEM OF GOVERNMENT FOR FAIR AND RESPONSIBLE REPRESENTATION.

AGAIN, I OPPOSE THIS IRMP/DPEIS.

SINCERELY,

Angelo B. Bissell

ANGELO B. BISSELL

5305 E. O'Gara Road
Harrison, ID 83833
December 12, 2005

Bureau of Indian Affairs
ATTN: Debra Rosenbaum, Superintendent
P.O. Box 408, 850 "A" Street
Plummer, ID 83851

Dear Ms. Rosenbaum:

Regarding the IRMP/DPEIS, I am submitting the following comments by the extended comment period of December 14, 2005. **I OPPOSE** the IRMP/DPEIS for the following reasons:

Many things about the IRMP/DPEIS alarm me, but foremost is the attitude of "PRIMACY FOR THE TRIBE" which rears its ugly head often in this document. I do not agree with the wording which implies the Tribe's absolute governance over non-tribal people and/or their privately-owned lands. This is America where private citizens are not accountable to any foreign government. If this Tribally-proposed plan is implemented, it will give the Tribe the ability to force their regulations upon non-tribal, private property owners and we will be without recourse to oppose or change the regulation since a government in which we have no voice, no vote or no representation will be administering these regulations.

The Tribe's preferred Alternative B is incomplete and vague, allowing for more encompassing controls to be added at a later date as determined by the Tribe if it were to be implemented. Cases in point:

a) MANAGE THE UNIQUE AND DIVERSE RESOURCES FOUND WITHIN THE COEUR D'ALENE RESERVATION AND THE TRIBE'S ABORIGINAL TERRITORY: There are millions of "resources" in the Tribe's claimed "5 million acres" of aboriginal land. They can't even manage the poverty, drugs, alcoholism, housing degradation, etc., etc., on their own trust lands (approximately 66,000 acres) let alone trying to manage "resources" on 5 million acres. Come on, get realistic!

b) LANDSCAPE: BIODIVERSITY AND FORESTED LAND ACROSS THE RESERVATION AND ABORIGINAL TERRITORY ARE BEING LOST TO DEVELOPMENT AND RECREATION. ROAD BUILDING, TIMBER HARVESTING, AGRICULTURAL PRACTICES AND OTHER ACTIVITIES ARE DECREASING FISHERIES AND WILDLIFE HABITAT. THIS, IN TURN, THREATENS THE TRIBE'S ABILITY TO PRACTICE CULTURAL AND SUBSISTENCE ACTIVITIES: The Tribe has not practiced "subsistence" eating for decades. Nor have they carried out cultural activities in our area. Suddenly they are going to reinvent these activities so they can access or claim absolute control over areas on private property, anywhere in the 5 millions acres they claim as aboriginal? This is allowing the Tribe "carte blanche" with absolutely no limitations. Further, the Tribe's comments about THE CD'A LAKE SHORELINE IS IN DANGER

OF LOSING ITS ABILITY TO PROPERLY FUNCTION AS AN ECOLOGICAL SYSTEM DUE TO RECREATION ACTIVITIES AND OVER-DEVELOPMENT ALONG THE SHORELINES are not realistic especially when the Tribe worked in secret with the EPA, State and Union Pacific Railroad to develop a contaminated corridor into a trail **along the shoreline** which invites people to recreate in an area privately owned where they would not otherwise have access were it not for the trail. Along with their secret dealings, the Tribe made a trade-off, i.e., they agreed to drop the lawsuit against the UPRR if they were given jurisdiction over the south end of the trail from Harrison to Plummer. In other words, this supposed environmentally-oriented Tribe was willing to sacrifice their environmental issues to win control over land and get access to our privately-owned shoreline. The corridor remains contaminated and we landowners had to push them to achieve the slightest of cleanup remediation. This showed the Tribe's true interest which obviously wasn't the environment!!!

c) RECREATION: MANAGE THE RESERVATION SEGMENT OF THE "TRAIL OF THE COEUR D'ALENES: I own ½ mile of land under the trail. I am personally aware of the details since they affect me. At various IRMP meetings, attendees directed questions to Tiffany Allgood about how the trail related to the IRMP and Tiffay responded that it did not. Well, here it is in black and white. The "Lake Case" excluded the trail as being part of the reservation! But the Tribe has manipulated things to get their fingers in yet another pie.

d) WORK WITH OTHER ENTITIES AND THE PUBLIC TO EVALUATE PRIVATE, NON-TRUST AGRICULTURAL LANDS FOR PRODUCTIVITY AND TO DEVELOP MANAGEMENT RECOMMENDATIONS: I own both forest land and agricultural land; I seek guidance from my County Farm Service Agency (U.S. Department of Agriculture) when needed. Is the Tribe intending to supersede the Department of Agriculture??? I do not want to be accountable to a Tribe who seeks to control my land and tell me when I can log or which trees I can take or what I can grow on my hay field or that I must let my hay field go back to forest land!

e) HOWEVER THERE MAY BE A NEED TO MAKE SMALL OR LARGE CHANGES TO THE PLAN PRIOR TO ITS REVISION IN 20 YEARS: As I pointed out above, here is the "carte blanche" given to the Tribe on a silver platter!

f) SPIRITUAL/MORAL - MINOR RESTRICTIONS ON FREEDOM TO MAKE PRIVATE CHOICES: Wow, that is all encompassing! Again, carte blanche for the Tribe and they are not accountable to anyone nor can their restriction be contested. That is as wrong as it gets!

g) WHEN FULLY IMPLEMENTED (referring to water quality) THE PROGRAM WILL CONSIST OF CONSULTATIONS, PUBLIC HEALTH EDUCATION, PUBLIC AND PRIVATE WATER SYSTEM INSPECTIONS, BACTERIOLOGICAL SCREENING, AND DISINFECTIONS OF PRIVATE WATER WELLS: Again, this gives the Tribe carte blanche to come on my private land and tell me what I must do with my well to comply with **their** determinations. Not in my lifetime. There is a limit to what private citizens on their private land will put up with!

The more I type, the madder I get. This whole IRMP/DPEIS is

nothing more than a controlling document to give the Tribe power over non-tribal citizens and their lands. It should be trashed. Alternative A, which is a NO ACTION plan should prevail. Again, I **OPPOSE THIS IRMP/DPEIS DOCUMENT**, alternatives B, C and D.

Sincerely,

Joyce L. Bissell
JOYCE L. BISSELL

Del & BernaDeane Blackburn
32020 S. Bella Vista
Worley, Idaho 93976
12/18/05

Tiffany Allgood
Environmental Programs Office
PO Box 408
Plummer, Idaho 83851

Tiffany:

I realize that this is way past the due date but I wanted to comment anyway. We have been building our house and I have been working on my report on Hangman Creek work I did last summer, best excuses I could come up with. I agree with Preferred Alternative B in most ways. Actually I would prefer a mix of Alternative B and C.

The tribe is to commended for its effort in developing the plan document. I was impressed with the quality of work in developing the alternatives.

Del Blackburn

A handwritten signature in black ink, appearing to read 'Del Blackburn', with a long horizontal flourish extending to the right.

Letter 13 01

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Jack Bowlin, J-a-c-k B-o-w-l-i-n. 500
Windfall Pass, Plummer.

My comment is we've wasted a lot of energy on
the negative. If we would all get together and think
of the positive, we would get a lot more done and get
everything answered that way.

That's my comment.

.....
December 13, 2005
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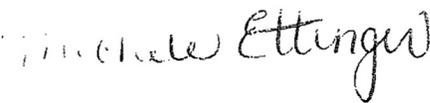
Bureau of Indian Affairs
Attn: Debra Rosenbaum, Superintendent
P.O. Box 408 850 A Street
Plummer, ID 83851

Dear Madam:

We have received a copy of your IRMP DPEIS and reviewed it. We cannot believe what you folks are planning to do. We OPPOSE your plan. It is unfair to assume that you can have control over all of the aboriginal lands, when much of it is now owned by private owners. We do not intend on telling you how to run your land and we don't appreciate you telling us what we can and cannot do on our private property. We all love nature and plan to protect it and utilize it wisely. If we didn't love the wildlife and beautiful scenery and serene lakes we wouldn't live here. Thank you for reading our comments.

Sincerely,

Michele Ettinger



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December 13, 2005

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Bureau of Indian Affairs
Attn: Debra Rosenbaum, Superintendent
P.O. Box 408 850 A Street
Plummer, ID 83851

Dear Madam:

I haven't had the time to totally study, the "D.P.E.I.S" OR THE "I.R.M.P.", but from the quick scan I had time for, it looks like the tribe wants to set democracy back a couple of hundred years.

It is my understanding that your folks came across a Siberian land bridge and mine came later from Europe. Both seeking new land and freedom from oppressive forces.

Now it looks like your tribe wants to have total control over what is yours on the reservation, what is mine on the reservation and what your ancients once set foot on or had a hunting or sight seeing excursion on and, also even control of an unreasonable buffer zone well beyond that!

Good grief, what happened to one person, one vote? Throw democracy to hell, is the plan as I see it, with out farther study or explanations
I TOTALLY OPPOSE THESE PLANS!!

Steve Ettinger



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Bureau of Indian Affairs
Attn. Debra Rosenbaum Supt.
P.O. Box 408, 850 A Street
Plummer, Idaho, 83851

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BIA

I Oppose the Draft Programmatic Environmental Impact Statement for the Integrated Resource Management Plan from the Coeur d'Alene Tribe.

The Coeur d'Alene Tribe and the Bureau of Indian Affairs have no business managing (controlling) private property.

The Supreme Court of the United States has ruled that the Indian tribes have no authority over anyone but tribal members.

In my opinion this is a way to circumvent the United States Supreme court.

I attended many of the meetings at the wellness center.

In my opinion the only purpose of these meetings was to give an air of respectability to the DEPIS-IRMP.

After a few meetings I could tell the agenda had already been set. Everything had to be acceptable to the Coeur d'Alene tribal council. Any other opinion was rejected or ignored.

The Environmental Protection Agency should have given the grant money to the counties. They could have held meetings and the people affected could have some effect on the overall outcome.

Also the only fair way to conduct a comment period is to notify every household affected by the Integrated Resource Management Plan and wait for their comments. Anything less is trying to slip this set of rules in the back door.

There are so many deceptions and half truths in this work it is ridiculous.

E. D. EVANS

Edmond Evans

copy to. - Debra Rosenbaum
Senator - Larry Craig
Senator - Mike Crapo
Representative - Butch Otter

Tiffany Allgood

From: John Ferris [jferris@smtax.com]
Sent: Sunday, November 27, 2005 9:31 PM
To: Tiffany Allgood
Subject: RE: Coeur d'Alene Tribe IRMP CAC - announcement

I oppose the CDA tribal IRMP. I would not like to be put under the power of the tribal council unless I have a vote.

John Ferris- CF
535 Main Ave., St. Maries, Id 83861
208-245-2180
Web page- www.smtax.com cell - 582-0894

From: Tiffany Allgood [mailto:tallgood@cdatribe-nsn.gov]
Sent: Thursday, November 10, 2005 10:27 AM
To: Alan Moomaw; Alison Squier; Angie L. Morow; Arlene Boss; Bernie Wilmarth; Brian Helmich; Brian Orr; Carrie Chalcraft; Carrie Cordova; Clerence Cross; Dautis Pearson; David White; Don and Rita Mueller; Donna J. Matheson; Eric Besaw; Eric Thomson; Erik Nielsen; Fred Bear; Greg Stern; Gregg A. Rayner; Jim Colla; Jody Pepion; John Ferris; Kate Kramer; Ken Reid; Kim Golden ; Larry Hampson / Laura Ackerman; Lunell Haught; Mark Addy; Mark Compton; Mark Cottrell; Patti Gora; Peg Carver; Roderick Sprague; Rodges Ankrah; Rodney Hennekey; Roger and Toni Hardy; Shawn Fly; Steve Weaver; Susan Martin; Susan Spalinger; Tim Vore; Valdasue Steele; Wave Reeves
Subject: Coeur d'Alene Tribe IRMP CAC - announcement

Hello,

I have attached a letter that announces an extension of the public comment period on the Coeur d'Alene Tribe's Integrated Resource Management Plan (IRMP) Draft Programmatic Environmental Impact Statement (DPEIS). Please review the letter for additional details about the extension.

Thank you,
Tiffany Allgood
Environmental Action Plan Coordinator

<<irmpextensionltr.doc>>

Dec. 13, 2005

To whom it may concern:

I am writing to oppose the CDA Tribe's Integrated Resource Management Plan (IRMP). This plan, if implemented, would give the Tribe power over non-tribal citizens not only on the CDA Indian reservation but also what they deem to be aboriginal territory. We, non-tribal citizens, would have no recourse whatsoever. The Tribe is already trying to impose hunting and fishing licenses on non-tribal citizens not to mention the infamous dock fees. We, non-tribal citizens, already pay hunting and fishing fees to the state of Idaho and the CDA tribal members do not have to pay either the state fees or the tribal fees yet we are expected to pay both. Extend this injustice to the 100-year (IRMP) plan and we have some very serious problems. I do not want the CDA tribe to have any jurisdiction over me or my private property whatsoever. I definitely stand in direct opposition to the (IRMP) plan. This plan would most assuredly be a dreadful disaster for people's private property rights.

For the record:



Bill Fletcher

444 Fletcher Road

St. Maries, Id. 83861

October 2,2005

Tiffany Allgood
P O Box 408
Plummer,Idaho 83851

RE: IRMP DPEIS

Dear Tiffany Allgood:

Thank you for sending to me the Executive Summary of the IRMP DPEIS. After many hours of reading this document many questions come to mind which I hope you may answer for me prior to the Octoer 19th hearing.

1. Will the Bureau of Indian Affairs, who are credited with processing the summary, correct the printing errors and redistribute a corrected copy soon?
2. In regads to Implementation and Monitoring (page ES 39). When an alternative is selected and a Record of Decision is issued and published in the Federal Register, what will the impact be to the Coeur d'alene tribal members and also to the non - tribal citizens within the geographical areas involved? Will the area included in the ROD be only tribal trust land or will it include all the land within the exterior boundaries of the aboriginal territory of the Coeur d'alene Tribe? Is the ROD such as this a regulation, a law or something else? Who will be responsible for enforcing the ROD? How does this work?
3. Have each of the city, county, state and federal officials and agency heads within the geographical area included in the planned ROD been supplied with the Executive summary and a copy of the complete IRMP DPEIS?
4. Is the Table 2.3.1 LMR (alternative B) correct in that there is no recreation acres? Is the map (2.3.1) correct with no rural or agriculture acres east of the Benewah Creek watershed?
5. Is the Table 2.3.2 LMR (alternative C) correct in listing no acreage for either rural or for recreation? This table lists 3,099 acres for development in the Hangman Creeek watershed. On the map this appears to be small area located soutwest of Plummer. The 3,099 acres comprise 57 % of the total development acres recommended from the total of 336,576 acre area. Please tell me the specific development plans for the 3,099 acres.
6. Please provide for me the definition of the following words and terms as used in the Executive Summary of the IRMP DPEIS and the complete IRMP DPEIS:

- A. **Culture** (as in "Tribal culture")
- B. **Sacred & culturally & cultural** (as in "Protect sacred and culturally significant sites and properties through the Tribal cultural program")
- C. **Tribal waters**
- D. **Subsistance**

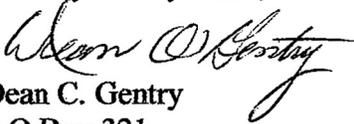
By what authority would anyone other than the State of Idaho regulate the use of public highways and roads within the State of Idaho as alternative B (page ES 35) recommends?

I have understood the Bureau of Indian Affairs is responsible to the Coeur d'alene Tribe for helth services of the tribal members. Am I in error? I am puzzeled as to why the tribal members have a need for assistance from the State of Idaho's Panhandle Health District as proposed on page ES 35. If you will explain this to me I will appreciate it.

What does the Coeur d'alene Tribal Government and the many tribal businesses presently do with their solid waste and commercial and household toxic/chemical waste? Is the environment presently being protected? Will the IRMP help the environment in regards to solid waste?

Tiffany, your timely answer to my (to many) questions will help me to understand discussion at the hearing and also to make better comments. Pleae send to me a copy of the complete IRMP DPEIS.

Thank you very much,


Dean C. Gentry
P O Box 321
St.Maries, Idaho 83861

Dean C. Gentry
P.O. Box 321
St. Maries, Idaho 83861

December 14, 2005

Bureau of Indian Affairs
Attn: Debra Rosenbaum, Superintendent
P.O. Box 408, 850 A Street
Plummer, ID 83851

RE: IRMP DPEIS Comments

Dear Debra Rosenbaum:

The Draft Programmatic Environmental Impact Statement (DPEIS) presented by the Coeur d'Alene Tribe September 2005 in a 405 page text is totally unacceptable. The document does not comply with CFR 40 Part 1500 - 1508. The DPEIS includes errors and blatant untrue information and a vast amount of unnecessary paper.

If a DPEIS is needed for the IRMP for the Coeur d'Alene Tribe for their reservation then the DPEIS and the IRMP should be prepared for the present diminished reservation. As certain as we (the Coeur d'Alene Tribe, the tribal members and all others) accept the fact the Coeur d'Alene reservation was established, then it follows that the very same governments which established that reservation also diminished that reservation. The cessions of the reservation are plainly acknowledged by the Tribe itself.

The DPEIS cannot be allowed to become a record of decision for hundreds of thousands of non-tribal citizens within 334,471 acres or within 5 million acres. The citizens and the communities and the governments within these areas were not included in this process. I personally attended many of the meetings. There were very few people at any of the meetings and there was never one tribal member at a meeting to express their views. There was no dialog or feedback to those attending. As you can see in the DPEIS, few if any questions, concerns or recommendations offered by those who gave their time to this project were ever acknowledged by the Tribal Council or a representative. I believe the lack of response by the Tribe contributed to the poor attendance to the low .2 % return of the survey used.

I personally talked with seven of the nine area County Commissioners and not one of the seven were aware of the DPEIS nor had they received a copy of it with an invitation to

Letter 21 01

make their comments.

Again, I oppose each of the alternatives offered in the DPEIS and I cannot accept the DPEIS as being of value or of meeting the requirements of NEPA or in compliance with the spirit of the law.

Sincerely,



Dean C. Gentry

Tiffany Allgood

From: RognToniHardy@aol.com
Sent: Sunday, October 30, 2005 12:59 PM
To: Tiffany Allgood
Cc: ksather@benewahcounty.org; kcbocc@kcgov.us; commsec@co.shoshone.id.us;
katiebrodie@adelphia.net; dharwood@house.state.id.us; Jvshep@aol.com; fnh1bh@icehouse.net;
sbrandt@senate.state.id.us
Subject: Request Time Extension IRMP DPEIS

Dear Tiffany:

We request an additional minimum of 60 days for comment on the IRMP DPEIS, since many area residents are only now (after the Gazette article last week) becoming aware of the Plan. In addition, the turnout for the "Public Hearing" was extremely low—around 20 people—and that does not represent even a smallest minority of citizens potentially affected and impacted by the Plan. In short, the two remaining weeks left before November 14 is simply not enough time for area citizens to read and ingest a 400 page document, as well as do the necessary background reading of former documents referred to in the DPEIS, about which many people knew nothing. For these reasons, we request the extension, particularly since the NEPA process includes public participation and an extension most definitely would give the public a chance to be voice their thoughts and suggestions.

We request that you forward this email to any and all government agencies involved with the IRMP, since no email addresses were provided by which to contact them. Thank you very much, and please cc us on the forward request so we can then write directly to these agencies.

In the past 8 years, we and other citizens have often requested time extensions to read technical documents that contain plans affecting directly our land. These requests have been granted on a routine basis, so we would expect this should not be a problem in this case.

Thanks very much,
Toni and Rogers Hardy (IRMP CAC Members)
Harrison, Idaho

L. Rogers and Antonia M. Hardy
31169 S. Benewah Road
Harrison, Idaho 83833
phone/fax: (208) 689-3731
email: rogntonihardy@aol.com

December 12, 2005

Debra Rosenbaum, BIA Superintendent
Tiffany Algood, Tribal EAP Coordinator

Dear Ms. Rosenbaum and Ms. Allgood:

We have read carefully the DPEIS for the Coeur d'Alene Tribe's proposed IRMP. Our comments, following, relate to one basic thesis: None of the alternatives presented are acceptable to us since we assert that our counties and the State of Idaho, to whom we pay taxes and from whom we receive services, are the sovereigns governing our land. And imperfect as they may be, the state and county agencies and services rendered provide for us (at least) some chance at voice, inclusion and recourse. Tribal programs and governance, however, violate our rights to due process, our civil rights to speak openly, and our rights to timely answers and free access to information. This DPEIS violates Article IV, Section 4 of the United States Constitution which guarantees all citizens a Republican form of government and protection from invasion. Quite simply, this DPEIS represents, to us, a clear invasion of our sovereignty as individuals within our democratic system, as well as a clear assault on our basic guaranteed citizen rights.

The DPEIS calls for (page 20) a *"move towards pre-settlement conditions"* within the 5 million acres claimed as aboriginal territory. This is, at best, impractical since the area encompasses east to Montana, north nearly to Canada, west to Washington state, and south below St. Maries. The reality is that these areas are all settled, predominately by non-tribal people, so it is offensive and arrogant to act as if we all do not exist. The latest U.S. census statistics for 2000 reflect the following:

--Of the 130,473 people living in Kootenai, Benewah, Shoshone counties alone, only 1.8% (2,294 people) report Native American or Alaska Native heritage. By county, the figures are: Kootenai: Of 108,685 total population, 1,304 (1.2%) report as Natives; Benewah: Of 8,961 total population, 798 (8.9%) report as Natives; Shoshone: Of 12,827 total population, 192 (1.5%) report as Natives. Since Y2K, the clear majority of land sales are fee simple transactions, and increased citizen population is overwhelmingly non-tribal. The population and the land included in this DPEIS covers non-tribal people who have not been included in the process to create this plan that usurps decision making from the agencies to whom they pay taxes, and from whom they receive services. At the same time, Tribal statistics (if accurate) number Tribal enrollment at "around 2,000, with less than half that number living on the (former) Reservation." It is unjust, absurd even, to suggest that a 7-member Tribal corporate government in which the overwhelming

majority of citizens have no voice, no vote, no representation, should be given the power to dictate policy for hundreds of thousands of people living and owning land within the aboriginal area that is already under county codes and control.

Page 2 states: *"The Coeur d'Alene Tribe (Tribe) has established goals to protect the cultural and environmental values of the Coeur d'Alene Tribe.....to provide social and economic benefits across the (former) Reservation and the Tribe's aboriginal territory."* This statement contradicts later assertions of a cooperative, collaborative, inclusive effort. The statement reflects clearly the Tribal bias that disregards our established county codes, authorities, jurisdictions, enforcement capacities. Existing federal laws already ensure compliance (NAGPRA, etc.) to protect Tribal values. In addition, the Tribe already participates (via a voting Commissioner) within the Basin Commission (BEIPC), as well as being supported by the Federal Government in current mediation with the State of Idaho over Lake Management issues. These actions work to insure Tribal environmental values are respected. The local governments (counties) do not enjoy the same status, nor are the counties given funding (as is the Tribe) to participate within these activities. The reality is that Tribal economic benefits from the Class III Casino exceed anything the counties can generate after paying required expenses. In fact, the Casino has forced small county businesses to close because they cannot compete with the massive Tribal developments.

Page 6 states: *"Input from an Interdisciplinary Team (IDT), government agencies and the public has been used to establish both 100 year desired future conditions and 20 year management goals."* First, the "Interdisciplinary Team" approach as advised by NEPA simply did not exist. We have clear documentation that as recently as this summer, Phillip Cernera, listed as an IDT member (P. 253) disclaimed any knowledge of the IRMP DPEIS or related processes on several TLG (Technical Leadership Group) conference calls. In addition, IDT members Jack Gunderman, Bob Bostwick and Cernera repeatedly denied any knowledge of the plan in 2000, even after (allegedly) checking directly with Tiffany Allgood who apparently told them, "no such plan for the Reservation exists." In truth, the IRMP process had been instigated in 1997, but as late as 2005, members of the IDT are disclaiming knowledge about, or participation in, the IRMP process.

P. 256 states; *"The first series of IRMP Public meetings was held in April and May of 2001. The CdA Tribe held the first IRMP Community Advisory Committee on May 31, 2001."* These "public" meetings began 4 years after the initial planning, about which the Interdisciplinary Team knew absolutely nothing, and from which (we assert) we were excluded by the very persons said to be working on the project!

P. 256 continues: *"The IRMP CAC advises the Tribe on the development of the IRMP. The IRMP CAC has been meeting as needed on the last Thursday of the month since it was formulated."* These statements are (at best) extremely misleading. The CAC did not meet at all for nearly two years, during which time this DPEIS became reality. We attended most of the CAC meetings, and our many questions remain unaddressed/ignored to this day. The clear message derived from our repeated

attempts to participate in these decisions is: The public--those holding fee title to the land in particular---IS NOT NEEDED!

Because this IRMP plan culminates in a Record of Decision (ROD) under NEPA, it is a legally enforceable document with which agencies must comply, due to the exceptional, exclusionary "consultation" processes afforded to tribes. Despite any Tribal disclaimers to the contrary, this makes the plan regulatory. At the same time, the public involvement (and county "consultations") have been superficial or non-existent, at best. Related to this, the EPA has submitted formal IRMP comments dated November 17, 2005. These comments include the puzzling statement that EPA "supports the EIS assurances that Tribal water quality standards will be met and the best management practices proposed for various land management activities." We view this statement as a "threat" to our state and county agencies' various processes, procedures and jurisdictions. It also is in opposition to repeated EPA assurances that partial TSTS status recently granted to the Tribe was implemented solely to "establish or set" Water Quality Standards (WQS) for "Tribal waters", but was in no way gave the Tribe any regulatory capacity. The clear implication in EPA's comments is that Tribal "LAND MANAGEMENT" activities (i.e. regulations imposed through Tribal decrees supported by exclusionary federal agency/tribal "consultations") will be imposed to support Tribal WQS. This conundrum brings in, of course, the issue of Lake Management and delisting the Lake from Superfund, as well as all the other BEIPC (Basin Commission) activities.

NON-ACCEPTABLE NEPA ALTERNATIVES PRESENTED IN THE DPEIS:

The maps are vague, non-specific, and contradictory. For example, the pink lines (P. 29) purport to show "Reservation Boundaries", while red lines show zones of development along highways, not boundaries. Shorelines are not shown, and no lakes, streams, waterways are depicted, yet the plan includes management of these areas. These areas are already under county codes, zoning, jurisdiction, but again, EPA comments of November 17 "support the EIS assurances that Tribal water quality standards will be met and the best management practices proposed for various land management activities." In short, nebulous maps and EPA support manipulate NEPA and bully citizens and our sovereigns.

P. 17 states Under "Land Use Recommendations Common to All Alternatives," that "The cultural land use of the Coeur d'Alene Tribe and input from all Reservation residents drive many common elements in each IRMP alternative." THIS IS BLATANT MISREPRESENTATION SINCE THERE WAS ALMOST ZERO PARTICIPATION BY (FROMER) "RESERVATION" RESIDENTS!!

Further, many "Land Management Recommendations" and "Desired Future Conditions" are not compatible with each other. For example, (P. 19) "Restore and maintain Tribal cultural land use for subsistence activities as desired" contradicts

"Encourage maintenance of existing farmland...." In addition, this recommendation is arrogant and self-centered since it would be the Tribe that does the "desiring", thus disregarding the majority of landowners who may hold cultural values different than the Tribal values. Additionally, "Development Areas" (LMR 1, P. 19) are too concentrated and exclude areas already developed that are under private ownership already zoned and under county codes and jurisdiction. The implication is that we who live there, do not exist, nor do we have choice in decisions made about our land.

"Conservation Areas" (LMR2, P.19-20) are meant to "maintain and protect Tribal cultural values," but they include vast acres of private property---some of it already developed---that was homesteaded as surplus land removed from the Reservation in 1909. The DPEIS proposes to "Discourage new pockets of commercial, industrial, residential, recreational, and government growth" on this land that is already zoned and governed by the counties and State of Idaho. This, quite simply, is doublespeak. At the same time, the Tribe is charging ahead with massive development of their Casino Complex/Destination Resort, with reported plans (Tribal Council Fires Newspaper, November, 2005) for a "major commercial retail development, on-reservation on the scale of Wal-Mart."

"Rural Areas" (LMP3, P20-21) "Provides for the 'working landscape' " (i.e., keep farms and forests for harvest), but this area is presently indistinguishable from the "Conservation Areas." The distinction between the two areas is arbitrary in all alternatives.

--"Recreation Areas" (LMP 4, P. 21) states that "Recreation opportunities would take priority over all other uses in this LMR." Yet we can only find this area designated on the map for Alternative D. Further, this area already has farms, homes, is almost all private property. More doublespeak! Also, it does not even include Heyburn State Park! The recommendations are very similar to LMP 3, an example of how vague and contradictory the whole DPEIS is.

--"Agricultural Areas" (LMP 5, P.21) Excluded from this designation in all alternatives are large acreages with existing farms, including all of Harrison Flats. This land use contradicts county zoning maps.

--(P. 23) "Continue to regulate all proposed encroachments within Tribal waters...." First, no federal agency has empowered the Tribe to regulate encroachments. In the DPEIS, only a Tribal law is cited (P.13). Second, regulation should be outside the scope of this DPEIS. Third, encroachment regulation should be ONE PROGRAM, coordinated jointly between the State of Idaho and the Federal Government for the Tribe, under the Lake Management Plan.

Page 26 states "Manage the Reservation segment of the Trail of the Coeur d' Alenes" This Trail is a repository for ore concentrate (mine waste spilled by Union Pacific Railroad.) As such, it is out of the scope of the DPEIS as stated (P.6) with

the words "The DPEIS does not assess the impact of historic mining and/or milling activities on or near the Coeur d'Alene Reservation..." In addition, the Trail is a precedent Superfund (CERCLA) Response action, yet the DPEIS specifically excludes CERCLA (P. 10) as a "Not Applicable" federal law. Further, there must be ONE PLAN for the entire 72-mile abandoned railroad corridor, and it must be managed under ONE TLOP (Trail Longterm Oversight Plan) that must be consistent with the Basin-wide ICP (Institutional Controls Program.) The idea of "Managing the Trail" under the IRMP is double-speak. Besides, the Tribe keeps saying the IRMP is NOT a MANAGEMENT PLAN, and then proposes to MANAGE the Trail within the same document!

In addition, page 133 states: "Recreational use and development contribute to the loss of habitat and affect the natural environment. Recreation around the lakes and waterways is expected to increase due to population growth in the region. Coordination and cooperation are necessary, in addition to long-term planning, to maintain appropriate recreational activities and retention of the natural environment." These strung together platitudinous statements stand in clear opposition to the secret, confidential, exclusionary negotiations culminating in the precedent Union Pacific Superfund Remedy "rail trail" that violated NEPA and the Congressional intent of the federal Railbanking law. The Tribe now proposes to bring the "stolen" private, reversionary land within the UPRR ROW under control of this DPEIS, from which all consideration of environmental consequences of railroad and mining contamination have been excluded. And, our years of letters, phone calls, pictures sent to the governments, including the Tribe, document how this Trail "remedy" continues to degrade the environment while also creating edge effects and loss of habitat to area wildlife. The hypocrisy is stunning, and there has never been any kind of "necessary coordination and cooperation" within the UPRR Superfund that has so negatively affected our natural environment.

--(P. 255) "The IRMP DPEIS has benefited from extensive consultation and coordination. Appendix C contains additional details on the results of the public involvement as well as more detail on agency consultations." Quite simply, there was ALMOST ZERO "consultation and coordination" with the public or with our local elected officials within our counties. This statement, in itself, is a violation of NEPA which is to be an inclusive and public process involving consideration of alternatives. NEPA warns against repetitious, padded documents and admonishes against "wasting paper." This DPEIS is a violation of those NEPA mandates. It is repetitious, unclear, contradictory, and it repeats the same information in several different formats.

The Preferred Alternative B considerations within the NEPA process (P. 248) are meant to show "Moderate" improvements to Tribal "Quality of Life Criteria", in contrast to the "Major improvements" depicted in Alternative C, and in contrast to the "Do Nothing Alternative A" and "Major damage" scenario of Alternative D. The Impact Summaries do not, however, specifically discuss how the alternatives actually will impact the vast majority of non-Tribal citizens/landowners within the

huge area covered by the DPEIS. To postulate that there will be "Moderate improvements in quality of subsistence resources, fairness and equity" under a plan that has disenfranchised the overwhelming majority of non-Tribal citizens in the area cannot be substantiated, even theoretically. In addition, since there are zero Tribal people today relying upon subsistence-level resources for economic subsistence, any increase in practices that are not currently happening, could be deemed a "moderate improvement." That is intellectually dishonest doublespeak.

Under Spiritual/Moral criteria, Alternative B (P/ 248) trades off "minor restrictions on freedom to make private choices" for "Moderate improvements in protection of culture, traditions, and religion." What "right" does the non-Republican 7-member Tribal Government have to approve (or enact) any kind of restrictions on "private choices"? These assertions are frightening, wholly unsubstantiated, and there has been zero measurement of clear violations to protected citizen rights, including abuses that have already occurred under this NEPA process. (In fact, the Tribe has written recently to the federal government to plead for streamlining the NEPA process to avoid dealing with cumbersome "citizen groups.")

As for Aesthetics, P. 248 under Alternative B, the "Moderate improvements in natural beauty, open space, and recreation opportunities" are unsubstantiated. This alternative presupposes agreement, of which there is none, as to the Preferred Alternative. Further, the extremely low 1.9% response rate ("112 of 6,000 Future Focus Questionnaires returned," P. 256) can hardly be called "agreement," particularly since the negative responses are not addressed. Also, only 7 people attended the 2002 Plummer "Scoping Meeting" (P. 291), and only 6 people attended the St. Maries meeting (P.293), and a combined total of 13 people can hardly qualify as representative of the huge affected population to "assist in the development of the IRMP DPEIS."

The projected "Moderate improvements in future generations, cultural diversity, and land integrity" postulated under Alternative B cannot be substantiated based on any "evidence" presented in the DPEIS. Ironically, it would appear that the last thing the Tribe wants is "cultural diversity," since the entire IRMP process so far, beginning with the EAP, has been exclusionary and slanted toward Tribal Council approved "wants." Evidence of this kind of corporate government controlled cultural Chauvinism can be seen in the fact that a separate IRMP meeting was held at the Casino (P.271) for "Tribal members/Native Americans." In fact, a former Tribal IRMP employee told us directly that Tribal people--Elders in particular---were discouraged from attending the IRMP CAC meetings. The almost non-existent participation by Tribal members substantiates this claim, and certainly nothing within the IRMP process has encouraged cultural diversity. The DPEIS represents, rather, single-culture impositions created with almost zero input from Tribal and non-Tribal citizens alike.

And the Alternative B projections for "Personal Well-Being" are equally as vague, skewed, and unsubstantiated. To state that Alternative B will create "Minor

improvements in income" and will create "Maintenance of health and peace of mind." is ludicrous. Upon what factual statistics are these assertions based? How can the Tribal Council presume to assert responsibility for maintaining the "health and peace of mind" for anyone, particularly when this statement speaks for hundreds of thousands of folks who know nothing about the plan!

The serious health issues related to the (excluded from the DPEIS) swaths of contamination within the 1500 square mile Bunker Hill Superfund do not affect directly any Tribal members or even Tribal lands. The Tribal trust lands lie far from the swaths lead, arsenic, cadmium, zinc, so any health issues cannot be correlated to the largest (or is it now second largest?) Superfund site in the Nation. The low income people in the Silver Valley and other areas grossly impacted by railroad and mine waste are much more directly impacted, and these issues are attempting to be addressed under NEPA/CERCLA auspices already.

APPENDIX A: HISTORY OF THE COEUR D'ALENE TRIBE

This abbreviated section contains revisionist history and omits mention of important local and national history. In so doing, ironically, this Appendix makes "invisible" the vast current majority of people living within (and owning the land) included in the aboriginal 5 million acres the DPEIS purports to include. Further, by omitting these facts, the DPEIS violates its repeated assertions of "collaboration, inclusion, cooperation," and denigrates its own goal to "moderately improve cultural diversity." (You cannot "improve diversity" when you refuse to acknowledge other cultures exist or have valid, legal claims to just "be." In addition, this section (as with all Tribal history we have seen) omits any reference to the 19th century journals of Jesuit Father Nicholas Point's illustrated diary (first hand account) of a priest in the Northern Rockies among the Coeur d'Alenes, Flatheads, and Blackfeet. Without in any way denigrating the importance of oral history, it seems intellectually dishonest to avoid Father Point's works.

Key omissions also include the cession from the Reservation of the UPRR Railroad easement, for which the Tribe was paid, thus making this land "Former" Reservation (as stated in the Supreme Court Lake suit), just like the Harrison Cession. Since the railroad was granted an easement, the land under this easement was included within the 160-acre homestead patents. In our family, the patent includes not only land under the easement, but acreage (now submerged) out into the Lake with an easement granted to Washington Water Power to store water there. Further, the opening of the Coeur d'Alene Reservation to homesteading under the Dawes Act is omitted, yet the overwhelming majority of the land the DPEIS purports to cover is private, fee simple land harking back to homestead times when it became former Reservation land. Also, the payment to the Tribe under the Indian Claims Commission (to settle land claims, once and for always) are omitted. And, the references to the Indian Self-Determination Act does not include the fact that nowhere in the Act does it state that the self-determination is meant to work to the detriment of legitimate U.S. citizen landowners.

P. 264 states that "Lands were made available for fee patent, while Tribal members were required to take parcels of lesser value. The big successful Reservation farms of the Coeur d'Alene families were broken up and made available to homesteaders. Tribal members essentially got what was left over, although the process was supposed to work in the opposite way." This blatantly false assertion comprises revisionist history. Tribal members had first choice when the surplus lands were opened, and they chose the best farm land. The sizes of their allotments were the same (160 acres) as the non-tribal public, who drew lots for surplus lands left over after Tribal members chose their limit. The homesteading public participated in a lottery after tribal members, who were encouraged by the Catholic Fathers to take farmlands, made their selections. The Catholic Missionaries urged the Indians not to take the land along the Lake because it was not tillable, and was of less commercial value at the time. Selectively interpreted, revisionist history has no place in a NEPA document.

Much of this historic Appendix A is general summaries of what happened to other tribes nationwide, and thus is not directly applicable to the Coeur d'Alene Tribe. (This is all too reminiscent of the Indian Land Tenure Class we took recently in St. Maries in which almost zero discussion or material related to the Coeur d'Alene Tribe. In fact, the Coeur d'Alene Tribe is somewhat of an anomaly among tribal horror stories. Not only did the Executive Order Reservation and subsequent homesteading come late, but also, by the time it came, there were some Tribal families owning several thousand-acre farms on the Palouse. These wealthy farmers did not want to lose land via the allotments. It was they, the rich Indian farmers, who protested losing their large land holdings.

In closing, this DPEIS, with specific reference to NEPA and to the Tribal Council's selected "Preferred Alternative B" consists of meaningless doublespeak, lack of substance, repetitious verbiage, and assertions that lack basis in fact. It is not only a stunning attempted abuse of basic protected citizen rights, but it is also a colossal waste of tax dollars. We urge a thorough investigation and accountability to taxpayers for this abuse of federal processes and public monies.

**Submitted by:
Rogers and Toni Hardy
Harrison, Idaho**

Bureau of Indian Affairs
PO Box 408,
850 "A" St.
Plummer, ID 83851
Attn. Debra Rosenbaum

RECEIVED

DEC 16 2005

BIA

In Opposition to the Proposed Tribal IRMP

We are opposed to the Coeur d'Alene Tribe DPEIS & IRMP plans, first and foremost, because they represent control over our property rights, property that has been lawfully purchased, with property taxes paid to our duly elected State and local governments for the better part of 100 years, without any provision for non-tribal landowners to participate in decisions regarding the use and enjoyment of our property.

Our allegiance is to our ELECTED government; national, state, and county, and the rights guaranteed to us by the Constitution of that government, not to any Sovereign nation within a nation, that picks and chooses which parts of the US government they wish to recognize.

Further, our opposition is about the Tribe's plan to control any development within reservation boundaries, and ultimately, in their self-described aboriginal territories, with the intent to move toward "pre-settlement conditions". Elements of a culture can be preserved, but all of us must move forward and accept the changing world around us, and make our place in it. I doubt the tribe, as a whole, has any more desire than we do, to return to primitive conditions, living on wild game, scrounging for camas root and other foraging food, dressing in animal skins, etc. Odd that the only areas in the "Plan" marked for expansion and development are where the tribe already has substantial, and growing business sites. Odd that they oppose growth, but apply daily to the "other" government for tax-dollar grants to bring decent housing, communication improvements, health care, education benefits, and a laundry list of other amenities to their members.

Until the Tribe proposes a plan that gives a voice and recognition to ALL people affected by it, we are opposed to its adoption.

Mrs Elaine Hart
Roy S. Hart
12988 Benevolence Cr Rd,
St Maries, ID 83861

November 11, 2005

RECEIVED

NOV 15 2005

BIA

Bureau of Indian Affairs
Attn: Debra Rosenbaum, Superintendent
P.O. Box 408, 850 A. Street
Plummer, Idaho 83851

RE: IRMP and Dock Fees

We strongly oppose the Coeur d'Alene Tribe's attempt to manage private land that they sold many years ago. If the land was sold they should not have anything to do with it. We pay property taxes to Benewah County not the Tribe. If the county can tax our property then it must not be part of the reservation. The Indians should have nothing to do with it.

We also oppose the Tribe charging dock fees. The one time fee was paid to the State of Idaho. We were charged an initial fee by the tribe which meant this fee was paid twice. We also don't think it is right to have to pay an annual fee when we have no say in how the money is spent. This is taxation without representation. This goes against everything our county stands for.

Thank you for your assistance in this matter.

Paul R. Jansson



Janet Jansson



1704 Cottonwood Dr.
St. Maries, Idaho 83861

The Coeur d'Alene Tribe can do anything it wants within the boundaries of the Coeur d'Alene Tribes' reservation. You can build your casino/golf course on the old pow-wow grounds showing respect or disrespect for the ancient culture and it is none of my business. It is my business when the tribe wants any kind of control over my land which is off the res. and yet within your proposed land management area as stated in the Coeur d'Alene Tribes Integrated Resource Management Plan.

I have had sympathy for the whites who live within the res. for a long time since they and their activities are under partial control of a tribal government in which they are forbidden to participate. As I understand it a white man cannot even attend a tribal council meeting where issues that will affect him are being decided. ~~Something is wrong with that.~~ The Constitution of the United States that we are all supposed to abide by is supposed to guarantee that we will not be subjected to government with no participation or representation. Now with these proposals the tribe is trying to force me into the same situation. Well boys, it sounds wrong to me and the whole ~~thing~~ ^{thing} looks a little racist. Racism in any form or from any quarter is unpalatable to me. I have all my life been and will always continue to be an activist for the equality of all races.

The Coeur d'Alene Tribal government has no more

Letter 26 01

business on my land since it is off the res. Then the
Canadian government and I will do battle for
my land whether it be against the Canadians or the
Coen'd Alone Tribe!



TOM LAMB
P.O. BOX 275
HARRISON
IDAHO 83833

Tiffany Allgood

From: Angie Lee Morrow [snipper@lmbris.net]

Sent: Tuesday, November 08, 2005 9:16 AM

To: Tiffany Allgood

Hello Tiffany: I left a message with BIA in Plummer, but it is just on a recording, so am also requesting from you, that the comment period for the IRMP DPEIS be extended. There is much to read, and way more to comment on, then any normal human could get done in the short amount of time given. Most people have jobs/families, and cannot spend all their time trying to comprehend what has been written. So, here is my request for you /or whomever, to extend the comment period beyond November 14th. Pretty smart for them to do this right before the holidays. I love tactics!

Thanks, Angie Lee Morrow

11/8/2005

A179

Letter 27 01

Debra Rosenbaum (BIA); Tiffany Allgood:

To Whom It May Concern:

Dec. 11, 2005

I am writing on behalf of myself, my family, and my friends and neighbors who reside in Kootenai County. First, I want to make it very clear (in case you don't understand this, after reading my comments which follow), that I am **OPPOSED** to the Coeur d'Alene Tribes IRMP DPEIS, and all it entails. I have fully read every page in your 405 page book, as well as re-reading areas I questioned. I have spoken with other people who have read it, to make sure I fully understand what I am reading, and I do.

This whole EIS is full of things that benefit the tribe; we the non-indian majority on this former reservation, are an afterthought. I find it irrational that you believe you should be in charge of areas, which our counties already maintain. You couldn't even take care of the garbage problem over in the Plummer area, with St. Maries, (the garbage bill remaining unpaid, while the commissioners in Benewah county, fought with you to pay it!) yet you think you can manage the whole aboriginal territory? That is just stunning to me. We already have the services you wish to run/control/organize/oversee, in our counties, run by our elected officials. Personally, I think you should run/control/organize and oversee your Tribal Trust Lands, and stay out of privately/publicly owned lands. You are not our government.

Besides, Tribal governments are non-republic governments, where we (non-Indians) have no voice and our Constitution guarantees to each state a republican form of government for its citizens (I being one). If you are unfamiliar with the US Constitution, this would be located in Article IV, Section 4. Your IRMP DPEIS states it in under Preferred Alternative B, that (page 73, second paragraph) Moderate improvements in protection of culture, traditions and religion. Minor restrictions on freedom to make private choices. Now, this just goes right against MY CONSTITUTIONAL rights.

I must thank you for the long, monotonous read to educate myself on what you are trying to do. Your book was repetitive, and definitely something one must really think about. I also am unhappy with your meetings, as the last IRMP I attended, did not allow us to ask any questions, in which someone there would answer. We were given an option of having a court reporter take our questions, but like all the other times we legitimately try to get answers from the tribe, we never do. I used to take great pride in the Indian History and heritage of our area, but then I read your DPEIS, and I see that you are changing the history to suit yourselves. I commented on this later in this letter. This whole thing just makes me sad now, and I have little pity for a Council of 7, who fail to take care of their own members. Don't try to take on more then you can deal with. Your past history shows that this is the case.

Very Sincerely OPPOSED,
Angie Lee Morrow
Angie Lee Morrow
6397 E. Van Dusen Rd.
Harrison, Idaho 83833

Page 2, nineteen lines from top: The IRMP will, in turn, provide management guidance for the Tribe's natural, environmental and cultural resources it will also empower them, thru the Federal Government, to 'govern' what anyone living within the Aboriginal territory, does with their land, etc. When the NEPA process is fulfilled, and if it is okayed, then the Feds step in to enforce, what the Tribe wants, set to their guidelines.

Page 2, 8 lines from bottom up: manage the unique and diverse resources found within the (former) Coeur d'Alene Reservation and the Tribe's aboriginal territory. Resources are on everyone's lands. It includes water, timber, minerals etc. This basically means that they want to manage ALL Also; aboriginal territory goes north to Canada, east into Montana, west into Washington, and south to the (former) Nez Perce reservation. That is a huge area to manage (by a tribal council of 7 people?) Page 4 shows aboriginal territory.

Page 7, seven lines from top: Preserve, protect, manage and enhance tribal culture including sacred areas and elements, culturally significant sites, historically important sites, and traditional uses of the landscape. Elements include air, water, earth and fire, so, that takes in a lot, then I ask myself, where will significant sites, pop up? Will they show up on my privately owned land? Will the tribe trespass on my land, to traditionally use my landscape? This leaves a lot open to question.

Page 8, Landscape; Biodiversity and forested land across the (former) reservation and aboriginal territory are being lost to development and recreation. Road building, timber harvesting, agricultural practices and other activities are decreasing fisheries and wildlife habitat. This, in turn, threatens the tribe's ability to practice cultural and subsistence activities. The CdA lake shoreline is in danger of losing its ability to properly function as an ecological system due to recreation activities and over-development along the shorelines. Personal watercraft and boats are also affecting CdA Lake's water quality and increasing erosion. First, the tribe no longer practices subsistence eating, so that nullifies that concern. Secondly, the tribe is developing a wetland where there casino sits, so if they can develop and 'endangered wetland', why should they be so concerned over this?

Page 12, bottom of page it states: On-Reservation Hunting, Fishing & Trapping, Permit from the tribe is needed to hunt on the reservation (tribal members need to have their tribal identification only). Again, the only land that is "reservation" is tribal trust lands, held in trust by the Federal Government. State land, open to the public, should not be managed/permits given, by tribe, to NON tribal members. Non tribal people, pay Idaho Fish and Game for permits to hunt. Why should the tribe get these dollars?

Page 13, second column from top: Boating on Tribal Waters, All vessels on Tribal waters need to be registered with the tribe. According to the Lake case, the tribe does not own the water. Why should we pay for boat registration, when we pay it to the state, plus, we would then be paying two fees on Cd A lake, since many people go up the Joe, etc? This is ridiculous.

Page 13, third column down from top: Encroachments, Permit from the Tribe is needed for all encroachments on the part of the CdA lake that is owned by the tribe. With this, they mean the dock permits. Most people with docks, prior to the losing of the Lake court case in 2000, paid the one time fee to the State of Idaho, for their permit. Now the tribe is trying to tax the public, by requiring them to pay a yearly fee, yet, as a land owner on a body of water, we legally have the right to wharfage without taxation by a government that we cannot vote for. This just should not be allowed by our state.

Page 19, second line from top: Restore and maintain Tribal cultural land use for subsistence activities as desired. I question what this means. As desired by whom? The tribe? Where are they going to restore it, and how will it be maintained? What about private lands?

Page 19, sixteen lines from top: Encourage infrastructure development and designate areas for similar commercial land use such as business, industry, high density residential, recreation (commercial and private), and government facilities. What is considered private? How will it be designated, and by whom? Why are they trying to control all that is included in this section? This is everything in the counties. Not a good thing.

Page 19, third line up from bottom: provides for the maintenance and protection of ecological and tribal cultural values, which are an integral part of tribal existence. Here I want to know, what about non-tribal 'values'? Why are only tribal values important? This must be part of the 'primacy' the tribe wants.

Page 20, four lines from top: Encourage and designate areas of existing ecological and tribal cultural significance for protection. Increase restoration activities to move towards pre-settlement conditions. Pre-settlement means, before homesteading occurred. How does the tribe intend to do this, and on private/public lands?

Page 21, 8 lines from bottom: where appropriate, recommend restoring agricultural lands back into forest or native grasslands. Who determines where it is appropriate, and if it is on private land, how will it be enforced, if the land owner doesn't want it?

Page 22, fourteen lines from bottom: Increase tribal involvement on all land use changes and development projects in the aboriginal territory and on the (former) reservation. Look at the area this covers! The tribal council has no business involving themselves in this. If it takes place on tribal trust lands, then it is their business, but not here.

Page 22, Cultural(aboriginal and (former)Reservation) The 100-year DFC's for the cultural resource category are for the tribe to protect exiting cultural resources and continue to conduct hunting, gathering, fishing, and cultural activities throughout the aboriginal territory and (former) reservation. This is awful.

Page 23, first line: Provide for education of traditional practices and tribal history to non-native people. Will the tribe be using my tax dollars (in grant monies) to pay for this?

Also, in reading this IRMP DPEIS, the history the tribe tells on page 263-268, is not historically correct, and I will get into this later, but how can they educate if they create their own history? I do not want to be educated by the tribe. Nor do I want them in our school system, educating my child on their beliefs. This is a choice issue, A person should have the right to choose to, or not to, learn this.

Page 24, 4 lines from top: As areas are restored to pre-settlement fire regimes, fire will be used to maintain these conditions. I do not want this kind of burning on local lands.

Page 24, Forest; Continue to implement the Tribal forest management plan on tribal and allotted lands. I may not want to follow the tribal forest management plan on my private property. How will this be enforced? I answer to MY government, why should I be forced to obey some tribe?

Page 25, Environmental Health; Assist in the proper design, construction and operation of schools, day cares, private water and septic systems, food service facilities and community buildings for optimal public health and safety. At an IRMP meeting, a tribal member, named Felix Aripa, complained of his water being bad, and no one taking care of it. The tribe wants to assist in the operation of private water systems, when they won't/can't even fix Mr. Aripa's water? The tribe has no authority over anything non-tribal, and they should quit trying to assert authority over non tribal people. I also protest their involvement with our public school systems in any way.

Page 26, twelve lines from the top [REDACTED]
This really angers me. The dictionary says Primacy is: The state or condition of being first and foremost. What gives the tribe the right to be first and foremost over any other human being? There are less then 2000 CdA tribal members, many of which do not even live in Idaho. Why does that small number outweigh the over 50 thousand non tribal people in the aboriginal territory they are claiming? I oppose this IRMP based on this alone! Everything else, is icing on the cake.

Page 26, Recreation; Manage the (former) reservation segment of the "trail of the Coeur d'Alenes. Tiffany Allgood stated at the IRMP meeting over a year ago, that this was NOT part of the IRMP. And here it is, written in it. According to the Lake case, the trail was shown as NOT being part of the (former) Rez. Now they are trying to claim the right via the IRMP DPEIS, to manage that which was shown not to belong to them. Develop a Tribal Recreation Plan. For a tribe who is complaining all throughout this DPEIS, that there is too much development, too much recreation on the lake, too much, blah, blah, blah, why would they want to develop a recreational plan? This is double-speak if ever I 'heard' it.

Page 30, 11 lines from bottom: Manage commercial and recreational activities on Coeur d'Alene Lake. Lake Tahoe plan? Does this include 'riverboat' gambling? What commercial activities do they want to manage? Not much is done commercially on the

lake at this time, except maybe dock building, or piling placement. Maybe the boat that runs from Mr. Hagadone's resort? Where does the 'management' stop?

Page 31, sixteen lines from top: Enhance multiple use goals and practices on allotments and tribal trust lands. This means to increase or make greater, practices on these lands. Personally, I do not want a tribe telling me what to do on my lands. Nor do most private land owners.

Page 32, sixteen lines from bottom: Reintroduce as many of the native extirpated (locally extinct) wildlife species within the (former) reservation as possible. My question is, what do they want to reintroduce? I am all for the endangered species, but re-introducing wolves and grizzly's back into this populated area, would be suicide for the wildlife, and could be dangerous for those of us who live here. How can we stop this, if we have no say in the tribes' form of government? Do we landowners want to resort to having to kill an endangered animal, which was reintroduced here? I sure don't but if it endangers my family, or my livestock, who are mainly family pets, then I will. This is not a choice I want to be forced to make.

Page 33, thirteen lines from bottom: Work with other entities and the public to evaluate private, non-trust agricultural lands for productivity and to develop management recommendations. Will this be enforced? Will private land owners be forced into tribal practices, whether they want it or not? What exactly does this mean?

Page 34, four lines from top: Infrastructure; Ensure that the transportation, power and telecommunications infrastructure supports the tribal government, public safety personnel (fire/medical/police), medical facilities, education institutes, planned new development, (former) reservation communities, access to farm and market roads and amenities suitable for a rural population. Provide universal broadband services that are capable of integrating voice, data, and video, as well as other emerging technologies. I notice this says nothing about supporting OUR government, but defiantly should support tribal government. I want to know who pays for all of this, and I ask again, is it my tax dollars, in the form of grant monies. Where is my government in all of this? Where will the communication lines be run? Along the Trail of the CdA's on private land? With whose permission? Where does it all end? Will the tribe try to manage KMC, as it is a medical facility? What about Benewah Community Hospital? How about my local public school, which my daughter attends? This is just a mess!

Page 37, 3 lines from top: To restore the (former) reservation and aboriginal territory to as close to pre-settlement condition as possible. This is from Alternative C, however, the thought that you will be going after aboriginal lands as well as (former) reservation lands, to 'try' to restore. This is nuts. The only way this could maybe work, would be if 1) the tribe used casino dollars to buy back lands, put it into trust (which takes it out of the county taxes, thereby raising our taxes to make up for the losses, and then we cannot afford to pay, we sell our land and tribe buys it -like a circle) this would get rid of us. 2) They could impose management practices on our privately owned lands (like dock fee's) to a point where we either do as we're told, or we're forced to leave. Neither of these are

good alternatives for the land owner. Personally, we are no longer living in pre-settlement conditions; it is time for the tribe to find a way to retain their culture, while living in the 21st Century, that doesn't burden the taxpayers and land owners.

Page 37, twelve lines from top: Develop and implement management plans to control noxious weeds by the year 2006. How will this be implemented? I would love to see the weeds controlled, but by whose authority?

Page 48, 8 lines from bottom: However, there may be a need to make small or large changes to the plan prior to its revision in 20 years. Ok, so this plan gets implemented, and then the tribe has free will to make any changes it wants, since it is so stated in this IRMP DPEIS book, that they can do it. Can you imagine what changes, they could make, and then enforce? It is like signing a blank check, STUPID for anyone to do!

Page 61, column B, second bullet: Quantify the effects of predators on game species, particularly big game. Establish a process of monitoring calving success on all big game species. How will they monitor wildlife on privately owned lands? Will trespassing be allowed? I don't particularly want the tribe on my lands.

Page 63, column B, second bullet: Provide for a tribal culturally specific built environment. Why is it about primacy? Why should the environment be set up for a small group of people? What about my environment, or my neighbors, or their neighbors?

Page 73, column B, Spiritual/Moral- Minor restrictions on freedom to make private choices. What does this mean? Who is restricted on freedom to make private choices? We as United States Citizens have this freedom. How can the tribe take that away? How dare they even try!!

Page 76, eleven lines from top: Unallotted land was called "surplus" and opened up for homesteading by non-Indians. In 1906, the Allotment Act was implemented on the (now former) CdA reservation, resulting in a massive loss of tribal land holdings, rendering most agricultural practices infeasible, and an opening up of "unused" reservation lands to non-Indian ownership. This is interesting. Even the tribe states this in their book that the reservation was 'opened up'. We non tribal people claim that when a reservation becomes opened, it removes the boundaries of the reservation, hence the maps that sit in the Kootenai County assessor's office, showing the boundaries as being FORMER reservation, as well as maps I have dated 1932 and 1939, from the Department of the Interior, that shows the boundaries as being former. We claim that the only true reservation lands are those in tribal trust, which the federal government holds in trust for the tribe.

Page 79, twelve lines from top: The goal of the cultural assessment is the preservation and restoration of CdA tribal culture through maintaining the landscapes ability to provide for tribal subsistence practices such as root and berry gathering, fishing and hunting. We must revert back to pre-settlement conditions, so that a small tribe of

people, who are no longer subsistence eaters, can revert themselves? Does the tribe intend to bulldoze their homes, and put tepees in their place, and live off the land, with none of my tax dollars supporting them in any way? Will they be abandoning, and removing the casino, since they wish to revert? I do not recall in any of my history, that there were tribal casinos in existence in the 1800's. Should the tribe be allowed to have it both ways? And at my expense, especially when I pay taxes, which support the tribe? I am all for supporting my community, but when will the tribe be supporting us back? I will have more to say about their support later in my comments.

Page 80, nine lines from top: However, as site-specific projects are undertaken, the tribe will protect cultural resources and traditional cultural properties in compliance with tribal traditions, the National Historic Preservation Act and with EO 13007. Tribe claims here, that they were unable to identify any site as a sacred site, due to the programmatic nature of the document, but the above tells me that should they 'find' a site that they feel is significant, that by the national historic preservation act, they can protect that site. Now, I want to know, will they say that there is a site somewhere on my land? No tribal member has been on my land for over 16 years, so how does a person stop this from happening? This could be a very threatening and open 'what if' scenario. I don't like this at all.

Page 85, eleven lines from top: The tribal council in 1991 worked to force restoration of the Coeur d'Alene watershed, and in 1996 the CdA Basin Restoration Project, the largest natural resource damage case in American history, began. The Silver Valley is the nation's second largest Superfund site. (skipping some lines here) The tribe working with EPA, USFS, USFWS, BLM and the US Geological Survey, has taken the leading role toward responsible stewardship on the basin and CdA Lake, which is the heart of the tribe's homeland and (former) reservation. I found this statement very interesting. At one time, before the Rails to Trails was put in, the tribe had a lawsuit against Union Pacific for the pollution they had dropped along the right of way, and into CdA lake, etc. Union Pacific did not want to be sued, so a deal was made for the tribe to be given jurisdiction over the south end of trail from Harrison to Plummer, in exchange for the tribe dropping the lawsuit. The tribe sacrifices cleanup in favor of gaining control over private property. Now in my opinion, had the tribe truly been after clean up, they would have pressed on with lawsuit demanding that UP clean up the mess they created. Instead, the tribe wanted jurisdiction (trail has still NOT been signed off, at the time that I write this, as the land that the easement sits on, is privately owned by over 900 adjacent land owners!!) on land that is NOT theirs. At one time I had a great appreciation for Indians, as being environmentally good, however, due to this trail mess, my opinion has changed. The above claim by the tribe is an inaccurate statement.

Page 88, sixteen lines from top: One primary strategy under consideration for managing the metals-contaminated bottom of CdA Lake is to control nutrient inputs, thereby controlling the eutrophication process and its adverse effects of dissolved oxygen depletion and thus the mobilization of toxic metals from lake bed sediments under anoxic conditions. It is my belief here that the tribe will come onto private property under the guise of inspecting run off, and then will proceed to tell land owners what they can and

and perform the duties of elected office. The CdA tribe and their elected tribal council are committed to providing for the health and welfare of tribal members and (former) reservation residents, and careful and progressive planning to sustain the tribes self determination and restore its self sufficiency. I just love this. Remember how I stated earlier that Felix Aripa's water was bad, and that no one would fix it for him? Well on page 128, it states; there are currently 238 families on the tribal housing authority waiting list. Now I ask, if the tribe is out to help its members, why are they not building homes for those waiting on the lists? Why are my tax dollars still funding a tribe that has casino dollars coming in? Why is the tribe taking on this IRMP, when it apparently doesn't have the money to fund it, but expects grant money, again from my tax dollars, to help pay for it? I do not believe that most of the tribal people would agree with the statement that the council is meeting their needs. How can they possibly meet my needs?

Page 140, first line from top: This section begins by describing the socioeconomic characteristics of the entire population of the (former) reservation, combining both the 81% non-Indians with the 19% Native American. Here I question why a 19% population of tribal members, should have control of 81% of non-tribal people. This is just ridiculous

Page 148, thirteen lines from top: The tribe also receives numerous contracts and grants to manage the (former) reservations natural resources. Here are our tax dollars at work! The tribe has no business taking on this IRMP, when it is our grant monies, they use against us.

Page 149, nine lines from top: Many of the grants received by the Natural Resource Department are associated with managing non-commercial, environmental quality. With the U.S. Supreme Court's recent official acknowledgement of Tribal ownership and responsibility for the management of the lower third of Cd'A Lake and parts of the St. Joe River, these environmental management responsibilities of the Tribal government will only expand. This is a mess. The tribe was only given ownership of the beds and banks of the lower third/St. Joe River. It did not include any aspect of the Trail of the Cd' As. Down south of Harrison, many land owners hold patents to lands submerged when the dam was put in, and one land owner in particular, has a document from former WWP, asking permission to store water on their land of 18 acres! It was not established by the Supreme Court where the tribe's ownership exactly is. The tribe is claiming whatever they want, but land owners have legal documents, showing the landowners ownership. None of this was represented in court. Land owners believe the water level prior to dam was 2121. Tribe is trying to claim it up to 2128, which includes the landowner's private submerged lands. This issue is huge here, and should be resolved.

Page 157, twelve lines from bottom: Casino expansion. Will the tribe be putting more land into tribal trust, and taking it out of the tax coffers? How much will I be paying, to see this expansion?

Page 157, four lines up from bottom: One of the reasons the tribe is in the process of developing an Integrated Resource Management Plan, is to address these cumulative

effects. Good planning is a primary mitigation strategy for the tribe in combating cumulative effects. In addition, an implementation and monitoring plan is included in Appendix F. First, mitigation by the tribe, over land that is private, and public (not tribal trust lands), where the tribe is planning to implement their rules and regulations, over a large body of non-Indian people, is nuts. Appendix F, is 19 pages long, with how the tribe plans to implement, and in some cases, enforce their will over us. I am appalled by the very thought of this, and I again must question what has happened to our Constitutional rights. I will try to explain my opposition to this, later in my comments.

Page 158, fifteen lines up from bottom: At the (former) Reservation level, additional Tribal regulations and policies would apply. Farther down the page at 7 lines from bottom, it says: The areas of analysis for this topic included the extent of the aboriginal territory. These statements tell me that they will absolutely be regulating the entire aboriginal area. By whose authority, and why are we allowing this to even be considered?

Page 159, five lines up from the bottom: With implementation of the Preferred Alternative B, the Tribe would take steps to develop a program to become more actively involved in resource-based decisions across the aboriginal territory. Recommendations would encourage retaining ecological structure, components and integrity. Continued growth and development is expected, but with implementation of the Preferred Alternative, development on the (former) Reservation would be encouraged to be compatible with the IRMP and retention of landscape function, continuity, and biological diversity. Implementation of the plan would result in moderate long term impacts on the biodiversity across the aboriginal territory based on current growth trends and a more active role of the tribe in developing an understanding of landscape components needed to reserve biological diversity across the landscape. Wow, they will be involved in every aspect of every condition, in anything that touches the aboriginal territory. This is just awful.

Page 161, eighteen lines up from bottom: Subsection 4.2.2 discusses the laws and regulations directing federal agencies to locate, identify, evaluate, preserve, protect and manage cultural resources significant to the heritage and history of the area, including sacred sites and traditional cultural properties. The scope of the cultural resource assessment is the whole of the aboriginal territory. Anyone that reads this paragraph should be contesting this whole IRMP. In order to locate sacred areas, or traditional cultural properties, all lands within the aboriginal area, will be open for this process. This could mean, that they would come onto my private lands, and look for any of the above stated items, and if found, they become 'historic' and off limits, to me, even though I own the land it is on. There has been no tribal presence on my lands in over 50 years, yet with this IRMP, it allows them not only access, but gives the tribe the right, through the Federal government agencies, to claim my private property. This is outrageous, and should NEVER be allowed to happen.

Page 165, six lines down from top: Active participation in these projects and planned mitigation would extend into the aboriginal territory. There is no need for any mitigation anywhere but on tribal trust lands.

Page 165, sixteen lines up from bottom: 1) determining the area of potential effects; 2) identifying cultural resources present in the area of potential effects that are either listed in the National Register of Historic Places; 3) applying the criteria of adverse effects to affected cultural resources either listed in or eligible to be listed in the National Register; and 4) considering ways to avoid, minimize, or mitigate adverse effects. This all has to do with NEPA (National Environmental Policy Act) which must be completed by the tribe, before they will/can be allowed to implement this IRMP.

Page 167, eight lines down from top: Beneficial Impacts – Impacts would allow access to and /or accommodate the tribe’s cultural practices and beliefs. Allow access to my land? To accommodate the tribe? I refuse to allow access, so then what happens?

Page 169, First line from top: Implementation of any activity associated with the Alternatives would have to be assessed at the site-specific level to determine type and extent of disturbance to tribal cultural properties or National Register eligibility. Mitigation to offset impacts to Cultural Resources and tribal cultural properties would be conservation or restoration of non-developed lands that would contribute to the overall goal of maintaining these ecological and culturally significant areas. Mitigation and monitoring would be implemented on a project-by-project basis to comply with the National Historic Preservation Act. Again, where will this all be happening? Downtown Cd’A?

Page 169, twelve lines from top: The scope of the analysis for the Natural Environment is the lands and resources within the (former) Cd’A Reservation. However, some resource area boundaries extend beyond the political boundaries into watersheds for aquatic and hydrology and beyond the watersheds for wildlife and air. Management direction will be implemented at the (former) Reservation boundary with the exception of those resources that extend beyond. In those cases suggestions as to the type and extent of management will be addressed as appropriate. Ok, here we get into the recent TSTS given by EPA Region 10. Water flows, as does air, so the tribe can/will use water coming into any body of water they claim as ‘theirs’, to move beyond the boundaries (that exist in only their minds, and those of us who are uneducated to the reality of an OPEN reservation!) I state here, that you will see the tribe go after the rest (north) of Lake Cd’A. And since EPA gave them partial water, and full air authority, they can use that to get to the rest of the lake. Same goes for air. It moves freely, and it comes and goes thru the former Rez, so they can claim it affects ‘their’ area, and force people outside of area to follow the tribes air regulations (which shall be enforced by EPA, DEQ, etc .all government agencies that will be directed by the tribal council).

Page 175, top line: The IRMP that will be written based upon the outcome of the NEPA process will assist the tribe in managing Coeur d’Alene Lake for future generations of Cd’A tribal members and the public. Interesting how they don’t say the ‘southern’ part

of lake for management. They intend to manage it ALL. This clearly states that. When I read this, it made me feel that 'the public' was an afterthought that once again, the tribe has primacy, and we are just added to make us feel included.

Page 175, eight lines from top: Regulations and Policy- On (former) Reservation Hunting, Fishing and Trapping Ordinances. Tribe plans to regulate, and create policies for these items, on private/public lands. We pay our counties, and state for these rights and the IRMP will allow the tribe jurisdiction over us. Again, this is an abuse of our rights. This would be difficult for the tribe to enforce, and I fear, create extreme conditions against the tribe.

Page 178, eighteen lines from top: Mitigation and Monitoring-The tribal natural lake management department will monitor the implementation of any plan or process that effects Cd'A Lake and will coordinate with the tribe's natural resource department for consistency with the goals of the IRMP. Any alternative selected will have a management strategy to monitor and maintain an active role in any action or plan for the Cd'A Lake. The implementation and monitoring plan is located in Appendix F. Here again the tribe talks about monitoring activities on the whole lake, not just the part the tribe won in court.

Page 186, bottom line: The tribe would encourage application of standards and guidelines from the tribal forest management plan while working with other federal and private entities across the landscape to preserve diversity, distribution, density and old growth components. Tribe intends to control anything that is done based on their forest management plan. What if land owners don't want to follow that plan? Who is our sovereign?

Page 188, thirteen lines from top: Mitigation and Monitoring- The tribal natural resource department in cooperation with other entities and individuals will work toward implementing guidelines outlined in the tribal forest management plan across the (former) reservation to maintain and restore pre-settlement structure, diversity, densities, old growth, and sustainable yields to forested areas. Additional areas would be designated for forest restoration by their potential for restoration and enhancement. This is stated throughout the IRMP. It bothers me that everything will be done according to tribal plans.

Page 189, six lines from top: Mitigation and Monitoring-The tribal natural resource department in cooperation with other entities and individuals will assess material sites across the (former) reservation and establish and cooperatively implement guidelines for existing and future sites. Where will they be assessing? Will it be on private/public lands? What if I don't give permission to them to trespass? How do I keep them off my land? None of these questions are answered in this book, but they assume they will do as they please.

Page 193, four lines from top: Soil-Farming practices, timber harvest, roads, development, fire and grazing have an effect on soils. Soil productivity across the

(former) reservation is generally good. However sediment production and soil loss from land use practices have greatly increased from pre-settlement conditions on the (former) reservation. More recent changes in farming, grazing, and timber harvesting practices have resulted in some reductions in sediment production to (former) reservation production to (former) reservation waters. This now links water to land. Any person, who does anything with their land, will be shown to affect water-quality. This will allow the tribe to govern what is done on private lands, since it affects water.

Page 199, fourteen lines from top: Methodology- The areas of analysis for this topic included the wetlands and floodplains within the (former) Cd'A reservation boundaries and those watersheds and up and down gradient streams that are a part of or are affected by the changes within the (former) reservation boundaries or that affect the waters within the (former) reservation. When I read the information in the DPEIS, I am reminded of the Snake River Basin Adjudication that we fought so hard against. The tribe seems to be setting things up, for the same purpose. The SRBA was a bad thing for the State of Idaho. I also want to know why there is no mention of the Union Pacific Railroad in this DPEIS. The railroad dike changed many of the wetlands, as well as the railroad corridor changed the lay of the lake boundaries. Lots of questions come to mind, and as is typical, no answers.

Page 202, eighteen lines from top: Methodology- The area of analysis for this (Wildlife) topic includes the (former) reservation and the surrounding landscape as far north as Canada, south to the Snake River, west to the scablands, and east to the Bitterroot Range. I believe the above area, to be what the tribe considers their aboriginal territory. This is where it is fully shown to reside.

Page 221, five lines from top: Impacts to all alternatives- All alternatives would support assisting in the proper design, construction and operation of schools, day cares, food service facilities, celebrations, swimming pools, private water and septic systems, solid waste facilities and community social facilities for optimal public health and safety. All alternatives would strive to meet the goals and objectives of the tribe's environmental health plan. Implementation may be more difficult in some alternatives than in others. All alternatives would have a negligible (beneficial) impact on environmental health. However, Alternatives A and D would potential require number of additional inspections to be conducted annually. Everything in this book, must meet the tribes goals and objectives. What country am I living in? Cuba?

Page 235, entire second paragraph on this page! The discussion of socioeconomic impacts is complicated by the fact that little data is available on one important part of the economy, namely the non-market, tribal subsistence sector. This sector of the economy is of extreme importance to the Cd'A tribe because it is inseparable from the tribe's culture, including moral, ethical and religious values, and quality of life. To most residents who are not tribal members, natural landscapes that still have the integrity to support these tribal cultural subsistence resources are likely to be evaluated only for their value for recreation, open space, or scenic beauty. They are unlikely to be seen as central to socioeconomic well-being. To tribal members, these subsistence resources are not just

aesthetic characteristics of the quality of life, but are vital to the future of the tribe and the survival of its tribal culture and identity. Changes taking place on the (former) reservation, largely driven by human settlement and economic activity, have been degrading the subsistence potential on the (former) reservation, threatening the continued viability of those tribal cultural economic activities. One purpose of the IRMP is, to the extent possible, to reduce that threat to and reverse that degradation of (former) reservation subsistence opportunities. The tribe no longer practices subsistence eating. This is just an excuse to claim more. I for one, use items that grow on my ranch, to eat, yet I do not do it to survive, neither does the tribe. For the tribe to insist that they need sustainable environments, for subsistence purposes, is inaccurate at best.

Page 245, seven lines from top: For the Cd'A tribe, this might well represent the permanent loss of most of the aboriginal qualities of the (former) reservation's natural landscapes. This would eliminate the potential for most traditional subsistence activities. In many ways, the (former) reservation would cease to be a tribal homeland, and would primarily become an extended suburban settlement and part-time recreational home for non-Indians. The cultural and spiritual losses to the Cd'A would be major. Here the DPEIS is talking about Alternative D. This may have been the Indian's homeland, but now it is my homeland. I live here, as do thousands of other non-Indian people. I have a home on 1,000 acres. I am not suburban, nor am I a part-time recreational home. I am an established ranch, and I expect to pass my land on down to my child, and so on. The whole IRMP DPEIS book is filled with what the Indians want. What about the thousands of others? Why do 7 Indian Council members get to dictate to the rest of us, what can and cannot be done on our lands? This needs to be addressed.

Page 247, twelve lines from bottom: The Tribe would be responsible for monitoring projects within the (former) reservation and across the aboriginal territory, based on implementation of one of the Alternatives. Why should a 7 member tribal council, be in charge of monitoring the above area? They are not my government, and have no jurisdiction over me, so why should they be given control? This is absurd!

Page 264, five lines from top: Not only were enormous tracts placed in non-Indian ownership, the way in which the lands were allotted was unfair and arbitrary and often, the best farmland was saved for homesteaders. Tribal members were forced away from their territorial waters in the process, even burned out when they refused to leave, so that non-Indians and the State of Idaho (with Heyburn Park, as described below) could have this most valuable land. Lands were made available for fee patent, while tribal members, were required to take parcels of lesser value. The big, successful reservation farms of Cd'A families were broken up and made available to homesteaders. Tribal members essentially got what was left over, although the process was supposed to work in the opposite way. Tribal members who had lived along Cd'A Lake since time immemorial were pushed off that land so that non-Indians could take title to it. This was a calculated move on the part of the U.S. government to force tribal members to give up the best farmland, their traditional lakeside camps and homes and push them to the farthest edge of the reservation. On top of this, tribal members could have only 160 acres each. The above infuriates me. I cannot figure out what history the tribe is looking at, as in reality,

the tribal people were given first choice of land. The Jesuit Priests are the ones that moved the Indians away from the lake, convincing them to take the better farmlands located in the DeSmet area. 160 acres was the normal size for allotments, and that was also what homesteaders got, after the tribe had first pick of the lands. Tribal members had the choice of taking their lands in fee, or putting it in to trust, held for them by the federal government. They had a choice, but the above says they did not. I find the historical information the tribe has put into this DPEIS, inaccurate, and full of holes. If I had not known better, I would have cried for the poor Indians. This just sickens me. If you're going to give historical facts, make sure they are accurate and true. Lies should not be created to earn pity.

Page 265, ten lines up from bottom: Now, of course, we know better, and it is one of the Cd'A tribe's most important efforts to restore and clean up the natural world which was so depleted and damaged by the uncontrolled exploitation of the once abundant natural resources. This makes me gag. So, instead of forcing Union Pacific Rail Road to "clean up" their lead, arsenic, cadmium, etc. along ROW, the tribe gives in, in exchange for control over ROW land that does not belong to them. And they constantly claim to be good environmentalist, yet they fill in a wetland, to spread more development at their casino. Boo hoo!

Page 268, fourteen lines from bottom: The tribe, through the construction and operation of a beautiful golf course, and expanded hotel is pursuing a goal of making this area a destination resort and recreation hub. Through the diversification of its economic base, the tribe has the goal of bringing more jobs and revenue to this region. Call me crazy, but hasn't the tribe been stating throughout this whole DPEIS, that they want pre-settlement conditions? That they want building to only occur in designated areas; I guess their casino is a designated area, eh? How does expanding the casino area, make it more like pre-settlement? I am confused here! So are they, it sounds like!

Page 299, fourteen lines from bottom: Indian Land Consolidation Act: This Act instructs and designates consolidation of reservation lands in order to retain contiguous elements of traditional tribal lands or reservations. This does not mean they can take privately owned or public lands and add it to trust lands as a "reservation". This is what the tribe is doing here! Except, they are not putting private/public lands into trust, they are just claiming all the land as 'their' reservation.

There are many repetitive items in this DPEIS, but since I was tired of typing, I only put it in words once. I am **OPPOSED** to the IRMP. No Indian tribe should have any type of jurisdiction/control, or management on non-Indian people.

Angie Lee Morrow
Angie Lee Morrow
6397 E. Van Dusen Rd.
Harrison, Idaho 83833

208-689-9046

December 10, 2005

Tiffany Allgood,
EAP Coordinator, Coeur d'Alene Tribe
P.O. Box 408
850 A Street
Plummer, Idaho 83851

Dear Ms. Allgood,

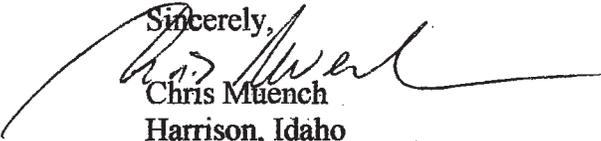
I am writing to provide my commentary on the proposed IRMP being considered by the Coeur d'Alene Tribe.

I am a full-time resident and landowner on Harrison Flats within the proposed IRMP impact region. I derive part of my annual income from farming most of my 140 acres. I am adamantly **opposed** to the adoption of Alternatives B, C, and D for the following reasons:

- 1) By designating my area as a non-agricultural, non-resource production area, I would be prevented from pursuing those agricultural activities that currently provide a portion of my annual income.
- 2) By designating my area as suitable only for recreation, conservation, and habitation, the basis of my property taxes will be changed, resulting in a much higher taxation rate based upon the accepted usage. In the case of a recreation designation, the result would amount to approximately 4-fold increase in my tax rate and the annual amount I will be paying in property taxes.
- 3) By eliminating the rural, agricultural character of my region, the fabric of our local community can only diminish as the only persons able to afford the increased taxes on large holdings will be wealthy out-of-state residents or developers. The long-time residents of our area very likely will be forced off of their lands.
- 4) I fear that, as non-tribal members, our input into the planning process will be perfunctory at best, and largely disregarded. In issues pertaining to land use, I suspect that any future concerns we might have will be ignored and we will have no legal recourse to address any grievances or abuses.
- 5) I anticipate that once the IRMP proposals are initiated, the non-Indian residents of the reservation will be required to pay annual fees (taxes) to the Tribe in order for the Tribe to implement their proposed conservation and reclamation measures. It is doubtful that these same levies will be applied to tribal members.

Again, I must restate my opposition to any of the proposed IRMP alternatives except Alternative A, land usage and allotment remaining unchanged.

Sincerely,


Chris Muench
Harrison, Idaho

Bureau of Indian Affairs
Attn. Debra Rosenbaum Supt.
P.O. Box 408, 850 A. Street
Plummer, Idaho, 83851

I oppose the tribes Integrated
Resource management Plan.

The tribe has no experience or
expertise in land management. If they
did maybe they would be a self sustaining
entity and not have been on welfare for
the last 90 years.

Patrick L Murray
Sharon H. Murray
Benewah Creek Rd.

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Bureau of Indian Affairs
Atten. Debra Rosenbaum, Superintendent
P.O. Box 408, 850 A Street
Plummer Idaho 83851

I oppose the Coeur D' Alene tribe's Draft Programmatic Environmental Impact Statement for the Integrated Resource Management Plan.

On page 19 of the Draft Programmatic Environmental Impact Statement, the 100 year plan seems to forget that what the tribe calls reservation is, in reality, private property.

The tribe has no authority over non-tribal members, or what they do on, or with, their private property.

There is no reason for any one group of citizens to have primacy over any other group. Our constitution states that all people are created equal. Therefore, the rights of the tribal members should not supercede the rights of non-tribal property owners.

I also resent my federal tax dollars being used to fund the propaganda found in these two publications.

Sincerely,



Suzanne M. Neveau

Tiffany Allgood

From: W. C. Rust [wcrust@cebridge.net]
Sent: Monday, October 31, 2005 3:34 PM
To: Tiffany Allgood
Subject: The Coeur d'Alene Tribe Integrated Resource Management Plan

Dear Tiffany:

I would appreciate it if you would send a copy of the IRMP and the PDEIS to me at

W. C. Rust
P. O. Box 648
Wallace, ID 83873

I also understand the PDEIS is out for public comment and the due date is November 14, 2005. I just learned of the availability of the document and I cannot possibly comment by that date. I am asking for an additional 60 days to develop my comments. Thank you.

W. C. Rust

W. C. Rust
P. O. Box 648
Wallace, Idaho 83873
December 11, 2005

Tiffany Allgood, EAP Coordinator
Coeur d'Alene Tribe
P. O. Box 408, 850 A Street
Plummer, ID 83851

Dear Ms. Allgood:

Following are my comments on the Draft Programmatic Environmental Impact Statement (DPEIS) for the Coeur d'Alene Tribe Integrated Resources Management Plan.

On page 2 it says "The purpose of the DPEIS and NEPA process is to evaluate impacts of the preferred and alternative actions. This DPEIS has been prepared to inform decision makers and the public of the impacts associated with each of the considered alternatives."

The document presented is woefully inadequate in achieving that purpose. The Integrated Resource Management Plan (IRMP) is a land management plan for the claimed 334,471 acre reservation. However, much of that area is owned and occupied by non-Indians and there is clear case law that the Tribe has limited, if any, regulatory authority over those non-Indians. At a minimum this document needs to present detailed land ownership maps showing just what areas will be affected by the selected alternative and an explanation of how they will be affected.

This document also needs to explain the existing regulatory system that is now in place and how the proposed plan will modify that. The 80% of the reservation population that is non-Indian operates under an extensive body of state and local land use regulation as well as the Federal laws and regulations listed in the document. In order for the decision makers and the public to fully understand the consequences of the proposed action this document needs to present a detailed discussion of just what regulations will be changed or replaced on which areas and evaluate the relative protectiveness of the new regulation versus the old. It appears to me that the Tribal regulations could be considerably less protective than the existing system. As I understand the proposed action, the Tribal Council will have a great deal of latitude in modifying the plan after the IRMP is instituted. What assurance does the public have that a changed administration of the Tribal Council will not approve actions that have a great deal of adverse environmental impacts?

One of the objectives of the proposed plan is given as: "Preserve, protect, manage and enhance Tribal Culture including Sacred Sites, historically important sites and traditional uses of the landscape." This document was prepared with federal funds. I believe this is a clear violation of the constitutional prohibition on the establishment of religion by the government. I do not believe it is legal to use federal funds for this purpose.

This document asserts that adequate public participation took place. However, the document says that one of the goals of the IRMP is to "To the extent possible, restore natural, cultural and environmental resources across the Reservation and aboriginal territory." Shoshone County covers a great deal of the aboriginal territory and I do not believe the Tribe made any effort to inform the people of Shoshone County as to the possible effects of the plan. The area also goes into Montana. Were public meetings held in St. Regis or Noxon, Montana? If not, all references to plans for the aboriginal territory should be removed.

In general, I do not believe there has been adequate public participation in the development of this document. I am a member of CAC and I do not recall ever seeing a clear presentation as to the development. CAC quit meeting a few years ago and most of the members became members of the Citizens Coordinating Council of the Coeur d'Alene Basin Environmental Improvement Commission. Tribal representatives came to all the meetings of the CCC. They could have kept people informed through this organization, but they did not. I believe that public involvement of the affected people was deliberately minimized in violation of NEPA.

Other than the lack of a discussion of the existing land use regulations, the section on the Affected Environment is reasonably thorough.

The section on Environmental Consequences lacks a rigorous scientific basis for most of the assertions in this section. Without a more detailed discussion of the basis for the conclusions it is impossible to tell whether the assertions of probable environmental consequences are really best professional judgments or wild guesses.

In summary this document does not meet the NEPA requirements for a thorough evaluation of the environmental consequences of proposed and alternative actions. A Supplemental EIS should be prepared to give the decision makers and public a more thorough understanding of the just how the proposed plan will affect actions of both Indians and non-Indians that affect the natural and socioeconomic environment on the claimed reservation.

Yours truly,

A handwritten signature in black ink, appearing to read "W. C. Rust". The signature is written in a cursive style with a large, sweeping initial "W".

W. C. Rust

Bureau of Indian Affairs
Attn: Debra Rosenbaum, Superintendent
P.O. Box 408, 850 A Street
Plummer, ID 83851

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NOV 15 2005

09 November, 2005 BIA

I **OPPOSE** the Couer d'alene tribal council's attempt to assert jurisdiction over non tribal held lands. All the references in the IRMP DPEIS referring to the tribal council "preserving, protecting, managing land uses, and maintaining private lands within aboriginal territory and reservation" gives a clear message that the tribal council is attempting to assert jurisdiction over non tribal peoples and lands. As indian tribes are clearly domestic dependants of the United States of America they have **no legal authority over any non tribal person or land**, the tribes sovereign authority extends only to their tribal members and no further. Further more any claims that the tribe asserts on aboriginal lands will be contested hotly in the courts. The court of claims settled all claims for compensation on lands outside reservations boundaries and therefore the CDA tribe is way outside any legal authority to regulate in any fashion those lands. The Supreme Court has been transparent in their decisions regarding such matters, making it very clear that indian tribes have no authority over non tribal people and cannot enforce demands on land that is not held in trust for the tribe by the US Government or owned by tribal members. This blatant attempt by the tribe to create hostilities with all non tribal peoples in a large area of land is obviously a serious blunder or an act of terrorism on the tribes part. Either way this is a losing proposition for everyone, including the tribal council and their members.

Pamela Secord
P.O. Box 93
Santa, ID 83866

CC: BIA- Portland office

Dec. 6, 2005

Attention Debra Rosenbaum:

In reference to
the IRMP, DPEIS Summary
statement Sept. 2005.

We defiantly oppose alternative
B, C, and D. of the
impact statement handed
out on Nov. 8, 2005 at
the meeting held at the
Wellness center.

Dawn R. Thompson
Aurley Thompson
8126 E. Thompson Lane
St. Maries, Idaho
83861

Tiffany Allgood

From: Lois Tuel [tuelttime@smgazette.com]
Sent: Thursday, November 03, 2005 2:10 PM
To: Tiffany Allgood
Subject: Later date

Could you please set a later date for the IRMP meeting? I realize that it is difficult to change a meeting after a date has been set, but I need to know more about the final conclusions. From what I read, it sounds as though I will be soon out of my home and this property will be returned to Aboriginal acres.

If you are not the correct one to contact, would you please forward to the correct party. I request a 30 extension if possible. Or at least 2 more weeks.

Sincerely
Lois Tuel
St. Maries

RECEIVED

NOV 17 2005

BIA

Debra Rosenbaum
Bureau of Indian Affairs
Plummer Idaho
Nov.14, 2005

Dear Ms. Rosenbaum

I Oppose the IRMP plan in it's entirety. One of the reasons is the hard feelings that will be generated between Indians and non-Indians. We have been good neighbors for all these many years.

This will make a difficult to have a good working enviornment in the Casino and you know how you need non-Indians to make that engine run. How rediculous to think you have the right to tell private property owners what they can or cannot do on their land.

This is no longer Aboriginal Territory! Why are you digging along the river bank? Are you hoping to find cultural places? Such as the skull in Harrison?

We need the tribe and the tribe needs white man. Stop causing trouble between the two cultures. We are all Americans. "Can't we all just get along?"

When you say "Increase Restoration toward pre-settlement conditions" Do you mean teepees and buffalo? With nary a white face?

Well that isn't going to happen. We won't have it and the Natives have learned to enjoy the good things in life, and most of that comes from white man.

I also object to the practice of denying the storage of people's docks. If we belive the spin, there should not be many that have not paid their taxes to the tribe.

I am so tired of all of this. Is that your objective, to keep at us till we give up our property?

Not nice.

Sincerely
Lois Tuel
St. Maries, Id. 83861

Letter 37 01

6756 East Garnet Drive
St. Maries, ID 83861

RECEIVED

DEC 16 2005

BIA

December 9, 2005

Bureau of Indian Affairs
Attn: Debra Rosenbaum, Superintendent
P.O. Box 408,
Plummer, ID 83851

Dear Ms. Rosendaum:

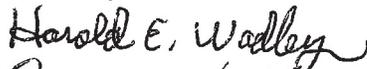
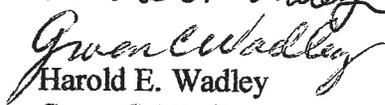
This letter is in reference to the Coeur d'Alene Tribe's Draft Programmatic Environmental Impact Statement which we have recently read.

We applaud the Coeur d'Alene Tribe's efforts to create long-range land use planning for tribal lands. It takes a great deal of thought and coordination and also an inherent love for the land. However, we feel that the application should be **only** to those tribal lands **currently** owned by the Tribe.

Many acres of land designated in the 1894 boundary have become private and have changed ownership many times since. Those lands should not fall under CDA Tribal jurisdiction in land use planning. Those of us who own such land are under the jurisdiction of the county, state and federal authorities. A number of land use plans and zoning plans have been done by those authorities and our elected officials. If we were to agree to any of the CDA Tribal plans, we would be assenting to a plan without any representation by any of us who are not CDA Tribal members. Therefore, we prefer the Alternative A (no action, no change from current management).

Thank you.

Sincerely,



Harold E. Wadley
Gwen C. Wadley

RUSTIN YOUNG

541 East Round Lake Road
Saint Maries, Idaho 83861
(208) 689-3485
missionpoint@smgazette.com

RECEIVED

DEC 16 2005

BIA

December 11, 2005

Bureau of Indian Affairs
ATTN: Debra Rosenbaum
P.O. Box 408, 850 A Street
Plummer, ID 83851

Dear Debra Rosenbaum,

My choice in the IRMP is Alternative A. I object to instituting Alternative B. There are many things in the DPEIS I object to. I will mention a few below.

- 1) I object to the Coeur D'Alene Tribe expanding its reservation and having more control over my private property than it already has.
- 2) I object to line 7, page 7 (Culture- Aboriginal Territory and Reservation). I believe it is too vague. What do the elements refer to (air, water, fire, earth)? I object to the fact that a culture site might appear on my private land. What will happen next? Will the Tribe have control over what I can or cannot do with my property?
- 3) I object to anyone telling me to restore my property to pre-settlement conditions. Who sets those standards? This refers to page 20, line 4 (LMR2: Conservation- Blue Areas on Map).
- 4) I object to the Tribe enforcing a forest management plan on my property. This refers to page 24, line 15 (Natural Environment- Forest).
- 5) I object to references to riparian boundaries. There is a minimum mentioned, but no references to a maximum. What are the standards for this? If a boundary is set 300 feet on both sides of a seasonal or secondary stream, it will inhibit half the Saint Joe and Coeur D'Alene River drainages. Restrictions to logging in those areas would devastate the economy in Saint Maries, a logging community.

I could state many more objections. Again my choice is Alternative A, the status quo.

Thank you for your time,


Rustin Young

DATE: December 5, 2005

FROM: (Unknown)

Attached please find a copy of our PETITION against the Coeur d'Alene Tribe's attempt to impose policies and changes to our land use, natural resource enhancement and protection, residential/commercial growth and development planning with "aboriginal lands" already controlled by our counties. We protest Tribal attempts to assert any kind of regulation (via processes involving state and federal agency compliance) upon non-Tribal trust land and non-Tribal citizens. The Coeur d'Alene Tribe's Integrated Resource Management Plan document Draft Programmatic Environmental Impact Statement (IRMP/DPEIS) is supported by a Tribal government in which we—the overwhelming majority of area citizens/landowners—have no vote, no voice, and no representation.

The Tribe now has control over the lower portion of Lake Coeur d'Alene as per Supreme Court decision, because the State would not defend the non-Tribal people of the State. This part of the lake is bordered only on the West by the Tribe, the East and South are all non-tribal land owners who have been her over a hundred years. The State constitution says the waters of Idaho belong to the people, yet the lake was given to the Indians.

Now the Indians say they own the land of the "aboriginal reservation" and that they intend to get it. They are controlling all small streams that feed the lower part of the lake, and intend to take control of the: private wells that non-Tribal people own and investigate the sewage systems of private landowners on the old aboriginal reservation. They also want control of the air. Their fees for use of the water are exorbitant.

Where does this stop? When the Tribe owns from Lewiston, Idaho, right up to the Canadian border, and West to part of Washington, and East too the Montana border? That is their goal -- the aboriginal *reservation*. If they can "control" that then people will sell out when land and house appraisals drop and the Indians say they have plenty of money to buy the land for sale. The Indians have plenty of money from multiple sources: Gambling casinos, federal handouts, federal grants, and they pay no taxes; but, they do donate to political candidates that will fulfill their numerous requests for special favors t a people of Idaho suffer.

Their IRMP/DPEIS goes into effect December 14, 2005,....

We regret that we cannot sign this letter, but the threats of Tribal retaliation are very real

PETITION

DATE: December 1, 2005

FROM: (List of Petitioners)

We, the undersigned, OPPOSE the DPEIS for the following reasons:

1. The Tribe should not be providing “Management Glance” of the environment to any area except the current reservation, certainly not the “former reservation.”
2. The Tribe should not be allowed to hunt and fish on privately-owned non-tribal land.
3. The Tribe should not be allowed to “Increase Restoration activities to move toward pre-settlement”, since the former reservation land was purchased from the Indiana and sold to private non-Indian people.
4. The Tribe should not be allowed to “Increase Tribal involvement on all land use changes,” as this would give them control over almost everything in their former reservation.
5. The Tribe states they intend to “Develop tribal primacy where desirable and feasible.” This means they intend to be foremost in any decisions that could affect our privately owned lands, and is totally unacceptable.
6. The Tribe states they intend to “Restore the Reservation”, meaning the former reservation, and this land is now owned by private land owners. This is totally unacceptable and illegal.
7. The Tribe does not allow a non-tribal participatory voice within tribal decisions that affect directly the lives of non-tribal land owners, our businesses, our land, our water, and our environment.

DATE: Unknown

FROM: (List of Petitioners)

PETITION AGAINST 'THE COEUR:D' ALENE TRIBE'S- INTEGRATED 'RESOURCE,
MANAGEMENT PLAN (IRMP) DRAFT ENVIRONMENTAL IMPACT STATEMENT
(DPIS)

We, the-undersigned, protest Tribal attempts to impose policies and changes to land use, natural resource enhancement and protection, residential/commercial growth and development planning within aboriginal lands already controlled by our counties. We protest Tribal attempts to assert any kind of regulation (via processes involving state and federal agency compliance) upon non-Tribal trust land and non-Tribal citizens. The IRMP DPEIS is supported by a Tribal government in which we—the overwhelming majority of area citizens/landowners—have no vote, no voice, no representation.

**PETITION AGAINST THE COEUR D'ALENE TRIBE'S INTEGRATED RESOURCE
MANAGEMENT PLAN (IRMP) DRAFT ENVIRONMENTAL IMPACT STATEMENT (DPEIS)**

We, the undersigned, protest Tribal attempts to impose policies and changes to land use, natural resource enhancement and protection, residential/commercial growth and development planning within aboriginal lands already controlled by our counties. We protest Tribal attempts to assert any kind of regulation (via processes involving state and federal agency compliance) upon non-Tribal trust land and non-Tribal citizens. The IRMP DPEIS is supported by a Tribal government in which we---the overwhelming majority of area citizens/landowners--- have no vote, no voice, no representation.

	<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE NUMBER</u>
1	Allen Townsend	200 Whiskey Ln	208-245-3341
2	Steve Duell	Cottonwood Dr	245-3219
3	Del Shuemaker	Shepard Rd	245-0123
4	Sue Shuemaker	" "	245-0123
5	Jan Bush	St Mon ¹⁰⁴ Valley Road	245 1836
6	Brenda Buell	350 Grandview Dr	245-4424
7	Steve Duell	Cottonwood Dr	245-3219
8	Chad Nelson	20 Butler Dr	582-2260
9	Rena Ackerly	20 Butler Dr	582-0889
10	Linda Damon	2105 Main St	245-6728
11	Ernest Brown	875 Madeline St Dr	245-5648
12	Sharon Scholz	Highway South St. Maries Id	245-4129
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PETITION AGAINST THE COEUR D'ALENE TRIBE'S INTEGRATED RESOURCE MANAGEMENT PLAN (IRMP) DRAFT ENVIRONMENTAL IMPACT STATEMENT (DPEIS)

We, the undersigned, protest Tribal attempts to impose policies and changes to land use, natural resource enhancement and protection, residential/commercial growth and development planning within aboriginal lands already controlled by our counties. We protest Tribal attempts to assert any kind of regulation (via processes involving state and federal agency compliance) upon non-Tribal trust land and non-Tribal citizens. The IRMP DPEIS is supported by a Tribal government in which we—the overwhelming majority of area citizens/landowners— have no vote, no voice, no representation.

	<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE NUMBER</u>
1	Steve Lounsbury	282 N 17th St. Marsh's IS	2082453301
2	Haylie Wadell	357 Benewah Lake Rd SM ID	208245-2695
3	Dustin Massiman	357 Benewah Lake Rd SM ID	208-245-2695
4	Jane Wick	5331 Hwy 3 St. Mary	689-9094
5	Cecilia Wick	5321 Hwy 3 St. Mary	6899094
6	Cousen Wick	5321 Hwy 3 St. Mary	6899094
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**PETITION AGAINST THE COEUR D'ALENE TRIBE'S INTEGRATED RESOURCE
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	<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE NUMBER</u>
1	Ludy Hanks	300 Railroad Gr St. Maries	245-4147
2	Don Sawyer	89178 Hwy 3 N	245-2602
3	Barbara Tolton	1666 Cottonwood Drive SMD	245-3460
4	Melissa Bitterman	150 N 6 th St St. Maries Id	245-1392
5	Sonia Harvey	89178 Hwy 3 N.	245-2602
6	Patricia East	76687 Hwy 3 S St. Maries	245-4951
7	Val Riel	76687 Hwy 3 S St. Maries	245-4951
8	Bruce Rynd	PO Box 44 Lemont ID 83832	245-8035
9	Debby Powell	3981 Elkhood meadows Ferwood	245-3097
10	Paul Powell	3981 Elkhood meadows Ferwood	245-3097
11	Karen Sharron	1837 Spring Lane, Harrison Id	689-9056
12	Jim Sharron	1837 Spring Lane, Harrison Id	689-9056
13	E.D. Carpenter	615 Lincoln St. Maries Id	245-9502
14	Rose Townsend	200 Whiskey Ln - St. Maries, Id.	245-3341
15	Nargie Cooke	580 Rowan Gr. Dr. St. Maries	245-2446
16	Larry Cooke	500 Foreman Gr. Dr. St. Maries	245-2446
17	James B. Scott	19 Sunset View, St. Maries, Id	245-2975
18	Dorothy J. Scott	19 Sunset View, St. Maries, Id	245-2975
19	Paul C. Hanks	212 S 12 th St. Maries	659-5256
20	William Hanks	PO Box 139 Harrison	689-3711
21	William Prophet	PO Box 186 Harrison 83833	689-3194
22	Kay Keeler	3665 E. O'Garra Rd. Harrison 83833	689-3304
23	Therese Peacock	2012 East Crows Nest Rd. 83833	689-9841
24	Frank Baine	Box 302 HARRISON ID 83833	689-3807
25	Paul Hanks	111 Prospect PO 186 Harrison 108383	689-3194

PETITION AGAINST THE COEUR D'ALENE TRIBE'S INTEGRATED RESOURCE MANAGEMENT PLAN (IRMP) DRAFT ENVIRONMENTAL IMPACT STATEMENT (DPEIS)

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	<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE NUMBER</u>
1	Brady Livermore	POB 477 Lake Front Dr Harrison ID	659 7789
2	Dan Parrish	8505 S. Jan Lane Harrison ID	765-3390
3	Rob Wilson	P.O. Box 184 HARRISON, ID	689-3528
4	Brady Livermore	549 Lake Front Dr. Harrison, ID	691-6779
5	Mike Lused	204 Prospect Ave HARRISON ID	691-2152
6	T. Smythe	108 Pend Oreille Harrison	689-9307
7	Mark Paulson	5175 E. VAN DUSEN HARRISON	582-1135
8	Charles Gustin	Po Box 31 Harrison ID 83833	689-9865
9	Ronald Elliott	PO Box 301 Harrison Id 83833	" 7839
10	Bill Strobel	1375 Harlow PT Rd 83833	" 3513
11	Bob Elliott	POB 301 Harrison 83833	9839
12	Robert Poole	4883 O'Gara Harrison 83833	689 - 649 3658
13	Paul Nelson	110 5th St St. Maries ID	582-0776
14	Rayne Jones	543 Sunset Terrace HARRISON	689-4799
15	David Gustin	Box 22 Harrison ID	689-3743
16	Bikki Hannah	PO Box 51 Harrison ID 83833	659 6422
17	Darrelle Grandel	P.O. Box 116 Harrison 83833	689-9608
18	Paul Hannah	P.O. Box 51 Harrison 83833	689 6423
19	Darryl Jones	P.O. Box 81 Harrison, ID 83833	689-9197
20	Paul Hannah	PO Box 95 HARRISON ID 83833	689-9416
21	Dennis Coffey	P.O. Box 1003 PF Harrison ID	220-8350
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PETITION AGAINST THE COEUR D'ALENE TRIBE'S INTEGRATED RESOURCE MANAGEMENT PLAN (IRMP) DRAFT ENVIRONMENTAL IMPACT STATEMENT (DPEIS)

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	<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE NUMBER</u>
1	<i>[Signature]</i>	P.O. Box 275 Harrison, Idaho, 83833	(208) 689-3616
2	<i>[Signature]</i>	1862 57 th Jan River Rd	245 4243
3	<i>[Signature]</i>	P.O. Box 173 Harrison, ID 83837	208-689-0259
4	<i>[Signature]</i>	06 275 Harrison Id 83837	689 3616
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PETITION AGAINST THE COEUR D'ALENE TRIBE'S INTEGRATED RESOURCE MANAGEMENT PLAN (IRMP) DRAFT ENVIRONMENTAL IMPACT STATEMENT (DPEIS)

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	<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE NUMBER</u>
1	Shane Cook	6462 E. Bell Canyon Rd. Harrison ID	208-689-9141
2	Stacy Lamb	4263 E. Lamb Rd Harrison ID	208-689-3568
3	Ken Lehman	7079 E. Bell Canyon Road	208-689-3575
4	Joshua J. Lamb	4263 E Lamb Rd. Harrison	208-689-3568
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	<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE NUMBER</u>
1	Dick McEwan	703 Ced. St. Maries, ID	245-4670
2	Dean Bentley	PO Box 321 St. Maries, Idaho 83861	245-2477
3	Wesley Goodwin	2302 Cromwell Dr, St. Maries, ID 83861	245-2824
4	McLudagan	2129 Ora Ave - St. Maries 83861	
5	McLeland	PO Box 517 ST MARIES IDA ⁸³⁸⁶¹	245 3736
6	Ferrill Knupp	1814 Cottonwood Dr. St. Maries	245-3575
7	Jerry Botta	190 Grandview Dr. St. Maries ID.	245-3663
8	Fred Lugenher	391 Garden Tracts Road St. Maries	245-3841
9	Paul Smith	88 Garden Tracts Rd. St. Maries	245-3878
10	Charles Smith	21 Grandview Dr. ST. MARIES	245-5423
11	Roger Stiles	232 Todd Ave ST. MARIES 83861	245-2166
12	John Kuebel	635 E. MADON HUNTS DR ^{ST. MARIES} 83861	245-2914
13	Del Woodbury	270 Woodbury Lane - ST. MARIES, ID	245-3567
14	Jack Darden	5974 St. Joe River Rd. ST. MARIES	245 -
15	Curry Martin	1830 Cottonwood Dr.	245 0272
16	Bob Daddin	432 - 6th ST. MARIES	245-3763
17	John W. Adams	955 - 4th - ST. MARIES, ID	245-3106
18	Lane Olsen	Box 493, Calder, ID 83868	245-4142
19	Mel Barrin	88609 Hwy 3 N. St. Maries ID	245-1938
20	Glenn Bentley	Box 321 St. Maries, Idaho 83861	245-2477
21	RJ Martin	60 MEMORY LANE ST. MARIES	245-4389
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**PETITION AGAINST THE COEUR D'ALENE TRIBE'S INTEGRATED RESOURCE
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	<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE NUMBER</u>
1	<i>Elaine Desautel</i>	<i>P.O. Box 82 Harrison, Idaho</i>	<i>689-3854</i>
2	<i>Roberta Ormiston</i>	<i>PO BOX 136 Harrison ID</i>	<i>689-3111</i>
3	<i>Judith M. Russell Kramer</i>	<i>6307 E. Sunrise Dr Harrison, ID 83833</i>	<i>689-9386</i>
4	<i>Marie Russell</i>	<i>6381 E. Sunrise Dr Harrison ID 83833</i>	<i>689-3467</i>
5	<i>James S. Bennett</i>	<i>P.O. Box 82 Shewier Idaho</i>	<i>689-2854</i>
6	<i>Donald N. Heikkila</i>	<i>12248 E O'Gara Harrison, ID 83833</i>	<i>689-3349</i>
7	<i>Cheryl F. Kramer</i>	<i>6307 E. Sunrise Harrison ID 83833</i>	<i>689-9386</i>
8	<i>Angie Lee Monroe</i>	<i>6397 E. Van Dusen Rd. Harrison ID</i>	<i>689-9046</i>
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	<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE NUMBER</u>
1	William J. Mason	31475 S. Chief Rd. Harrison Id. 83833	509-747-6847
2	Wilma Mason	31475 S. Chief Rd. Harrison ID 83833	509-747-6847
3	MARVIN JORDAN	8751 E. BLUE LAKE RD. HARRISON	²⁰⁸ 509 -689-3526
4	John Jordan	8751 E. Blue Lake Rd. Harrison	208-689-3526
5	Dorothy Davis	14031 E. FAWN Dr. Harrison, Id	208-689-3390
6	Engene Davis	" " " " " "	" " " " " "
7	Wilma M. Sawyer	6223 E. Blue Lake Rd " "	208-689-3522
8	Joy Christensen	5577 So Hy. 97 Limerick 2nd	209-699-3751
9	Minnie Fabricius	31949 S. Chief Rd. Harrison	689-3256
10	Ernest Jones	7393 Thompson Rd Harrison 2nd	689 3323
11	James Nelson	3492 E. Sunset Dr Harrison	689-9290
12	Patricia Carlson	27247 Lacan Lake Harrison Id.	689-9040
13	Paul Carlson	27247 Lacan Lake Harrison Id.	689-9040
14	Earl Nelson	3492 E. Sunset Dr Harrison	689-9290
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PETITION AGAINST THE COEUR D'ALENE TRIBE'S INTEGRATED RESOURCE MANAGEMENT PLAN (IRMP) DRAFT ENVIRONMENTAL IMPACT STATEMENT (DPEIS)

We, the undersigned, protest Tribal attempts to impose policies and changes to land use, natural resource enhancement and protection, residential/commercial growth and development planning within aboriginal lands already controlled by our counties. We protest Tribal attempts to assert any kind of regulation (via processes involving state and federal agency compliance) upon non-Tribal trust land and non-Tribal citizens. The IRMP DPEIS is supported by a Tribal government in which we---the overwhelming majority of area citizens/landowners--- have no vote, no voice, no representation.

	<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE NUMBER</u>
1	<i>William F. Pyle</i>	25249 N. MATCH RD., ATHOL ID 83801	208-683-2663
2	<i>Randy Kyle</i>	25249 N Hatch Rd Athol Id 83801	208 683 2663
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	<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE NUMBER</u>
1	Antonia M. Hardy	31169 S. Benevalah Rd Harrison 83833	689-3731
2	Regen Hardy	31169 S Benevalah Rd Harrison 83833	689-3731
3	Joyce A. Bissell	5305 E. O'Carroll Rd, Harrison, ID 83833	689-3356
4	Angelo B. Bissell	" "	"
5	Carol J. Young	5309 O'Carroll	689-3057
6	Diane Shattuck	4883 Ogara rd. Harrison, Id.	689-3658
7	Jean Jensen	27630 S. Lacon Ln Harrison, ID	689-3116
8	Rachel A Jensen	27630 S. Lacon Ln Harrison, ID	689-3116
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	<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE NUMBER</u>
1	Jim LITTLE	P.O. Box 209 HARRISON. ID.	208-689-3134
2	Ed Mullaghey	P.O. Box 297 Harrison Id	208-689-3466
3	Bob Jones/Dane	PO Box 106 HARRISON ID	208 689-3952
4	Jan Koon	30701 S. Hwy 97 Harrison	664-9249
5	Carol Dordman	30701 S Hwy 97 Harrison Id.	208-664-9249
6	TERRY L. STRIGHT	Jemez sp, NM	505 829 3152
7	Larry Divine	4885 E. Ogara Harrison Id	208 689 3018
8	Ken Hulsc	6403 E Wood Lane HARRISON	208 689 9989
9	Sue Hulsc	6403 E Woodlane Harrison Id	208.689-9984
10	Harold Kimeas	P.O. BOX 70 HARRISON IDAHO	208-689-3913
11	Lynette Bartholdt	6405 HEUS EULLH ST. MARIES ID	208-245-9087
12	Russell Ribersich	P.O. Box 253 Harrison ID 83833	208-582-0177
13	Harvink Deitz	PO Box 277 Harrison ID, 83833	208-689-3086
14	Jan Little	P.O. 209 Harrison ID 83833	208 689 9968
15	Sherry Nick	33478 S. Hwy 97 Harrison Id	208-689-
16	Janette Divine	4885 E Ogara Harrison ID	689-3018
17	Wm E. Pultz	27528 S. LAON LN HARRISON ID	889-3315
18	David h Oakes	Box 15 St. Maries ID	(208) 691-6104
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PETITION AGAINST THE COEUR D'ALENE TRIBE'S INTEGRATED RESOURCE
MANAGEMENT PLAN (IRMP) DRAFT ENVIRONMENTAL IMPACT STATEMENT (DPEIS)

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	<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE NUMBER</u>
1	Edith Z. Wright	34970 S. HELLS GULCH RD. ST. MARIES ID	208 215-3470
2	Joni Christensen	510274 S. Hwy 97 St. Maries, Id.	208 689-3203
3	Susan Rodger	13056 S Ruddy Duck Rd, Medmont Id	208-689-3987
4	Margaret B. Schellack	32301 S Hells Gulch Rd. St. Maries Id. 83861	208-845-2498
5	Mildred Wright	9570 Hells Gulch Rd. St. Maries, Id.	208-245-5570
6	Linda J. Jones	9259 E Soaring Hawk St. Maries 83861	208 245-5492
7	Martin Christensen	55729 S. Hwy 97 St. Maries Id.	208-689-3751
8	Wilie Christensen	55134 S Hwy 97 St Maries ID	208-689-3078
9	John Christensen	55724 S. Hwy 97 St Maries Id	208-689-3078
10	Kenneth Christensen	510274 S Hwy 97 St. Maries Id	208 689-3203
11	Richard M. Madsen	54493 S Hwy 97 St. Maries Id	208 689-3366
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front Range
Elliot Stone
HW Thayer
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	<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE NUMBER</u>
1	Rusty Young	541 E Round LK Rd St. Maries ID	208-689-3485
2	John Young	541 E. ROUND LK. RD St. Maries, ID	208-689-3485
3	Ronald L Taylor	31825 S. Indian Mount Rd, Harrison	208-689-9410
4	Leanne M Taylor	31825 S Indian Mt. Rd Harrison	208-689-9410
5	Ray Allen	28785 S. Gem Rd, Harrison ID 83833	208-689-3877
6	GRA Muench	28785 S. GEM RD. HARRISON, ID	83833 (208) 689-3877
7	Bill Rog	1153 4th St. St. Maries, ID	208-582-0238
8	Elliot Stone	841 Round Lake Rd. / St. Maries, ID / 83261	208- 3485 -3485
9	Shawn W Thayer	57294 S HWY 97 St Maries	689-3268
10	John Thayer	57294 S HWY 97 St Maries Id	689 3268
11	Richard Stephens	59093 S Hwy 97 St Maries Id	689-9802
12	Wendy Stephens	59093 So. Hwy 97, St. Maries, Idaho	689-9802
13	Sherry Hanson	4649 E Sunset Dr Harrison ID	6893562
14	WILLIAM LATSKAN	P.O. BOX 187-180 Round LK Point SM ID.	245-2058
15	Jerry Latskan	P.O. Box 187-180 Round LK Point SM	ID-245-2058
16	John J. Laska	P.O. Box 79 1351 Rd LK Road	245-9982
17	Corey J. Laska	P.O. Box 79 1351 Rd LK Road	245-9982
18	Victor B. Breda	P.O. Box 502 1717 R. LAKE Rd	245-4140
19	Robin L. Breda	P.O. Box 502 1717 R. LK Rd St. Maries ID	8245-4140
20	Brad V. Breda	P.O. Box 12 St. Maries, ID	245-1369
21	Mindy Sullivan	P.O. Box 12 St. Maries, ID	245-1369
22	Justin Breda	911 N. Kenneth Ln. Post Falls, ID	(208) 777-4429
23	Paul Cantrell	1861 Red Lake St Maries ID	245-1367
24	Paul Jensen	301 Round Lake Point St. Maries	245. 2925
25	Magnus Swenson	301 Round Lake Point St. Maries	245. 2925

PETITION AGAINST THE COEUR D'ALENE TRIBE'S INTEGRATED RESOURCE MANAGEMENT PLAN (IRMP) DRAFT ENVIRONMENTAL IMPACT STATEMENT (DPEIS)

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	<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE NUMBER</u>
1	Joan Tupper	1695 Round Lake Road St. Maries	245-4131
2	Timothy Grand	1816 ROUND LAKE ROAD ST. MARIES	245-5239
3	Fern McWhorter	2000 Round Lake Rd St. Maries	245-5591
4	Leland McWhorter	2000 Round Lake Rd St. Maries	245-5591
5	Donna Lock	1955 Round Lake Rd St. Maries	245-2437
6	Roland Lock	1955 Round Lake Rd. St. Maries	245 2437
7	E. S. Bellum	791 Round Lake Rd. St. Maries	245-4137
8	Vicki Bellum	P.O. Box 602 St. Maries	245-4137
9	Amy Young	541 E. Round Lake Rd St. Maries	245-1597
10	Steve Hartman	427 Round Lake Rd.	245-3063
11	Barbara Hartman	" "	245-3063
12	Jeff Carpenter	" "	245-1270
13	Diane Carpenter	" "	245-1270
14	Clyde Hanson	4649 E. Sunset Drive, Harrison, ID	689-3562
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PETITION

December 1, 2005

To: Coeur d'Alene Tribe
Environmental Action Plan
850 "A" Street
P.O. Box 408
Plummer, Id 83851

Attention: Tiffany Allgood, Plan Coordinator of IRMP / DPEIS
(Integrated Resource Management Plan:
Draft Programmatic Environmental Impact Statement of Cda Tribe)

We, the undersigned, OPPOSE the DPEIS for the following reasons:

1. The Tribe should not be providing "Management Guidance" of the environment to any area except the current reservation, certainly not the "former reservation."
2. The Tribe should not be allowed to hunt and fish on privately-owned non-tribal land.
3. The Tribe should not be allowed to "Increase Restoration activities to move toward pre-settlement", since the former reservation land was purchased from the Indians and sold to private non-Indian people.
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5. The Tribe states they intend to "Develop tribal primacy where desirable and feasible." This means they intend to be foremost in any decisions that could affect our privately owned lands, and is totally unacceptable.
6. The Tribe states they intend to "Restore the Reservation", meaning the former reservation, and this land is now owned by private land owners. This is totally unacceptable and illegal.
7. The Tribe does not allow a non-tribal participatory voice within tribal decisions that affect directly the lives of non-tribal land owners, our businesses, our land, our water, and our environment,.

<u>Name</u>	<u>Address</u>
TERRY Waddell	357 Renewah Lake Rd. ST. MARIES ID 83861
Serraine Duggan	66 Pine St Maries Idaho
Janice Weidman	611 WASHINGTON AVE ST. MARIES ID 83861
Gean Reid	803 Elm St. Maries Id. 83861
Priscilla Dem	501 Scatlave St. Maries Id. 83861
Bonnie Pfeifer	1112-2nd St. St. Maries Id 83861
George E. Whelan	1112 Second St. St. Maries Id 83861
Ellen Blyth	1220 Shepherd Rd. St. Maries Id 83861
Don Baur	
Joan Rupp	1411 Garden Way St. Maries ID-83861
Jim Henderson	76103 Hwy 350 ST. MARIES ID 83861
Mr. Hum	9324 RAILROAD GRAD RD ST. MARIES ID 83861

Please mail this Petition to the Tribe to be received before December 14, 2005

PETITION AGAINST THE COEUR D'ALENE TRIBE'S INTEGRATED RESOURCE MANAGEMENT PLAN (IRMP) DRAFT ENVIRONMENTAL IMPACT STATEMENT (DPEIS)

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	<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE NUMBER</u>
1	Bill Fletcher	444 FLETCHER RD. ST. MARIES	245-3464
2	Bill Fletcher	444 Fletcher Rd. St. Maries	245-3464
3	Don Helm	1501 N. Coon Crk	245-4878
4	Don Fletcher	444 Fletcher Rd St Maries	245-3464
5	Myrae Rodgers	177 Fitchard St Maries Id	245-4292
6	Regis Bouchard	8850 Benewick Crk Rd ^{St Maries} Id	245-2339
7	Tom Reed	PO Box 221 Worley Id	686 4038
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	<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE NUMBER</u>
1	Norman RAKE	12986 BENEWAH CREEK RD ST. MARIES ID 83861	245-6619
2	Marilyn Lake	"	"
3	Constance E Hart	12988 Benawah Cr Rd, S.M 83861	245-4843
4	W. Spitzer	3889 Alder Creek Rd St. Maries	245-2998
5	Jo Philip	7971 WINDFALL PASS Rd	245-4861
6	Carl Johnson	8554 Benawah Cr Rd St. Maries	245-9223
7	W. D. Darrin	14222 Benawah Rd	245-4379
8	Mark Rogers	740 Happy Cr Ln, St. Maries	254 381- 3411 3411
9	Gayle D. Sawyer	740 Happy Cr Lane, St. Maries	254 381- 3411 3411
10	Bela W. Wether	7670 Benawah Creek Rd	245-1593
11	Tammie Wester	7670 Benawah Cr. Rd 83861	245-1593
12	Loris Whitlock	7663 Benawah Creek Road	245-3280
13	Shirley Spitzer	3889 Alder Creek Rd St. Maries 83861	245-2998
14	Leslye Spitzer	260 Whitetail New rd St. M	245-2549
15	Will Fudge	8311 Windfall Pass Rd, S.M.	245-4002
16	Dan Murray	861 old county Rd Fernwood	245-2091
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	<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE NUMBER</u>
1	Marian R. Bann	6827 E. Garnet Dr, St. Maries	245-5260
2	Eve R. Bann	6827 E. Garnet Dr. St. Maries	245-5260
3	Kathryn Johnson	7341 E. Garnet Dr St Maries	245-3481
4	[Signature]	" " " "	245-3441
5	Janice J. Manting	8006 E. Quarterhorse Tr. ^{St. Maries} Idaho	245-5128
6	Cheryl Caldwell	6756 E. GARNET DR. ST. MARIES, ID	245-3019
7	Harold Caldwell	6756 E Garnet Dr. St. Maries, Id	245-3019
8	Chris Lelievre	6552 E. Garnet Dr. St. Maries, Id	245-2678
9	John Lelievre	6552 E. Garnet Dr. St. Maries, Id	245-2678
10	Maureen Manting	8006 E. QUARTERHORSE TRAIL ^{ST. MARIES} IDAHO	245-5128
11	[Signature]	7522 E GARNET DR ST. MARIES ID	245-4929
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**PETITION AGAINST THE COEUR D'ALENE TRIBE'S INTEGRATED RESOURCE
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	<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE NUMBER</u>
1	Catherine	5812 E Van Dusen	689-3733
2	Van Dusen	"	"
3	Ed Jacobs	761095 Cedar Grove Rd Harrison	689-3458
4	Rosemarie Newkirk	4308 Bourbon Dr. CDA	699-4414
5	Carol	11491 N. Aron Dale Loop Rd. Hayden 83833	762-5909
6	Jahnee Mahan	14168 N. Leavenworth Pethdram	687-5496
7	Jatrick Meehan	14168 N. Leavenworth Pethdram	687-5496
8	Daniel S. Smith	2016 W. James Crowe Dr. Hayden	772-6923
9	Sherry E Klein	28707 S. Hwy 3 McEwain, ID.	687-3853
10	Janna Miller	6305 Helix Gulch Rd ^{St. Maries ID} 83861	245-2151
11	Rachel A. Jensen	27630 S. Bacon Ln. Harrison ^{ID} 83833	689-3116
12	Nacia Matteson	939 Sanders Road St. Maries, ID 83861	245-4706
13	Dustin Hubbell	57605 S. Hwy 97 St. Maries, ID 83861	(202) 619-4422
14	Stephanie Jacobs	26109 S Cedar Grove Harrison ID	689-3458
15	Angie Lee Monow	6397 E. Van Dusen, Harrison ID	689-9046
16	William Monow Jr	6397 E Van Dusen, Harrison Id	689-9046
17	Richard & Holly	1163 Butler Drive, St Maries ID	245-2247
18	Narda Paul	1530 Cottonwood Dr, St Maries ID	245-6860
19	Helen Waga	300 Fir Rd St. Maries	245-4948
20	Frank Waga	300 Fir Rd ST MARIE	245-4948
21	Dagmar Alley	P.O. Box 40 Fernwood Id	245-8801
22	Jane Alley	P.O. Box Fernwood	245-8801
23	Patricia Mays	P.O. Box 402 St. Maries	245-2424
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PETITION

December 1, 2005

To: Coeur d'Alene Tribe
Environmental Action Plan
850 "A" Street
P.O. Box 408
Plummer, Id 83851

Attention: Tiffany Allgood, Plan Coordinator of IRMP / DPEIS
(Integrated Resource Management Plan:
Draft Programmatic Environmental Impact Statement of Cda Tribe)

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Name

Address

Janel J. Hutz	300 R. L. Onate ST MARIES
Michael A. Buell	350 Grandview Dr ST MARIES
Del Stover	750 Shepherd Rd. ST MARIES
Susan Shoemaker	750 Shepherd Rd ST MARIES
Allen S. L.	750 Shepherd Rd ST MARIES
Paul Finner	7808 N. KAMA RD
Joan Wilcox	486 Shepherd Rd ST MARIES
Greg Nelson	486 Shepherd Rd ST MARIES

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PETITION

December 1, 2005

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Environmental Action Plan
850 "A" Street
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Plummer, Id 83851

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<u>Name</u>	<u>Address</u>
Don Felton	1666 Cottonwood Dr St. MARIES Id 83861
MITCH SANTOS	1756 COTTONWOOD DR. ST. MARIES, ID 83861
Shallan Santos	1756 Cottonwood dr St. MARIE'S ID 83861
Todd B. Heriman	150 N 6th St. St. Maries ID 83861
Falvey Reid	7668 Hwy 3 S St. Maries Id. 83861
Donald Reid	76687 Hwy 3 S St. Maries Id 83861
Brandi Reynolds	PO Box 441 Fernwood Id 83830
Nebby Howell	3981 Elk Horn Meadows Fernwood Id 83830
Keith Howell	3981 Elk Horn Meadows Fernwood ID 83830
Jim & Karen Harmon	1837 Spring Lane, Harrison
R.D. Carpenter	615 Lincoln St. Maries Id
L.D. DuMoulin	4300 E SUNSET DR. HARRISON Id 83833
Robert H. Scholz	4102 Finch Rd Thorntown Wn 478 3949
Brenda Wadden	351 Benewah Lake Rd St. Maries ID 83861

Please mail this Petition to the Tribe to be received before December 14, 2005

DATE: January 13, 2006

FROM: Jayne A. Wittmeyer, VP Idaho Affairs, Intermountain Forest Association
(w/cc to U.S. Environmental Protection Agency and State of Idaho, Dept. of Environmental Quality)

Re: the Coeur d'Alene Tribe's Proposed Water Quality Standards and Draft Integrated Resource Management Plan

The Intermountain Forest Association (IFA) is an organization of wood product manufacturers, timberland owners and related businesses in the northern Rockies. The Association develops and implements solution-oriented policies aimed at securing a stable and sustainable supply of timber on public and private lands. We also look after issues that affect our membership that occur on non-private, federal and state lands.

The purpose of this letter is to submit comments to the Coeur d'Alene Tribe (Tribe) with respect to the Tribe's proposed water quality standards and the Draft Integrated Resource Management Plan (IRMP) Draft Programmatic Environmental Impact Statement (DPEIS). The purpose of these comments is to inform the Tribe and other interested government agencies of IFA concern with the practical application of the proposals and raise questions and concerns that should be addressed to aid in the understanding of the application of these proposed standards and IRMP.

Since IFA has previously submitted its comments on the Tribe's proposed water quality standards, we will only add in this letter, that IFA supports the concerns and questions indicated in the letters that were sent from IFA member companies Potlatch Corporation and Forest Capital Partners, LLC. We share their concerns and would ask for answers to the questions raised in their correspondence with the Tribe.

In addition, we have reviewed the IRMP DPEIS and, after reviewing the Potlatch and Forest Capital Partners, LLC letters, wish to associate our issues with those expressed in their comments. We share their concerns and questions. We hope that the Tribe will address these concerns, questions and issues so as to answer our common questions. In specific, IFA has the same issues and questions that FCP expresses in its letter of December 13, 2005. We respectfully request your attention to answering these concerns as well as those IFA expressed in its earlier correspondence with the Tribe.

IFA shares the same issues and questions with the Draft IRMP DPEIS as addressed in the FCC, LLC letter of December 13, 2005. The questions regarding implementation mechanism's that may flow from implementation of a final IRMP are a shared concern. We urge the Tribe to utilize the Idaho Forest Practices Act as the accepted and approved way to safeguard forest practices on all lands within the exterior boundaries of the CDA Tribe Reservation. This will assist in maintaining consistency and continuity of requirements between all landowners who practice forestry.

IFA respects the Tribe's desires to assert any and all jurisdiction over activities within its reservation boundaries to the full extent allowed by law. However, we share a desire to have a

clear understanding of exactly what regulatory activity is planned by the Tribe, how the Tribe's plans may impact IFA members (both landowners and facility operators) and how the Tribe's regulatory program fits with regulatory programs of other government entities.

IFA seeks to understand the applicability of the Tribe's authority over fee lands. From the documents available, it is not clear. Non-tribal entities like IFA member companies need to clearly understand the applicability of the delegated authority to fee lands both inside and outside of the reservation "TAS waters". We understand the NPDES permit and point source discharge explanation however the explanation is not clear with respect to nonpoint sources discharges and as importantly, the applicability of the Idaho Forest Practices Act. We ask that the Tribe provide clarity on these issues.

In closing, we respectfully request that you address all of the issues raised in IFA's letters as well as those of Potlatch Corporation and FCP, LLC, as organizations we all share the same concerns and issues and have many of the same questions. We also desire to develop a working relationship with the Tribe and would welcome an opportunity to meet with Tribal representatives to explore our shared interests.

The Sampson Group, Inc.



October 14, 2005

Tiffany Allgood
EAP Coordinator
Coeur d' Alene Tribe

Dear Ms. Allgood:

First, let me congratulate you and the entire Cd'A team for producing the DPEIS and getting it out to the community. It is an excellent piece of work, in my view. In my brief analysis, I uncovered only one issue that you might wish to consider. (I should note that this comment comes from reading only the ES. I don't have time to study the full document, so if this is covered well there, please ignore.)

In Table 2.4.3, there is some question about the treatment of Fire as being equal across all options. It seems to me that B will require a significant change in the type (intensity, severity) and increase in the extent of fire over A, C will require an increase in extent over B, and D may require a decrease over A (more firebreaks and suppression activities due to added development). These differences, if they exist, have significant cost and managerial implications for the Tribe if fire is to be used for ecosystem restoration and maintenance of pre-settlement conditions.

One indication of this comes under Wildlife, where goals for restoration of Palouse Steppe and low elevation dry forest habitat are listed. Both will require intensive and skilled use of fire if those systems are to be restored and maintained. This raises issues that may need to be discussed more at length. For example, the regular historical burning practices of the Tribe relied on skilled elders who directed local burning activities. Those skills may have been lost, and modern science may not be an adequate substitute. Those historic burning practices also occurred in a social environment where risk was readily accepted. That is no longer the case, and conducting burns to the extent needed will require huge investments of people, time, and money to ease the fears and protect the interests of the surrounding communities. I doubt that it is possible under today's conditions.

Finally, any attempt to restore historic burning extent and frequency will collide directly with the stated goals for air quality. I'd bet a good steak dinner that a fire analysis on Options B&C will preclude any hope of reaching EPA Class I airshed status. My reading of history is that the historical smoke situation made today's grass field burning look like nothing. I could be wrong, but it might be worthy of a bit more analysis.

Sincerely,

R. Neil Sampson
President

5209 York Road
Alexandria, VA 22310
703-924-0773
www.sampsongroup.com

entered 12/14/05
JLW

**COEUR D'ALENE TRIBE
INTEGRATED RESOURCE MANAGEMENT PLAN (IRMP)
QUESTIONNAIRE**

Please return this completed questionnaire to the Coeur d'Alene Tribe Environmental Programs Office by November 14th, 2005 in order to be placed in a drawing for \$100, \$50, a Pendleton blanket or a Coeur d'Alene Tribal Casino Resort getaway for two (all prizes will be given away).

Coeur d'Alene Tribe
Environmental Programs Office
P.O. Box 408, 850 A Street
Plummer, ID 83851
(208) 686-8802

Your name: R. Neil Sampson Your phone number: 703-924-0773 (0)

Are you a Coeur d'Alene Tribal member? Yes or No (circle one).

Are you a member of a federally-recognized tribe? Yes or No (circle one).

Do you live on the Coeur d'Alene Reservation? Yes or No (circle one).

Do you live in the Coeur d'Alene Tribe's aboriginal territory? Yes or No (circle one)

After reading the *Executive Summary of the Integrated Resource Management Plan (IRMP) Draft Programmatic Environmental Impact Statement (DPEIS)* enclosed with this mailing, please answer the following questions:

1. Which one of the IRMP alternatives is your favorite (circle one below)?

The alternatives are:

Alternative A (no action, no change from current management),

Alternative B (stqhessiple' Integrated Resource Alternative),

Alternative C (natural resource conservation) or

Alternative D (growth and development)

2. What things would you change about your favorite alternative, if anything?

See attached note

3. What are the best things about your favorite alternative?

See attached note

4. Do you have any other comments? (Use the other side of this page or attach additional sheets if needed.)

See attached

Letter 44 02

Oct 19, 05

I, JACK BOWLIN

RECOMMEND AN ADDITION OF
AN/OR ADDENDUM TO THE
ENVIRONMENTAL IMPACT STATEMENT
EXECUTIVE SUMMARY -

TO BE INCLUDED:

A BOTANICAL GARDEN
A PLACE WHERE COLLECTIONS OF PLANTS
ARE THAT WERE USED BY EARLY TRIBAL ^{EARLY} MEMBERS - EXHIBITION FOR STUDY ^{SETTLER}
AND FOR PLEASURABLE MEMORIES.

A YOUTH GARDEN
FOR SCIENTIFIC STUDY FOR BEGINNER
LEARNING TO GARDEN!

Consultation Letters from USFWS, SHPO, and THPO



United States Department of the Interior

FISH AND WILDLIFE SERVICE

*Upper Columbia Fish and Wildlife Office
11103 East Montgomery Drive
Spokane, Washington 99206*



June 30, 2006

Tiffany Allgood
Environmental Action Plan Coordinator
P.O. Box 408
Plummer, Idaho 83851

Subject: Coeur d'Alene Tribe's and Bureau of Indian Affairs' Integrated Resource Management Plan (IRMP) Draft Programmatic Environmental Impact Statement; FWS Reference 1-9-06-I-0125 (File #1001.0400)

Dear Ms. Allgood:

This responds to your June 8, 2006, letter requesting informal consultation on the Coeur d'Alene Tribe's and Bureau of Indian Affairs' Integrated Resource Management Plan (IRMP) Draft Programmatic Environmental Impact Statement (DPEIS). We understand that the IRMP contains 100-year desired future conditions for the Tribe's aboriginal territory for the Landscape and Culture resource categories and 20-year goals for the Coeur d'Alene Reservation for the Natural Environment and Human Environment resource categories. The Tribe's IRMP is programmatic in nature and is meant to provide guidance on balancing natural, environmental and cultural resources with development. Consultation with the Service for individual projects that occur on Tribal lands will be completed on a case-by-case basis. Your letter, with the DPEIS was received in this office on June 12, 2006, and requested our concurrence with your determinations of effect for the bald eagle, bull trout and designated bull trout critical habitat.

The U.S. Fish and Wildlife Service (Service) concurs that the IRMP, as described in the DPEIS, is "not likely to adversely affect" bald eagles, bull trout, and designated bull trout critical habitat. This decision is based on the fact that management activities in the preferred alternative are not expected to affect bald eagle habitat, or bald eagle nesting and roosting activities. This decision is also based on the fact that there are no spawning or rearing populations of bull trout in the area of proposed activities, and any sediment delivered to the lake is not expected to exceed levels associated with sub-optimal lacustrine habitat conditions. This decision is also based on the fact that one of the overall goals of the IRMP is the protection and conservation of ESA listed species. Concurrence by the Service is contingent upon implementing the project as described in the DPEIS.

This concludes informal consultation pursuant to section 7(a)(2) of the Endangered Species Act of 1973, as amended (Act). This project should be re-analyzed if new information reveals effects of the action that may affect listed species or critical habitat in a manner or to an extent not considered in this consultation; if the action is subsequently modified in a manner that causes an effect to the listed species or critical habitat that was not considered in this consultation; and/or, if a new species is listed or critical habitat is designated that may be affected by this project.

If you have further questions about this letter or your responsibilities under the Act, please contact Carrie Cordova of this office at 509-893-8022.

Sincerely,


for Supervisor

c: IDFG, Coeur d'Alene



June 13, 2006

Ms. Tiffany Allgood
Natural Resource Dept.
Coeur d'Alene Tribe
850 A Street
Plummer, Idaho 83851

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Fax: (208) 334-2774

Archaeological Survey of Idaho
210 Main Street
Boise, Idaho 83702-7264
Office: (208) 334-3847
Fax: (208) 334-2775

**Historical Museum and
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610 North Julia Davis Drive
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Fax: (208) 334-4059

Historic Preservation Office
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Boise, Idaho 83712-8254
Office: (208) 334-2844
Fax: (208) 334-3225

**Public Archives and
Research Library**
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Boise, Idaho 83712-8250

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Office: (208) 334-2620
Fax: (208) 334-2626

Research Library
(208) 334-3556

Oral History
Office: (208) 334-3863
Fax: (208) 334-3198

RE: Draft Programmatic Environmental Impact Statement for the Coeur d'Alene Tribe's Integrated Resource Management Plan

Dear Ms. Allgood:

Thank you for requesting our views on the Draft Programmatic Environmental Impact Statement for the Coeur d'Alene Tribe's Integrated Resource Management Plan. We believe that most of our comments provided in August of 2003 have been addressed.

We support your conclusions that Alternatives B and C would have the least potential to affect cultural resources, while Alternatives A and D would have the greatest potential.

We look forward to working with your Cultural Resource Office as the plan is implemented. If you have any questions, please feel free to contact me at 208-334-3847, ext. 107.

Sincerely,

Susan Pengilly Neitzel
Deputy SHPO and
Compliance Coordinator



A241

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Cultural Resources Management Program
P.O. Box 408 / 850 A. Street
Plummer, Idaho 83851
208-686-0675 fx 208-686-1901

Date: 18 July 2007

Ms. Tiffany Allgood
Environmental Programs Office—Department of Natural Resources
Coeur d'Alene Tribe
P.O. Box 408 / 850 A Street
Plummer, Idaho 83851

RE: Coeur d'Alene Tribe IRMP DPEIS

Dear Ms. Allgood:

The CRMP and THPO appreciate the opportunity to present comment on the DPEIS for the CdA Tribe's IRMP.

Staff and I have reviewed the document and given comment at various meetings and in writing. We believe that our comments have been addressed adequately during this process.

We agree that Alternatives B and C are most protective of cultural resources while A and D are more likely to adversely impact those resources.

During the process of developing the IRMP, the Coeur d'Alene Tribe has established a Tribal Historic Preservation Office and Officer. Please note that the THPO has authority on the reservation, though landowners may also request the participation of the SHPO.

Sincerely,

A handwritten signature in black ink, appearing to read "Quanah Matheson".

Quanah Matheson
Tribal Historic Preservation Officer and CRMP Manager

Cc: Project File
CRMP ChronoFile

**INTEGRATED RESOURCE MANAGEMENT PLAN
SUMMARY OF QUESTIONNAIRE RESPONSES**

Tribal Members Living Off Of The Reservation

Alternative A – 4

Alternative B – 23

Alternative C – 2

Alternative D - 2

<u>Favorite Alternative</u>	<u>Things you would change about favorite alternative</u>	<u>Best things about favorite alternative</u>	<u>Other comments</u>
B		Moderate impact	Well thought out.
B	Add recreation potential for lake shore and lake Need more land management recommendations, especially shoreline development plan	Reasonable growth in development of land use, resources, and population density	Not entirely clear - the distinction between 20-year and 100-year goals Firmly designate large and small open spaces and uses
A			
A	Nothing	That it stays the same, maybe change in the future	Not at this time.
B	I have read the proposal several times; there is nothing I would change	I like that it includes cultural resources	
B	Recreation on Alternative “B” should be enhanced by a minimal amount (designated swimming area, etc.)	Maintaining Tribal traditions is very important to me. On Alt. B I like what is described as a balance of tribal cultural elements.	No comments at this time.
C	A little more agriculture, less development	Keeping the lands protected from mass development; leaving the land as it is meant	

<u>Favorite Alternative</u>	<u>Things you would change about favorite alternative</u>	<u>Best things about favorite alternative</u>	<u>Other comments</u>
		to be. It is rare to able to able to go to a town or city that isn't congested and overdeveloped; animals need a home too; too many have had their homes taken and Alternative C helps protect them	
None selected			I concur with what ever the Council think best for our people
B	Some recreation included	Nice balance between land uses.	
B			Since I don't live on the reservation I don't think I am knowledgeable enough to make a recommendation.
B	The moderate habitat loss, fragmentation, and native species decline	Mostly everything will be the same; no major fluctuations and it will maintain peace of mind	I'm glad people are taking the preservation of the reservation seriously. The preservation of my people and culture is very important to me.
B	Minor improvements to income to at least moderate improvements to income	Encourage well thought out development projects in designated areas through sound planning	
B	No change	Good as written	

<u>Favorite Alternative</u>	<u>Things you would change about favorite alternative</u>	<u>Best things about favorite alternative</u>	<u>Other comments</u>
C	I don't live in Worley, Idaho I'm in Colorado		Yes, I wanna know why I have water instead of land
B	I do not live on the Reservation, so I don't think I would have the right to change anything.	All the things sound good to me.	My great grand Father, Steve Liberty was a good friend of Andrew Seltice, Chief of the Coeur d'Alene tribe. They were great men, I wish I would had known them. When Steve Liberty died the newspaper said, Pioneer has gone, Steve Liberty will fight Diplomatic Battles of the Coeur d'Alenes no more. Chief Seltice was born 1810 died 1902. Was chief of the tribe 1865-1902.
B	Perhaps progress more slowly – our natural environment has been here for awhile, so lets make sure we do this correctly	Things will change, they always do. This might give us a say (little bit of control, too) in the future of our unique environment and its unnatural development	Thank you for asking me.
D		Development	
B	Recreation needs to be addressed as part of the social, community and economical future of land use.	I really like the balanced approach of this alternative. I also appreciate the necessary inclusion of NEPA	Does Idaho have a State Environmental Policy Act the tribe could adopt? If not perhaps the tribe should consider the development and

<u>Favorite Alternative</u>	<u>Things you would change about favorite alternative</u>	<u>Best things about favorite alternative</u>	<u>Other comments</u>
			adoption of one.
B			Maintain standards in Impact Statement
A	Nothing, leave everything the way it is (Alt. A)	Just driving through and stopping off for a break; everything is so beautiful and nice (Alt. A)	No.
B	Alternative B provides a plan for achievable improvement in land management (Alt. B)		
B	I don't have a thorough understanding so I won't change anything	I have no favorite because of the lack of understanding	I would have liked to have had more of a chance to research all of this; I do however like the direction we are going.
B		A sense of moderate improvement to the environment without being too radical either to development or environmental goals	
B	I'd add some recreational areas. They should redo the old Pow Wow grounds and have the Pow Wow in one spot instead of split up in 2 areas – that's just dumb.	They're not trying to do too much and mess up the natural forest, etc. But still being productive and making money for the tribe	If the Pow Wow set-up is based on money (which it shouldn't be), I believe people would still travel to the Casino to gamble even if they weren't playing stickgame at the Casino. And since we have a golf

<u>Favorite Alternative</u>	<u>Things you would change about favorite alternative</u>	<u>Best things about favorite alternative</u>	<u>Other comments</u>
			course, we don't need to use the one at Post Falls. They need to put the Wardance and Stickgame together and have a real Pow Wow. A Pow Wow for the Natives, not to make money off the White folks and definitely not to make money off the Natives. Sorry this doesn't really have nothing to do with the Resource Plan. But Yeah, add recreation
B	De-emphasize rural expansion and include a working recycling program along with rural growth	The balance of agricultural, conservation and forest land will help to offset the environmental impact of recreation and rural development	Educating residents and making services readily available in respects to doing their part to reduce waste and re-use materials should be priority
None selected	Renew the 1873 boundary line for our future members; to make it like the reservation boundary 1894	Growth – housing – infrastructure	
D		Growth and develop the needs of future tribal activities	
A			
B			

<u>Favorite Alternative</u>	<u>Things you would change about favorite alternative</u>	<u>Best things about favorite alternative</u>	<u>Other comments</u>
B			
B			
B			
B			

Tribal Members Living On The Reservation

Alternative A – 2

Alternative B – 4

Alternative C – 1

Alternative D - 3

<u>Favorite Alternative</u>	<u>Things you would change about favorite alternative</u>	<u>Best things about favorite alternative</u>	<u>Other comments</u>
B			
B	Add some additional growth, especially in the way of housing. There is too much overcrowding and I would like to see housing growth	I feel all areas are covered with this alternative.	I favor growth and development to a point, so as to provide for the growing population. There isn't sufficient housing as there is so much overcrowding.
D			
B	I'm a little nervous about the effects of development... more people, traffic, <u>pollution, waste</u> ...guess there's no sure way to predict any of these things... I just want to know we're ready to accommodate change.	I do think it would be nice to have "controlled development" in our area. It would be cool if our community developed a little more, but not so much that it loses it's natural and traditional identity.	I hope for development and conservation balance. I also hope it doesn't get too crowded or get too conservative and protected that we can't hunt and fish.
A			
No selection	They all have some good. I think they are going to interact with each other throughout time. No matter what is done it is pretty much a combination of all mentioned with the exception of 'A'. There is no way things will ever stay the same. We must work together to make sound decisions in whatever we do		I didn't fully read the summary, although it doesn't take a scientist to realize that the answer in #2 says pretty much it all

<u>Favorite Alternative</u>	<u>Things you would change about favorite alternative</u>	<u>Best things about favorite alternative</u>	<u>Other comments</u>
	with no hidden agendas.		
A	I would like the forest not cut too much on non Indian land.		
B	Re: sewer/water Re; City of Plummer Waste Water-recycling plant for each area and also Garbage plan – with each location and St. Maries. We need an Impact Statement of what would be allowed to store or damage for future generations re: waste to nuclear waste etc.	That the timber is directly involved in every aspect. We have to have a careful plan for Forestry, Forest and Mountains.	To have <u>Direct Tribal Involvement</u> with anything to do with any part of the Reservation.
C	Culture – Provide for education of traditional practices and tribal history and local history for both Native American and non native people. Development – Allow for controlled, well thought out construction in designated areas through wise, sound and educated planning. Develop visually pleasing buildings that are complimentary to the nature and cultural settings in environmentally suited areas that provide easy public access.	Riparian – Develop a cost efficient means of replanting native vegetation and to stabilize streams in key watersheds. Soil- Reestablish trees or permanent cover on acreage with marginal soil classes. Wildlife – establish designated travel corridors that provide refuge for wildlife species.	
D		Growth	
D	None at this time.	Everything	N/A

Members of Federally-Recognized Tribes Residing On Or Within The Coeur d’Alene Reservation or Aboriginal Territory

Alternative A – 2

Alternative B – 3

Alternative C – 2

Alternative D - 0

<u>Favorite Alternative</u>	<u>Things you would change about favorite alternative</u>	<u>Best things about favorite alternative</u>	<u>Other comments</u>
C	Inventory everything on site and prepare for extreme changes in environment (fires), have photos of everything everywhere.	The water/lake is the most sensitive/ important resource through out the whole plan.	Realty and surveyors are your priority professional to identify and secure/protect all property lines and corners over every acre.
B		The tribe is protecting the environment and preserving the C.D. tribal culture. It is keeping up with the times (changes). It appears you are improving the land and the resources the tribe has.	With direction the tribe is moving you will always have to improve systems and have accountability and diversity, also promote health and safety.
B			
A	There are a few alternatives I would include or add to A from B and D.	They do not use numbers – Percentages which are sometimes hard to meet, then makes you look bad when you do not meet your goals.	Biodiversity to include D Coeur D’Alene lake include B. Fish – include D.
A and C	Implement multiple – use resource management on lands currently under Coeur D’Alene Nation jurisdiction	May keep the pot from boiling over between anglos and Indian people as we (all Indian Nations) can never regain what was lost. There is this opportunity for the	

<u>Favorite Alternative</u>	<u>Things you would change about favorite alternative</u>	<u>Best things about favorite alternative</u>	<u>Other comments</u>
		Coeur d'Alene's to demonstrate to all how to restore natural-resource management to existing lands.	
B	Nothing	This Alternative is best for the interest of the Coeur d'Alene Tribe.	I am not a member but Alternative B seems to be the best for the Tribe, so that is my choice.

Non-Indians Residing On Or Within The Coeur d’Alene Reservation or Aboriginal Territory

Alternative A – 5

Alternative B – 6

Alternative C – 5

Alternative D - 1

<u>Favorite Alternative</u>	<u>Things you would change about favorite alternative</u>	<u>Best things about favorite alternative</u>	<u>Other comments</u>
A	Do alternatives B, C, or D <u>only</u> to those lands currently <u>owned</u> by the tribe, not all the lands under 1894 and earlier boundaries.	More fair to non-tribal public and land owners.	
A	The more aggressive fish and wildlife program of alternative B would be more desirable in some cases	There may be less chance of tribe attempting to control the use of private lands.	My primary concern is the lack of recognizing that less than half of the reservation land is trust land. The remainder is privately owned and has been for nearly 100 years. Until the private land owner sees some evidence in writing that he may have a voice in management decisions there will be much resistance to any management.
C	Not much	You can always use what’s been saved; but you can’t ever use what has been wasted.	
A	Nothing	With Alternative A, county government remains in charge – not some tribal government in which I have no voice, no vote, no representation.	I will submit them in letter format in my letter of opposition.

<u>Favorite Alternative</u>	<u>Things you would change about favorite alternative</u>	<u>Best things about favorite alternative</u>	<u>Other comments</u>
B	More timber replacement like D covers and more rural (residential) blended with conservation and forest areas.	It's overall measures, taking pretty much into consideration the residence already in place.	We are late returning this questionnaire. Sorry we were involved with a sale of property, that delayed our response because it may no longer have applied to us. Yet, now we are still here. Thank you for letting us be part of the study.
D	Pertains only to tribal lands – not private lands within reservation boundary. Encourage meeting or exceeding State of Idaho's BMP's.	Encourages timber management, ecological balance and healthy habits	I am opposed to tribal regulations imposed on non-tribal members.
C	More forest.	Less development	
A	Encouraging Conservation Easements by Landowners would help slow development.	The fact that the local environment is improving. Thousands of acres of former ag. land is now growing 10' to 30' Ponderosa Pine.	Wildlife is becoming more diversified and on the increase in population. Elk, Deer, Moose, Cougar, Turkey, other game birds, wolves, eagles, hawks. All are on the increase in pop. Were these only sent to tribal members? (I didn't get one!!)
None	Keep Indian authority and control within the boundaries of your reservation! The land management area of all the alternatives extends well beyond the Cd'A tribal reservation boundaries.		The Coeur d' Alene tribe can do anything it wants within the boundaries of the Coeur d' Alene Tribe's reservation. You can build your cabins/golf course on the old pow wow grounds showing

<u>Favorite Alternative</u>	<u>Things you would change about favorite alternative</u>	<u>Best things about favorite alternative</u>	<u>Other comments</u>
			<p>respect or disrespect for the ancient culture and it is none of my business. It is my business when the tribe wants <u>any</u> kind of control over my land which is off the res, and yet within your proposed land management area. I have had sympathy with the whites who live within the res for a long time since they and their activities are under partial control of a tribal government in which they are forbidden to participate. As I understand it a white man cannot even attend a tribal council meeting where issues that will affect him are being decided. Something is wrong with that. The Constitution of the United States that we are all supposed to abide by is supposed to guarantee that we will not be forced to have government with no participation or representation. Now with these proposals you (the tribe) are trying to force me into the same situation even though I do not</p>

<u>Favorite Alternative</u>	<u>Things you would change about favorite alternative</u>	<u>Best things about favorite alternative</u>	<u>Other comments</u>
			live on the res. Well, boys, it sounds wrong to me and the whole business looks a little racist. Racism in any form or from any quarter is unpalatable to me. I have all my life been and will always continue to be an activist for the equality of <u>all</u> races – the tribal government has no more business on my land since it is off the res, then the Canadian government does, and I am ready to do battle for my land whether it be against the Canadians or the Coeur d’Alene Tribe!
C	Increase emphasis on old-growth forests and restoration of native grasses/ other plants, especially camas.	Long-term view towards conservation, acquiring riparian habitat for restoration, reduction of agricultural chemicals, Designation of old-growth forests.	Thanks for considering solar electricity – it’s met my family’s needs on the res for 6 years. How about a canola-to-bio-diesel co-op?
B	Make more of the rural into Conservation & some of the forest ___ in what is called Agriculture into Conservation or forest.	It discourages haphazard Development.	You did a good job. Thanks.
C	Use of resources by all reservation residents Indian and Non-Indian.	Specific areas suitable for specific resource management initiatives.	It will take many future years to recover from the poor land use policies of the past in an effort to restore a

<u>Favorite Alternative</u>	<u>Things you would change about favorite alternative</u>	<u>Best things about favorite alternative</u>	<u>Other comments</u>
			compatible ecosystem!
A	I have no favorite, just the least adverse effects. LMAs based on watersheds will not work as there is multi-use in all watersheds.	Leave most people alone to do what they want. It's good for loggers & farmers and the Tribe.	The LMR <u>maps</u> used for the LMA watersheds are a joke, useless! The plan to use watersheds for LMA is a poor one if you have <u>one only</u> land use designation per watershed <u>all watersheds are</u> multiuse!
First choice – C; then B	Please zone development to minimum of 10-20 (preferred) acre parcels to <u>PRESERVE</u> rural nature of the LAND & <u>PRESERVE FARMLAND</u> . Discourage/restrict housing developments on the Palouse less than <u>10 acres</u> . <u>Preserve Rural Environment</u>	Reducing Chemicals Restricting Hazardous Transport Preserve Farmland Expanding Water Resource program.	
B	Extend “agricultural” north to boundary at Fighting Creek. Change northeastern “conservation” to “rural.”	Well balanced and supportive of rural culture and respect of natural subdivisions.	
B	A) Noxious weeds need to be addressed. I think a big effort is called for to eradicate milfoil before it gets out of control. Hopefully you have a program to control weeds along the trail such as scotch broom. B) From the middle of the lake the shoreline is beautiful except in places where there is a big yellow, white, blue or other	Good middle of the road plan.	

<u>Favorite Alternative</u>	<u>Things you would change about favorite alternative</u>	<u>Best things about favorite alternative</u>	<u>Other comments</u>
	<p>bright colored house right on the shoreline. I do not know what you can do about this. Maybe you could give an incentive such as free dock license for one year if the homeowner agreed to paint his house an earthtone color the next time he paints it.</p>		
B	<p>I live in Lake Creek and am okay with this plan – they already raped the watershed of forest – I’d like to see that restored from my home to the lake: <u>No More Logging in Lake Cr. drainage</u>. Also to restore/keep blue grass to help lower silt load in streams & trout habitat.</p>	<p>Maintaining rural character; Managing pesticides to protect water quality.</p>	
B	<p>My family has owned the property that we now live on for over ninety years. I prefer to think that I live on part of the former Coeur D’Alene Reservation.</p> <p>I have read the Executive Summary of the IRMP DPEIS and have the following comments:</p> <p>I prefer Alternative B.</p> <p>The introduction states that “From time immemorial” and since the “beginning of time” this has been the home of the Coeur d’Alene Tribe. These statements assume something that has not been proven.</p>		

<u>Favorite Alternative</u>	<u>Things you would change about favorite alternative</u>	<u>Best things about favorite alternative</u>	<u>Other comments</u>
	<p>This plan has been developed to include all of the reservation and sometimes the whole aboriginal territory with no acknowledgement that much of the reservation is under private ownership. At times mention is made of cooperating with the public (still not designated as private ownership) or with various agencies. To what extent does the Coeur d'Alene Tribe intend to MANAGE these lands? The impression is that the Tribe intends to exert authority over all. This presents an ownership issue and the limits that need to be imposed. The documents need to indicate more clearly and realistically WHAT IS NOW in terms of ownership of the land. to what extent does the TRIBE intend to regulate and impose authority over privately owned lands.</p> <p>To what extent does the Tribe intend to manage commercial and recreational activities on Coeur d'Alene Lake?</p> <p>The issue of implementing and enforcing the Tribe's encroachment program is also controversial. There are many questions about the extent of the Supreme Court decision regarding the southern third of the lake.</p> <p>I would encourage cooperation with private owners rather than trying to force compliance with</p>		

<u>Favorite Alternative</u>	<u>Things you would change about favorite alternative</u>	<u>Best things about favorite alternative</u>	<u>Other comments</u>
	intended goals as stated in the plan.		

No Identification

Alternative A – 3

Alternative B – 2

Alternative C – 0

Alternative D - 1

<u>Favorite Alternative</u>	<u>Things you would change about favorite alternative</u>	<u>Best things about favorite alternative</u>	<u>Other comments</u>
B	Add acreage to the Recreation portion of the management plan from each of the other elements. This gives the Tribe the option of managing some recreational activities.	It is well thought out, allowing some growth (but not too much); keeping forest lands (a good investment); encouraging continued agriculture.	Thank you for allowing me to comment.
No alternative selected.	Nothing. You have done a great job in presenting this understandable brochure.	This is the cautious moderate choice protecting our beautiful reservation.	Thank you!
A	Jobs – too bad not much of anything.	All the improvements they made in buildings, school, housing for elderly, casino, golf course.	
A	I noticed nothing that other alternatives improved on from my perspective.	Minimal government involvement. As gov't gets more & more involved so many matters are dealt with poorly resulting in controls that some think should be good, but often gives no positive gain or even has negative outcomes.	I appreciate the tremendous amount of work that went into developing this study and putting it to the public. Thank you for allowing us to have a voice in the process. May we not find man's will in these but do God's will which is definitely the best alternative. May we be open to his leading.
D			

<u>Favorite Alternative</u>	<u>Things you would change about favorite alternative</u>	<u>Best things about favorite alternative</u>	<u>Other comments</u>
A			
B			

Distribution List for IRMP *Draft* Programmatic Environmental Impact Statement

Copies of the IRMP DPEIS Executive Summary were distributed by the Coeur d'Alene Tribe to the following government agencies, Tribes, organizations, libraries and individuals:

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Latah County Commissioners
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Mineral County Commissioners
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Camp Sweyolakan
Cenex Supply & Marketing
Cenex Supply & Marketing
City of Plummer
City of St. Maries

Farm Services Agency
FSA Board
Fulcrum Environmental
Gazette Record
Gold Hill Resource
Hawkweed Action Committee
Headwaters Trout Farm
Idaho Conservation League
Idaho Dept. of Lands
Idaho Dept. of Water Resources
Idaho Dept. of Environmental Quality
Idaho Transportation Department
Indian Health Service
Kootenai Environmental Alliance
Kootenai County Commissioners
Kootenai County Noxious Weeds
Kootenai County Planning Director
Kootenai Electric
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 Plummer Forest Products
 Plummer/Gateway Highway District
 Potlatch Corporation
 Regulus Stud Mill, Inc.
 Ridolfi Engineers
 Sacred Heart Mission
 Sacred Heart Mission
 Save Our Summers
 Senior Citizens of Benewah County
 Spokane Soil Conservation District
 Stimson Lumber
 Superintendent of Plummer-Worley School District
 The Lands Council
 The Nature Conservancy—North Idaho Office
 University of Idaho
 University of Idaho—College of Natural Resources
 U.S. Environmental Protection Agency
 U.S. Environmental Protection Agency Region 10
 U.S. Environmental Protection Agency, Region 10
 U.S. Forest Service
 U.S. Forest Service
 U.S. Forest Service
 U.S. Senate
 U.S. Senate
 Worley Fire District
 Worley Highway District

The following list of individuals, agencies, and organizations received the IRMP DPEIS Executive Summary by email, as they requested to be contacted by email:

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Idaho State Historic Preservation Office
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Parks to Peaks
Natural Resources Conservation District
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Natural Resources Conservation District
Save Our Summers

U.S. Environmental Protection Agency
Idaho State Fish & Game

U.S. Fish & Wildlife Service
Terragraphics
Avista Corporation
University of Idaho Extension
Potlatch Corporation