

Appendix A

Excerpts From Land Development Code of the Confederated Tribes of the Umatilla Indian Reservation

Sub-Chapter G. I-D: Industrial Development Zone

Section 3.165 Description and Purpose

The I-D, Industrial Development Zone is intended to provide areas for industrial development compatible with the economic resource base of the Umatilla Indian Reservation and the economic needs and wants of the people of the reservation. This zone designation is appropriate for areas in close proximity to major transportation facilities and necessary utilities, while protecting the existing rural character of the area as well as preserving or enhancing the air, water and land resources of the area.

Section 3.185 Uses Permitted

In an I-D, Industrial Development Zone the following uses and accessory uses are permitted upon issuance of a Development Permit.

- Addition to an existing conforming structure of not more than 50% in area;
- Blacksmith or machine shop;
- Wholesale greenhouse or nursery;
- Grain elevator;
- Hauling, freighting and trucking yard or terminal;
- Ice or cold storage plant;
- Manufacturing, compounding, assembling or treatment of products made from the following prepared materials: Canvas, cloth, cork, feathers, felt, fur, glass, hair, horn, leather, paper, precious or semi-precious metals or stone, textiles, wood and yarns, but not including a rendering plant.
- Warehouse or mini-warehouses;
- Foundry, less than 2,500 square feet of area;
- Tire recapping;
- Custom meat cutting and cold storage locker;
- Any other held similar to the above uses, as approved by the Natural Resources Commission;
- Farming;
- Contractor's or building materials business and other construction-related business including plumbing, electrical, roof, siding, etc.,

provided such use is wholly enclosed within a building or no outside storage is permitted unless enclosed by sight-obscuring fence;

- Freight Depot;
- Wholesale distribution outlet including warehousing but excluding open outside storage;
- Electrical substations;
- Laboratory for experiment, research or testing;
- Welding, sheet metal or machine shop provided such is wholly enclosed within a building or all outside storage is enclosed by sight-obscuring fencing.

Section 3.190 Conditional Uses Permitted

In an I-D Industrial Development zone the following uses and their accessory uses are permitted, subject to the requirements of Section 6.010 through Section 6.035 inclusive and upon issuance of a Development Permit:

- Food products manufacturing, excluding meat, fish, salt, sauerkraut, sugar, vinegar, and yeast products;
- Flour Mill;
- Animal hospital or veterinary clinic;
- Concrete block or pipe manufacturing;
- Concrete manufacturing plant;
- Major manufacturing, repairing, compounding, fabricating, assembling, processing or storage industries having any one of the following characteristics:
 - Peak employment of more than 100 persons;
 - Utilizing more than 15 acres of land;
 - Requiring water at a volume greater than 50 gallons per minute peak;
 - Foundry, in excess of 2,500 square feet of area;
 - Alternative energy activities;
 - Mobile home or dwelling unit accessory to a permitted or conditional use, for use as accommodations for a caretaker or night watchman;
- Any other use held similar to the above uses, as approved by the Natural Resources Commission;
- For those buildings over 25 feet in height.

Appendix B

Coyote Business Park Riparian Management Zone

Under Alternatives B, C, D, or E, a Riparian Management Zone (RMZ) would be established along Patawa Creek in the affected development area. This proposed RMZ would be the first established in an agricultural area. The proposed structure of the zone is based on the RMZ as described in the current Draft Agricultural Management Plan of the CTUIR.

Extent of Riparian Management Zone

The RMZ would apply to an area defined as 75 feet times the stream order. Patawa Creek in the area of the proposed Coyote Business Park includes reaches that are Stream Order 2 and 3. Patawa Creek is an Order 2 Stream for approximately 1,670 feet upstream of where an unnamed tributary enters it (from a culvert crossing under I-84) and west of South Market Road. Patawa Creek is an Order 3 Stream downstream of this tributary (for a reach of approximately 4,760 feet east of Billy Road).

Thus, the RMZ would extend 225 foot along Patawa Creek downstream of the unnamed tributary and 150 foot zone along Patawa Creek upstream of the unnamed tributary. This distance would be applied on both sides of the stream channel, where possible, and measured from the edge of the active floodplain.

The proposed RMZ would be applied in that area of Patawa Creek reach that would otherwise be affected by the proposed Business Park. Therefore, the size of the RMZ would vary between the actions proposed for the Business Park.

Alternative A

Under the Existing Conditions, the CTUIR Tribal Farm Enterprise would continue the current practice of maintaining a 30' buffer in non-native annual grass along a reach of approximately 2,900 feet. The portion of the site that is leased to a private individual would continue to be maintained in the condition of farming to the active floodplain along a reach of approximately 3,630 feet.

Total estimated acreage in buffer strip: 1 acre

Alternative B

Under Alternative B, a RMZ would be created for 75' along a 400 foot reach of Patawa Creek. This would be on the south side of Patawa Creek only (due to presence of access road on north side, which is in non-CTUIR ownership, it would not possible to create

the RMZ on north side; so the RMZ is actually 75 feet on south side of creek only.)

The CTUIR Tribal Farm Enterprise would continue the current practice of maintaining a 30' buffer in non-native annual grass along the remainder of the Patawa Creek reach in the area that the CTUIR farms. The portion of the site that is leased to a private individual would continue to be maintained in the condition of farming to the active floodplain.

Total estimated acreage in RMZ: .70 acres

Total estimated acreage in buffer strip: <1 acre

Alternatives C, D, and E

Under any of these Alternatives, an RMZ would be created for 150' along a 1,670 foot reach of Patawa Creek (approximately 6 acres). A 225' wide RMZ would be created along a 4,760 foot reach of Patawa Creek (approximately 23 acres).

~~ODOT would propose to abandon the existing access road and support mechanical "de-compaction" of the road once an alternate access road through Coyote Business Park has been established. Recovery of the road would include removal of any asphalt surface, recontouring of the ground surface to create a smooth transition from the active floodplain to the terrace, and rip or subsoil the roadbed in order to reduce compaction. This area would be incorporated in the management of the RMZ although it would remain under ODOT ownership.~~

~~A new bridge would be constructed through the RMZ to provide access to the gravel shed and the CTUIR transfer station. This bridge would be designed to avoid introducing roadway runoff into Patawa Creek (see Chapter 2 for more detail on bridge construction).~~

Under these Alternatives, the portion of land that had been in the Tribal Farm Enterprise buffer strip would be incorporated into the RMZ.

Total estimated acreage in RMZ: 29 acres

Objectives for Coyote Business Riparian Management Zone

- Provide a buffer to prevent sediment anticipated from construction and operation activities at Coyote Business Park from reaching Patawa Creek
- Prevent stormwater runoff anticipated from Coyote Business Park from reaching Patawa Creek.
- Provide flood control protection for Coyote Business Park by allowing room for any future flood events (50+ year flood events) that may result in the creek jumping out of the currently entrenched creek channel and not impacting business operations.
- Allow adequate room for eventual active or passive channel recovery (the buffer has to allow adequate room to re-establish a meander path)
- Protect remnant native plant populations and allow for passive re-establishment of native wildlife species to the extent consistent with ongoing business park operations

Entry

For industrial/urban development activity, the RMZ would not be entered for any development purposes (structures or construction would not be allowed in RMZs). Roads should be developed so that minimal area within the RMZ is disturbed and road crossings are perpendicular to channel orientation. The RMZs can be entered for the purpose of meeting riparian/channel improvement and water quality improvement objectives. The reasons for entering RMZs might include noxious weed treatment, planting of riparian or upland plants in appropriate places, channel restoration, and habitat enhancement (fish & wildlife). For example the RMZ could be entered by a tractor in order to prepare the ground and plant grass outside of the active floodplain.

Recreational Use

Recreational use is not a defined purpose of the Riparian Management Zone, and recreational access by employees at Coyote Business Park is discouraged.

Management

Coyote Business Park RMZ would be planted in perennial native grass (Great Basin Wild Rye for example) and sprayed for treatment of noxious weeds. Planting of native woody species within the active floodplain (willow, cottonwood, alder, dogwood, rose, and other native riparian species) would take place in year two after a second spraying of noxious weeds. Irrigation is not anticipated for these species.

The outer fifty feet of the RMZ may be mowed throughout the summer to provide fire protection.

Establishment and Funding of RMZ

The RMZ would be established concurrently with infrastructure construction or sooner if funding permits. The RMZ would be managed by a contractor (including, potentially, the CTUIR Fisheries or Wildlife programs) and paid for out of revenues identified by the Board of Trustees. The Conservation Reserve Enhancement Program is one potential source of funding.

Noxious weed control plan

A noxious weed control plan would be developed as part of the management plan for the RMZ.

Appendix C

Wellhead Protection

Groundwater is a critical natural resource that provides municipal, domestic, industrial, and agricultural water supplies for the people living on the Umatilla Indian Reservation. In order to protect the public drinking water-supply system from potential sources of contamination, the CTUIR is in the process of developing a drinking water assessment and protection (DWAP) plan¹ for the CTUIR municipal water system (MWS).

Protection is provided by determining the area that contributes groundwater to the Tribal MWS wells, identifying potential sources of contamination within the area contributing groundwater, and developing methods to manage the area and minimize the threat of contaminants entering the drinking water supply. A proactive approach to DWAP planning includes education and public awareness which will help minimize and potentially prevent contamination of the aquifers serving the community of Mission.

For the Tribes' groundwater-based MWS the DWAP plan establishes protection areas overlying the aquifer(s) that yield water to municipal wells and extends a prescribed distance from the well. The extent of the protection areas was determined by a calculated fixed radius method (DEQ 1996) using aquifer properties of porosity and permeability, and a pumping rate for MW#5 (125% of the average three-month maximum pumping rate for the year).

For most delineation techniques a minimum TOT value of 10 years is applied. This TOT is based on State of Oregon estimate of the time required to remediate and/or develop a new water source should contamination of the aquifer occur within the area designated for protection. In cases where the understanding of groundwater conditions is limited or significant threats to groundwater quality occur, longer TOT threshold values should be used. Due to the limited understanding of groundwater conditions in the area (specifically hydraulic gradient), a 15-year TOT was selected to provide adequate protection of groundwater quality.

Because of the uncertainty of groundwater conditions beneath the proposed Coyote Business Park and the proximity of the park to MW#5, wellhead protection measures should be implemented to protect groundwater quality and

To meet the requirements of the federal Safe Drinking Water Act (SDWA), Public Law 104-182, pursuant to a Source Water Assessment and Protection Grant Agreement X-98088201-0 from the U.S. Environmental Protection Agency (EPA), and under Section 4.02 C.4 of the Groundwater Pollution Control of the Tribal Water Resources Protection Code, the CTUIR is developing a DWAP plan. The DWAP plan was prepared under the guidelines set forth by the Oregon Department of Environmental Quality (DEQ) in Oregon Wellhead Protection Guidance Manual (May 1996).

supply. Best management practices (BMP) for businesses are provided in Table C-1 (DEQ 1996). These BMPs have not been formally adopted by the CTUIR.

Table C-1 General Best Management Practices (BMPs) for Commercial / Industrial Facilities (DEQ 1996)	
Source	Description
<i>Design BMPs</i>	
Floor Drains	Eliminate floor drain discharges to the ground, septic systems (except in sanitary facilities), storm sewers, or to any surface water body from any location in the facility.
	If no floor drains are installed, all discharges to the floor should be collected, contained, and disposed of by an appropriate waste hauler in accordance with federal and state requirements.
	Floor drains in sanitary facilities must either discharge to a septic system, a municipal sanitary sewer, or a holding tank, which is periodically pumped out.
	Floor drains in work areas can either be connected to a holding tank with a gravity discharge pipe, or to a collection sump, which discharges to a holding tank.
Dry Wells	Dry wells should be eliminated in ALL cases unless they receive ONLY CLEAN WATER DISCHARGES, which meets all established Maximum Contaminant Levels (MCLs) promulgated under the <i>Safe Drinking Water Act</i> and other state and local standards for drinking water, and is in compliance with any other state and local requirements.

**Table C-1
General Best Management Practices (BMPs)
for Commercial / Industrial Facilities (DEQ 1996)**

Source	Description
Floors	<p>Floor surfaces in work areas and chemical storage areas should be sealed with an impermeable material resistant to acids, caustics, solvents, oils, or any other substance which may be used or generated at the facility. Sealed floors are easier to clean without the use of solvents.</p>
	<p>Work area floors should be pitched to appropriate floor drains. If floor drains are not used, or if they are located close to entrance ways, then berms should be constructed along the full width of entrances to prevent storm water runoff from entering the building.</p>
	<p>Berms should also be used to isolate floor drains from spill-prone areas.</p>
Storage Facilities	<p>Loading and unloading of materials and waste should be done within an enclosed or roofed area with secondary containment and isolated from floor drains to prevent potential spills from contaminating storm water or discharging to the ground. Alternatives to roofing include supplemental holding facilities for spills, grading of the area, use of impact-resistant materials.</p>
	<p>Underground storage tanks should not be used, unless explicitly required by fire codes or other federal, state or local regulations.</p>

**Table C-1
General Best Management Practices (BMPs)
for Commercial / Industrial Facilities (DEQ 1996)**

Source	Description
	<p>Where underground tanks are required, they should have double-walled construction or secondary containment such as a concrete vault lined or sealed with an impermeable material and filled with sand. Both types of tanks should have appropriate secondary containment monitoring, high level and leak sending audio/visual alarms, level indicators, and overfill protection. If a dip stick is used for level measurements, there should be a protective plate or basket where the stick may strike the tank bottom.</p>
	<p>Above-ground tanks should have 110 percent secondary containment or double-walled construction, alarms, and overfill protection, and should be installed in an enclosed area isolated from floor drains, storm water sewers, or other conduits which may cause a release into the environment.</p>
	<p>Fill-pipe inlets should be above the elevation of the top of the storage tank.</p>
	<p>Tanks and associated appurtenances should be tested periodically for structural integrity.</p>
	<p>Storage areas for new and waste materials should be permanently roofed, completely confined within secondary confinement berms, isolated from floor drains, have sealed surfaces, and should not be accessible to unauthorized personnel.</p>
	<p>Drum and container storage areas should be consolidated into one location for better control of material and waste inventory.</p>

**Table C-1
General Best Management Practices (BMPs)
for Commercial / Industrial Facilities (DEQ 1996)**

Source	Description
Cooling Water	Closed-top cooling systems should be considered to eliminate cooling water discharges.
	Any cooling water from solvent recovery systems should be free of combination from solvent, metals, or other pollutants, and should not discharge to the ground. Cooling water may be discharged to a storm sewer, sanitary sewer, or stream, provided all federal, state, and local requirements are met.
Water Conservation	Flow restrictions and low-flow faucets for sinks and spray nozzles should be installed to minimize hydraulic loading to subsurface disposal systems.
Foundation Drainage & Dewatering	If water from foundation drainage and dewatering is not contaminated, it may be discharged to a storm sewer or stream in accordance with any applicable federal, state, or local requirements.
	Contaminated water from foundation drainage and dewatering indicates a likely groundwater combination problem, which should be investigated and remediated as necessary.
Storm Water Management	Storm water contact with materials and wastes must be avoided to the greatest extent possible. Storage of materials and wastes should be isolated in roofed or enclosed areas to prevent contact with precipitation.
	Uncovered storage areas should have a separate storm water collection system which discharges to a tank.

**Table C-1
General Best Management Practices (BMPs)
for Commercial / Industrial Facilities (DEQ 1996)**

Source	Description
	<p>Storm water from building roofs may discharge to the ground. However, if solvent distillation equipment or vapor degreasing is used, with a vent that exhausts to the roof, then roof leaders may become cross-contaminated with solvent. These potential sources of cross contamination must be investigated and eliminated.</p>
Cross-Connections	<p>Cross-connections such as sanitary discharges to storm sewers; storm water discharges to sanitary sewers, or floor drain discharges to storm sewer systems, should be identified and eliminated.</p>
Work Areas	<p>Consolidate waste-generating operations and physically segregate them from other operations. They should preferably be located within a confinement area with sealed floors and with no direct access to outside the facility. This reduces the total work area exposed to solvents, facilitates waste stream segregation and efficient material and waste handling, and minimizes cross combination with other operations and potential pathways for release into the environment.</p>
	<p>Waste collection stations should be provided throughout work areas for the accumulation of spent chemicals, soiled rags, etc. Each station should have labeled containers for each type of waste fluid. This provides safe interim storage of wastes, reduces frequent handling of small quantities of wastes to storage areas, and minimizes the overall risk of a release into the environment.</p>

**Table C-1
General Best Management Practices (BMPs)
for Commercial / Industrial Facilities (DEQ 1996)**

Source	Description
	New solvent can be supplied by dedicated feed lines or dispensers to minimize handling of materials. These feed lines must default to a closed setting to prevent unmonitored release of material.
Connection of Municipal Sanitary Sewers	Existing and future facilities should connect their sanitary facilities to municipal sanitary sewer systems where they are available.
Holding Tanks	Facilities should discharge to holding tanks if they are located where municipal sanitary sewers are not available, subsurface disposal systems are not feasible, existing subsurface disposal systems are failing, or if they are high risk facilities located in wellhead protection areas.
<i>Operational BMPs</i>	
Material & Waste Inventory Control	Conduct monthly monitoring of inventory and waste generation.
	Order raw materials on an as-needed basis and in appropriate unit sizes to avoid waste and reduce inventory.
	Observe expiration dates on products in inventory.
	Eliminate obsolete or excess materials from inventory.
	Return unused or obsolete products to the vendor.
	Consider waste management costs when buying new materials and equipment.
	Ensure materials and waste containers are properly labeled. Not labeling or mislabeling is a common problem.

**Table C-1
General Best Management Practices (BMPs)
for Commercial / Industrial Facilities (DEQ 1996)**

Source	Description
	Mark purchase date and use older materials first.
	Maintain products Material Safety Data Sheets to monitor in inventory and the chemical ingredients of wastes. Make MSDS sheets available to employees.
	Observe maximum on-site storage times for wastes.
Preventative & Corrective Maintenance	A regularly scheduled internal inspection and maintenance program should be implemented to service equipment, to identify potential leaks and spills from storage and equipment failure, and to take corrective action as necessary to avoid a release to the environment. At a minimum, the schedule should address the following areas:
	Tanks, drums, containers, pumps, equipment, and plumbing;
	Work stations and waste disposal stations;
	Outside and inside storage areas, and storm water catch basins and detention ponds;
	Evidence of leaks or spills within the facility and on the site;
	Areas prone to heavy traffic from loading and off loading of materials and wastes;
	Properly secured containers when not in use;
	Proper handling of all containers;
	Drippage from exhaust vents;
	Proper operation of equipment, solvent recovery, and emission control systems.

**Table C-1
General Best Management Practices (BMPs)
for Commercial / Industrial Facilities (DEQ 1996)**

Source	Description
Spill Control	Use emergency spill kits and equipment. Locate them at storage areas, loading and unloading areas, dispensing areas, work areas.
	Clean spills promptly.
	Use recyclable rags or absorbent spill pads to clean up minor spills, and dispose of these materials properly.
	Clean large spills with a wet vacuum, squeegee and dust pan, absorbent pads, or brooms. Dispose of all clean up materials properly.
	Minimize the use of disposable granular or powder-absorbents.
	Spilled materials should be neutralized as prescribed in Material Safety Data Sheets (MSDS), collected, handled, and disposed of in accordance with federal, state, and local regulations.
	Use shake-proof and earthquake proof containers and storage facilities to reduce spill potential.
Materials & Waste Management	Use spigots, pumps, or funnels for controlled dispensation and transfer of materials to reduce spillage; use different spigots, etc., for different products to maintain segregation and minimize spillage.
	Store materials in a controlled, enclosed environment (minimal temperature and humidity variations) to prolong shelf life, minimize evaporative releases, and prevent moisture from accumulating.
	Keep containers closed to prevent evaporation, oxidation, and spillage.
	Place drip pans under containers and storage racks to collect spillage.

**Table C-1
General Best Management Practices (BMPs)
for Commercial / Industrial Facilities (DEQ 1996)**

Source	Description
	Segregate wastes that are generated, such as hazardous from non-hazardous, acids from bases, chlorinated from nonchlorinated solvents, and oils from solvents, to minimize disposal costs and facilitate recycling and reuse.
	Empty drums and containers may be reused, after being properly rinsed, for storing the same or compatible materials.
	Recycle cleaning rags and have them cleaned by an appropriate industrial launderer.
	Use dry cleanup methods and mopping rather than flooding with water.
	Floors may be roughly cleaned with absorbent prior to mopping; select absorbents which can be reused or recycled.
	Recycle cardboard and paper, and reuse or recycle containers and drums.
	Wastes accumulated in holding tanks and containers must be disposed of through an appropriately licensed waste transporter in accordance with federal, state, and local regulations.

**Table C-1
General Best Management Practices (BMPs)
for Commercial / Industrial Facilities (DEQ 1996)**

Source	Description
Management	<p>Management involvement in the waste reduction and pollution prevention initiatives is essential to its successful implementation in the work place. By setting the example and encouraging staff participation through incentives or awards, management can increase employee awareness about environmentally sound practices. A first step is to involve management in conducting a waste stream analysis to determine the potential for waste reduction and pollution prevention. This analysis should include the following steps:</p>
	<p>Identify plant processes where chemicals are used and waste is generated;</p>
	<p>Evaluate existing waste management and reduction methods;</p>
	<p>Research alternative technologies;</p>
	<p>Evaluate feasibility of waste reduction options;</p>
	<p>Implement measures to reduce wastes; and</p>
	<p>Periodically evaluate your waste reduction program.</p>
	<p>Develop an energy and materials conservation plan to promote the use of efficient technologies, well-maintained inventories, and reduced water and energy consumption.</p>

**Table C-1
General Best Management Practices (BMPs)
for Commercial / Industrial Facilities (DEQ 1996)**

Source	Description
	<p>Sound environmental management should include the currency and completeness of site and facility plans, facility records and inventory management, discharge permits, manifests for disposal of wastes, contracts with haulers for wastes, and contracts with service agents to handle recycling of solvents or to regularly service equipment.</p>
Employee Training	<p>Training programs should be developed which include the following:</p>
	<p>Proper operation of process equipment;</p>
	<p>Loading and unloading of materials;</p>
	<p>Purchasing, labeling, storing, transferring, and disposal of materials;</p>
	<p>Leak detection, spill control, and emergency procedures; and</p>
	<p>Reuse/recycling/material substitution.</p>
	<p>Employees should be trained prior to working with equipment or handling of materials, and should be periodically refreshed when new regulations or procedures are developed.</p>
Communication	<p>Employees should be made aware of MSDS sheets and should understand their information.</p>
	<p>Employee awareness of the environmental and economic benefits of waste reduction and pollution prevention, and the adverse consequences of ignoring them, can also facilitate employee participation.</p>
	<p>Posting of signs, communication with staff, education and training, and posting of manuals for spill control, health and safety (OSHA), operation and</p>

**Table C-1
General Best Management Practices (BMPs)
for Commercial / Industrial Facilities (DEQ 1996)**

Source	Description
	<p>maintenance of facility and equipment, and emergency response are essential, Storage areas for chemicals and equipment, employee bathrooms, manager's office, and waste handling stations are suggested areas for posting communication. A bulletin board solely for environmental concerns should be considered.</p>
Record Keeping	<p>Facility plans, plumbing plans, and subsurface disposal system plans and specifications must be updated to reflect current facility configuration. Copies of associated approvals and permits should be maintained on file.</p>
	<p>OHSA requirements, health and environmental emergency procedures, materials management plans, inventory records, servicing/repair/inspections logs, medical waste tracking and hazardous waste disposal records must be maintained up to date and made available for inspection by regulatory officials.</p>

Source: Inglese, Jr., O. 1992. Best Management Practices for the Protection of Groundwater: A Local Official's Guide to Managing Class V UIC Wells. Connecticut Department of Environmental Protection, Hartford, CT, 138 pp.

Appendix D

Plants Species Inventory of Project Site

Table D-1
Plant Species Identified at Proposed Project Site

Scientific Name	Common Name
<i>Site A-Main channel</i>	
Nepeta cateria	catnip, mint
Solanum dulcamera	bitter nightshade
Rubus discolor	blackberry
Salix spp	willow
Typha latifolia	cattail
Epilobium ciliatum	common willow herb
Cirsium arvense	Canada thistle
Phalaris arundinacea	reed canary grass
Thinopyron intermedium	intermediate wheatgrass
Dipsacus fullonum	teasel
Rosa woodsii	Wood's rose
Hypericum perforatum	Klamathweed
Mimulus guttatus	monkey flower
Polygonum hydropiperoides	swamp smartweed
Veronica americana	American speedwell
<i>Site B- SW facing slope</i>	
Bromus tectorum	cheat grass
Avena fatua	wild oat
Sisymbrium altissimum	tumble mustard
Cirsium arvense	Canada thistle
Elymus elymoides	bottlebrush squirreltail
Poa bulbosa	bulbous bluegrass
Verbascum blatteria	moth mullien
Centaurea solstitialis	Yellow star
Daucus carota	queen's anne lace
Tragopogon dubius	yellow salsify
Bromus commutatus	hairy brome
Aegilpos cylindrica	goatgrass
Centaurea diffusa	spotted knapweed
<i>Site C-Side channel</i>	
Cirsium arvense	Canada thistle
Typha latifolia	cattail
Verbascum thapsus	flannel mullein
Onopordum acanthium	scotch thistle
Nepeta cateria	catnip, mint
Phalaris arundinacea	reedcanary grass

**Table D-1
Plant Species Identified at Proposed Project Site**

Scientific Name	Common Name
<i>Site D-Patawa Creek below side channel</i>	
Thinopyron intermedium	intermediate wheatgrass
Phalaris arundinacea	reedcanary grass
Verbascum blatteria	moth mullien
<i>Site D-Patawa Creek below side channel (continued)</i>	
Epilobium ciliatum	common willowherb
Dipsacus fullonum	teasel
Nepeta cateria	catnip mint
Rumex crispus	curly dock
Equisetum hyemale	scouring rush
Schoenoplectus tabernaemontani	softstem bulrush
Eleocharis palustris	spike rush
Elaeagnus angustifolia	Russian olive
<i>Site E-Depressions</i>	
Eleocharis palustris	spike rush
Schoenoplectus tabernaemontani	softstem bulrush
Juncus spp	rush
Mimulus guttatus	monkeyflower
Polypogon monspeliensis	rabbitfoot grass
Salsola kali	Russian thistle
Typha latifolia	Cattail

Appendix E

Excerpts from New Jersey Light Pollution Study Commission's Report

Submitted April 1996 to the Governor and the Legislature

State of New Jersey

Christine Todd Whitman, Governor

As noted in the summary, the causes of Light Pollution are many and the effects can be glare, energy waste, light trespass (nuisance light), and sky glow. Source: <http://users.erols.com/njastro/orgs/litepol4.htm>

- Most glare can and should be prevented. Glare affects the ability of drivers to perceive objects or obstructions clearly. Particularly sensitive to this problem are elderly drivers.
- Energy is wasted when excessive levels of illuminances are used. Inefficient luminaires can spill unwanted light well outside of the intended target area.
- Light trespass may be viewed as an invasion of privacy. Most obtrusive lighting conditions can be avoided.
- Inappropriate use of outdoor lighting can deteriorate the natural nighttime environment, particularly in areas preserved for fauna and flora. In addition, sky glow reduces the ability to observe the starry night sky.

[For a further understanding of the terminology utilized in this report refer to the [IESNA Lighting Handbook](#).]

The LPSC does, as the Legislature did, recognize Light Pollution as a problem and provides the recommendations and actions of this report to the Governor and the Legislature for their information and further consideration.

[The following recommendations and action(s) are in no priority order and are not weighted in any manner or fashion.]

Recommendations and Actions

1. Nationally recognized lighting recommendations for illuminance levels and uniformity ratios should be followed, such as contained in the Illuminating Engineering Society of North America (IESNA) Lighting Handbook.

Action(s):

- A. There should be established New Jersey site improvement standards or local ordinances, which require this provision.

2. Roadway and area lighting should be designed to minimize misdirected and upward light from luminaires. The use of cutoff luminaires should be considered the first choice in design. Where the use of internal cutoff luminaires is not possible, the use of externally mounted shields to the luminaires may be substituted if feasible.

Action(s):

- A. All State of New Jersey and State of New Jersey funded projects should be required to conform to this practice.
 - B. Utility companies, lighting installers, and others involved with lighting design should follow this recommendation.
3. Architectural and sign lighting should be designed to minimize light that does not illuminate the target area.

Action(s):

- A. All State of New Jersey and State of New Jersey funded projects should be required to conform to this recommendation.
 - B. Planning boards should be encouraged to consider this recommendation in their site plan approval process.
4. Lighting of building exteriors should be minimized or eliminated during those hours when it is not needed. Lighting controls (such as timers, dimmers, motion sensing devices, and photosensors) should be encouraged.

Action(s):

- A. The State of New Jersey should evaluate the exterior lighting needs of its facilities and, where feasible, implement this recommendation as soon as possible.
 - B. Establish these requirements by local ordinance or through site improvement standards.
5. Commercial billboard lighting should be aimed at the target area and installed in such a fashion that spill light is kept to a minimum.

Action(s):

- A. Require by local ordinances.
6. Municipal engineers and planners and all those involved with lighting aspects should be made aware of the concerns regarding Light Pollution and how it can be addressed through lighting design.

Action(s):

- A. Upon adoption of site improvement standards containing street and site lighting provisions, state training on site improvement provisions should include training material that recognizes Light Pollution concerns and how proper lighting design assists in its reduction.
7. Areas of New Jersey determined to be especially suitable for astronomical observations or which provide nocturnal benefits to flora and fauna should be considered for designation as "dark areas." *[A "dark area" is an area in which lighting is prohibited or limited in order to 1) address concerns regarding Light Pollution which impact the environment and 2) restore a more natural view of the starry sky.]*

Action(s):

- A. Within twelve months of issuance of this report the State of New Jersey should "map" the State to identify these "dark areas."
 - B. The State of New Jersey should consider formulating a plan to retain or, where possible, reduce lighting levels in those parts of the "dark areas" which are under control of the State. County and municipal government should be encouraged to retain or reduce existing lighting levels in "dark areas" they own.
 - C. The State's plan should include surveying and evaluating the lighting in all the state parks forests, fish and wildlife management areas, and other State-owned rural lands.
 - D. The State's plan should also contain recommendations for encouraging businesses and homeowners in the privately-owned parts of the "dark areas" to comply with the recommendations of this report.
8. The use of materials and devices, such as reflectors, should be evaluated and considered in lieu of additional lighting. *[Even so, the IESNA Lighting Handbook recommendations should be followed; see Recommendation 1.]*

Action(s):

- A. The NJ Department of Transportation should continue to study and evaluate the use of such materials and devices on road surfaces, signs, etc., in lieu of additional lighting.
9. The general public should be provided information about Light Pollution and how to minimize it. This can be accomplished through

general instruction in schools, manufacturers' literature, company flyers, State programs, or other mechanisms.

Action(s):

A. State agency or agencies or other governmental authorities are to develop and disseminate information regarding Light Pollution in accordance with recommendations of this report. As an example: The New Jersey State Museum should further emphasize sky glow concerns and ways to reduce Light Pollution during presentations at the planetarium and provide an educational display.

10. Training and educational opportunities should be made available to lighting professionals, contractors, installers, inspectors and others, with respect to Light Pollution.

Action(s):

A. Educational institutions should offer course material on Light Pollution.

11. Local municipalities should be provided with a set of guidelines to use as a starting point in developing standards and ordinances to reduce Light Pollution.

Action(s):

A. The State of New Jersey should fund the development (by a professional organization knowledgeable in Light Pollution concerns, such as the IESNA) of a set of such guidelines. This funding should be provided within the next twelve months.

12. The State of New Jersey should provide exemplary lighting installations ("demonstration projects") to serve as working models of good lighting practice with respect to Light Pollution concerns.

Action(s):

- A. The State of New Jersey shall select one or more state or State-sponsored facilities and roadways to serve as examples of responsible area lighting, street lighting, architectural lighting, sign lighting, and billboard lighting, and shall suitably equip and light those facilities.
- B. The state of New Jersey shall advertise the existence of these model installations.

Appendix F

Economic Impact of Infrastructure and Building Construction

A construction project has a direct impact on an economy by paying wages that are typically spent in a local economy. There is also an indirect impact, since some percentage of these wages will then be spent again in the same local economy (the “multiplier effect.”) The best way to measure indirect impact is by using a multiplier figure that is based on local research. The most recent information for Morrow and Umatilla Counties is from a 1996 United States Department of Agriculture Forest Service economic model (IMPLAN), used here with permission of the Oregon Employment Division, which maintains a license.

IMPLAN is widely used and is utilized by the U.S. Forest Service to model and estimate the regional/local economic impacts of such things as forest plan revision alternatives, policy changes, and management decisions.

The following information about the IMPLAN model is from the Minnesota IMPLAN Group, Inc. website. For more information, see: <http://www.implan.com/index.html>

Input-output accounting describes commodity flows from producers to intermediate and final consumers.

The total industry purchases of commodities, services, employment compensation, value added, and imports are equal to the value of the commodities produced. Purchases for final use (final demand) drive the model. Industries produce goods and services for final demand and purchase goods and services from other producers. These other producers, in turn, purchase goods and services. This buying of goods and services (indirect purchases) continues until leakages from the region (imports and value added) stop the cycle.

These indirect and induced effects (the effects of household spending) can be mathematically derived. The derivation is called the Leontief inverse. The resulting sets of multipliers describe the change of output for each and every regional industry caused by a one-dollar change in final demand for any given industry. Creating regional input-output models require a tremendous amount of data. The costs of surveying industries within each region to derive a list of commodity purchases (production functions) are prohibitive.

IMPLAN was developed as a cost-effective means to develop regional input-output models. The IMPLAN accounts closely follow the accounting conventions used in the "Input-Output Study of the U.S. Economy" by the Bureau of

Economic Analysis (1980) and the rectangular format recommended by the United Nations.

The IMPLAN system was designed to serve three functions: 1) data retrieval, 2) data reduction and model development, and 3) impact analysis.

Comprehensive and detailed data coverage of the entire U.S. by county, and the ability to incorporate user-supplied data at each stage of the model building process, provides a high degree of flexibility both in terms of geographic coverage and model formulation.

The IMPLAN database, created by MIG, Inc., consists of two major parts: 1) a national-level technology matrix and 2) estimates of sectorial activity for final demand, final payments, industry output and employment for each county in the U.S. along with state and national totals. New databases are developed annually by MIG, Inc.

IMPLAN easily allows the user to do the following:

- Develop his/her own multiplier tables;
- Develop a complete set of SAM (Social Accounting Matrix) accounts;
- Change any component of the system, production functions, trade flows, or database;
- Generate type I, II, or any true SAM multiplier internalizing household, government, and/or investment activities
- Create custom impact analysis by entering final demand changes;
- Obtain any report in the system to examine the model's assumptions and calculations.

There are two components to the IMPLAN system, the software and databases. The databases provide all information to create regional IMPLAN models. The software performs the calculations and provides an interface for the user to make final demand changes.

For more information, see: <http://www.implan.com/index.html>



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue
Seattle, WA 98101

February 16, 2006

Reply To
Attn Of: ETPA-088

Ref: 03-003-DOI

Mr. Jerry Lauer, Acting Superintendent
Bureau of Indian Affairs
Umatilla Agency
P.O. Box 520
Pendleton, OR 97801

Dear Mr. Lauer:

The U.S. Environmental Protection Agency (EPA) has reviewed the draft Environmental Impact Statement (EIS) for the proposed **Coyote Business Park** (CEQ No. 20050520) in Umatilla County, OR. The review was conducted in accordance with EPA responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act (CAA). Section 309, independent of NEPA, specifically directs EPA to review and comment in writing on the environmental impacts associated with all major federal actions. Under our policies and procedures, we evaluate the document's adequacy in meeting NEPA requirements.

The draft EIS analyzes environmental impacts of a proposal by the Confederated Tribes of Umatilla Indian Reservation (CTUIR) to develop, build, and manage a light industrial and commercial business park to be located on a 520-acre site, which is seven miles east of the city of Pendleton in Oregon on the Umatilla Indian Reservation. The Bureau of Indian Affairs (BIA) will decide whether or not to approve construction of the business park and any leases of tribal trust land, while the Bonneville Power Administration (BPA) will make a decision to upgrade the support structures for its existing power line that crosses the project site.

For the decision-maker and the public to understand the proposed project and its potential effects on environmental resources of the site, the CTUIR developed and analyzed five action alternatives along a spatial (from 20-142 acres) and temporal continuum (from 15-40 years). Under no action alternative (Alternative A), ongoing agricultural activities at the site would continue and no business park would be built. Under the **Preferred Alternative** (Alternative E), the CTUIR would develop 142 acres for light industrial and warehousing uses. The major activities under this action alternative would include:

- creation of about 546 permanent jobs,
- development of 13 different business lots ranging from 6 to 39 acres in size,
- extension of community water system for domestic water service and fire protection,
- development of sanitary sewer and surface water drainage and retention infrastructure,
- replacement of 7 to 9 high voltage wooden power structures by steel monopoles, and
- construction of 1 mile roadway, new bridge to cross Patawa Creek (40 ft in width and 25 ft in span), site-access driveway to South Market Road, and a riparian management zone of 150 ft on each side of Patawa Creek upstream and 225 ft downstream.

Printed on Recycled Paper

EPA supports BIA's objective to assist CTUIR in developing a strong Umatilla Indian Reservation economy by diversifying opportunities, while respecting traditional cultural values. We would support a project that both accomplishes this objective and minimizes adverse impacts on environmental resources. The draft EIS does a good job of describing existing resources, discussing project alternatives, and analyzing impacts and their mitigation measures. We are also pleased to note that the document is printed on recycled paper.

EPA is concerned about the potential impacts of the preferred alternative on water quality. The draft EIS indicates that water quality at the project site would generally fall outside the acceptable range of CTUIR Water Quality Standards (p. 3-39). Construction of a wastewater lagoon and creation of impervious surfaces up to 70% of the developed area could exacerbate water quality conditions. For example, leakage or overflow from the wastewater lagoon could release bacteria into Patawa Creek, which currently has exceedances of the E. coli standard (see Table 3-6).

The project does include positive features designed to improve water quality. We support the establishment of a Riparian Management Zone (RMZ) on each side of Patawa Creek and a 100 foot buffer around each of the three wetlands to reduce water pollution. The proposed surface water drainage and retention system will lessen the impacts of stormwater runoff from impervious surfaces, but pollutants are still likely to accompany discharge to surface waters and infiltrate to ground water. We would recommend consideration of Low Impact Development (LID) techniques that reduce the volume of stormwater and mimic natural conditions as closely as possible. Information about LID practices can be found at: http://www.psat.wa.gov/Programs/LID/lid_cd/brochure.pdf and <http://www.epa.gov/smartgrowth/stormwater.htm>.

Finally, monitoring and reporting will be valuable components of the proposed Coyote business park project. As development of this park progresses, we would be interested in hearing about the results of stormwater and wastewater management strategies' effectiveness in minimizing environmental consequences.

Based on information presented in the draft EIS, we have assigned a rating of EC-1 (Environmental Concerns – Adequate) to the preferred alternative. 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.

Thank you for the opportunity to review this draft EIS. If you have questions or comments concerning our review, please contact Theogene Mbabaliye at (206) 553-6322 or by email at mbabaliye.theogene@epa.gov.

Sincerely,

/S/

Christine B. Reichgott, Manager
NEPA Review Unit

Enclosure

cc: EPA Oregon Operations Office

1-1

1-2

Response to Letter 1 continued

1-1

The CTUIR is concerned about the potential impacts on water quality. As noted in Section 3.3 and in the 2003 Patawa and Tutuilla Creek Hydrologic Assessment and Restoration Recommendations Technical Memorandum, current water quality standard exceedances are attributable to existing agricultural and road developments that are at a subwatershed scale. An estimated 60% of stream miles in the watershed are in a channelized condition (ibid). The proposed development would not contribute to those exceedances and would be compatible with the restoration goals CTUIR has established for the subwatershed in the Patawa and Tutuilla Creek Restoration plan.

The preferred alternative incorporates some elements of Low Impact Development (LID) techniques. The primary goal of LID methods is to mimic the predevelopment site hydrology by using site design techniques that store, infiltrate, evaporate, and detain runoff. Use of these techniques helps to reduce off-site runoff and ensure adequate groundwater recharge. Since every aspect of site development affects the hydrologic response of the site, LID control techniques focus mainly on site hydrology.

There is a wide array of impact reduction and site design techniques that allow the site planner/engineer to create stormwater control mechanisms that function in a manner similar to that of natural control mechanisms. If LID techniques can be used for a particular site, the net result will be to more closely mimic the watershed's natural hydrologic functions or the water balance between runoff, infiltration, storage, and groundwater recharge. With the LID approach, receiving waters may experience fewer negative impacts in the volume, frequency, and quality of runoff, so as to maintain base flows and more closely approximate predevelopment runoff conditions.

LID control techniques can include the following:

- Definition & protection of sensitive areas from impact
- Controlling groundwater closer to the source of generation
- Use of native plants
- Reduction or minimization of total site impervious acres

Each of the action alternatives defines Patawa Creek & isolated wetlands and establishes a buffer area around each of these wetlands. The road system proposed in the build alternatives would control groundwater close to the source of generation by collecting street runoff in roadside swales. Native plants would be used in the riparian buffer along Patawa Creek. Each of the build alternatives would treat and infiltrate stormwater runoff close to where it originates by requiring runoff areas on each lot. The preferred alternative would further establish a series of detention ponds for regional stormwater collection and treatment. For more detail, see "Best Management Practices" and "Surface Water" sections under Section 2.3, "Profile of Alternatives," and Section 3.3

1-2

This site is included in an overall effort currently underway to improve water quality condition throughout the Patawa and Tutuilla Creek system. Under the proposed action

Response to Letter 1 continued

alternatives, CTUIR's Environmental Protection and Rights Protection Program would complete quarterly water quality monitoring at the site and this information would be made available to the EPA as part of regular reporting on the CTUIR Performance Partnership Grant.

Letter 2 CTUIR Cultural Resources Protection Program (CRPP)
Page 1 of 2



Confederated Tribes
of the
Umatilla Indian Reservation
Department of Natural Resources
Cultural Resources Protection Program
P.O. Box 638 73239 Confederated Way
Pendleton, Oregon 97801
(541) 276-3629 Fax (541) 276-1966



RECEIVED

UMATILLA AGENCY
PENDLETON, OR 97801

January 30, 2006

Jerry Lauer, Acting Superintendent
US Department of the Interior
Bureau of Indian Affairs
Umatilla Agency
Post Office Box 520
Pendleton, OR 97801

Dear Mr. Lauer:

Thank you for soliciting comments on the Draft Environmental Impact Statement for the Coyote Business Park located within the exterior boundaries of the Umatilla Indian Reservation. The Confederated Tribes of the Umatilla Indian Reservation (CTUIR) Cultural Resources Protection Program (CRPP) has briefly reviewed this document and has the following comments.

- ES-9, Paragraph 3.
TPHO should be changed to THPO
- Introduction Table 1.2, page 1-9.
Under the BIA section, the authority is under the Archaeological Resources Protection Act.
Please remove the word Public.
Under the Advisory Council on Historic Preservation section, the authority is under section 106 of the National Historic Preservation Act. Please add the word Historic.
- Introduction Table 1.3, page 1-10.
Under the Confederated Tribes of the Umatilla Indian Reservation—Tribal Historic Preservation Office section, the authority for review and compliance is under the National Historic Preservation Act 16 USC 470 a (d)(1)(A)(5) not 16 USC 47 a (d)(1)(A)(5).
In the same section under Nature of Action it should read, "Consult with the BIA in issuing antiquities and cultural resource use permits to excavate or remove cultural resources on tribal lands."
In the same section, the authority for concurring with the BIA issuing antiquities and cultural resource use permits to excavate or remove cultural resources on tribal lands is the Archaeological Resources Protection Act. Please remove the word Public.
- 2.4 Proposed Mitigation Measures, Cultural Resources, page 2-33 to 2-34.
Partial paragraph 1. The acronym CRPP should be added after Cultural Resources Protection Program.
Paragraph 2. Please rewrite this paragraph to reflect the cultural resource work undertaken in 2005. I suggest the following language. "On August 22, 2005 the CRPP recommended this portion of the BPA power line not eligible for inclusion in the National Register of Historic Places. On October 2, 2005 the THPO concurred with the findings."
Page 2-34, Paragraph 3, Mitigation for impacts to the Power Structure Upgrade. Delete this paragraph.

Response to Letter 2

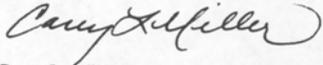
Text changed as per comments.

Letter 2 CTUIR Cultural Resources Protection Program (CRPP)
Page 2 of 2

- 2.7 Alternative Comparison, Table 2-6, page 2-54.
Within the Cultural Resources Section, please remove the second entry under Alternatives B through E which discusses the existing power line.
- 3.6 Cultural Resources, Existing Conditions, page 3-88.
The second paragraph which discusses the existing power line should be reworded with the following language. "On August 22, 2005 the CRPP recommended this segment of the BPA power line not eligible for inclusion in the National Register of Historic Places. On October 2, 2005 the THPO concurred with the findings."
- 3.6 Cultural Resources, Alternative C and D, Direct Impacts, page 3-90.
Delete paragraph 4 which references the existing power line.
- 3.6 Cultural Resources, Alternative E, Direct Impacts, page 3-91.
Delete paragraph 2 which references the existing power line.
- 5.3 List of Preparers, Page 5-4.
Paragraph 4, Carey Miller. Please omit the word Assistant.

We appreciate the opportunity to comment on the Coyote DEIS. Please note that this document has not been rewritten to reflect the traditional cultural property work that has been completed. If the BIA is still accepting comments after today, the CRPP can provide you with additional feedback. Please notify Teara Farrow regarding the deadline for comments. If you have any questions, please contact me at (541)966-2340.

Respectfully,



Carey L. Miller
Tribal Historic Preservation Officer

cc: Teara Farrow, CRPP Manager

Response to Letter 2 Continued

Letter 3 U.S. Geological Survey



United States Department of the Interior

U. S. GEOLOGICAL SURVEY
Reston, VA 20192

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JAN 27 2006
UMATILLA AGENCY
PENDLETON, OR 97801

January 24, 2006

Jerry L. Lauer, Acting Superintendent
Bureau of Indian Affairs
Umatilla Agency
P.O. Box 520
Pendleton, Oregon 97801

RE: Review of a Draft Environmental Impact Statement for the Confederated Tribes of the Umatilla Indian Reservation's Proposed Coyote Business Park, Umatilla County, Oregon

Dear Mr. Lauer:

The U.S. Geological Survey has reviewed the draft environmental impact statement and has no comments.

Sincerely,

/Signed/
Lloyd H. Woosley, Jr., P.E.
Chief, Environmental Affairs Program

Cc: EAP Chron, MS 423
USGS:WRD:LWOOSLEY:bjjohnso:x6832:1/24/06

Response to Letter 3

Thank you for your comment.

Letter 4 Round-Up City Development Corporation
Round-Up City Development Corporation

P.O. Box 1732 • Pendleton, Oregon 97801

RECEIVED
JAN 27 2006
UMATILLA AGENCY
PENDLETON, OR 97801

January 26, 2006

Jerry Lauer
Acting Superintendent
Umatilla Agency
Bureau of Indian Affairs
P.O. Box 520
46807 B Street
Pendleton, OR 97801

The Round Up City Development Corporation strongly supports the development of the Coyote Business Park on land owned by the Confederated Tribes of the Umatilla Indian Reservation south of the Arrowhead Interchange.

This is an excellent site and the availability of additional shovel ready industrial sites will be a benefit to the entire region. The environmental impact statement is a well planned and comprehensive analysis and scope of the project. CTUIR has also been a good provider of economic development for our area, and our community appreciates their continued advancement of growth opportunities.

Sincerely,



Kevin Hale
Vice President

....Home of the World Famous Pendleton Round-Up....



Response to Letter 4

Thank you for your comment.

Steven R. Stewart
46493 Mission Road Box 2
Pendleton, OR 97801
541-379-8704
stewartstevenr@juno.com
www.missionconsulting.com

Dear Sir or Madam,

As you may know \$9.00 per hour is not a living wage. We need to look into incorporating employee housing into the basic design of the Coyote Business Park. I don't think it can be done without increasing the height of the structures if built at the 24 foot limit. Many people think that business and residential are incompatible uses. I agree the families with children are incompatible in a business park setting due to lack of open space. I do believe that singles and couples without children is a compatible use. The housing would take the format of a shared kitchen or subsidized cafeteria. This would not be spacious, just basic housing similar to a bunk house for farm hands and would be available to employees at minimal rent, if not rent free. It would also be free of utility bills. This would allow new employees to save up for a larger down payment on a home, funded conventionally or other funding. It would also reduce pollution from motor vehicles at shift change time. People would commute by a very short walk, or a ride in an elevator, one floor. This would be for employees and staff only.

The available housing that meets code in Pendleton very limited due to old housing stock and high property (roughly one third of mortgage payments) taxes. This being said I think it is time for employers to design housing into their buildings as once was done in many towns across the country. This also reduces the need for new employees to figure out the transit system or by a car for commuting. A newcomer needs a place to stay right away without any funds or delay. Many employers will not put their new hires in a hotel at this wage scale. That is a privilege reserved for management.

5-1

5-1

The Mission Community Plan identifies at least eighty (80) acres for potential future residential development adjacent to the proposed project site, south of Tutuilla Church Road. At some point in the future, the Confederated Tribes of the Umatilla Indian Reservation may plan for housing at that location. Employee housing is not a standard feature of light industrial parks nor is it allowed in an "Industrial Development" zone (CTUIR Land Development Code Section 3.185.)

Letter 5 Steven Stewart Continued
Page 2 of 2

I referred to rail access. An access point would be the abandoned access road to the gravel shed and tribal transfer station with a tunnel under South Hill with the west portal entering the hill behind the Salvation Army Family Service Center. It would remain on the Southside of I-84 and enter a long tunnel at the base of Cabbage Hill for the run to a point past the summit. Providing rail access would accommodate a wider range of anchor tenants, who may wish to locate here. It is a shame Pendleton turned away a Fred Meyer Distribution Center which would have been located on the former Harris Pine site, on the rail line in Pendleton. They liked this location to serve areas farther east. The proposed Coyote site is appropriately located, and it needs rail access to make it more competitive with Pendleton's site near the airport.

5-2

Most distribution centers use both rail and highway access to great advantage. Wal-Mart is first I've seen that relies solely on trucks for overland transport. Of course ODOT likes it because rail use does pay weight-mile taxes so they have a bias in promoting a highway access only option

Steven R Stewart

Response to Letter 5 Continued

5-2

The commenter is correct that rail access would make the site more competitive (although Pendleton's rail access does not serve the airport.) During initial planning for the proposed project, CTUIR representatives spoke with representatives of Union Pacific Railway regarding providing rail access to the proposed Coyote Business Park, and it was determined that due to topography and cost this option was not feasible.

Text changed as per comments.



Oregon
Theodore R. Kulongoski, Governor

RECEIVED

Department of Transportation

Region 5
3012 Island Avenue
La Grande, OR 97850
541-963-3177
FAX 541-963-9079

February 15, 2006

UMATILLA AGENCY
PENDLETON, OR 97801

FILE CODE:

Jerry Lauer
Umatilla Agency
Bureau of Indian Affairs
P.O. Box 520
Pendleton, OR 97801

Dear Mr. Lauer:

Thank you for the opportunity to review the Draft Environmental Impact Statement (DEIS) for the Coyote Business Park located south of Interstate 84 at Exit 216. The Oregon Department of Transportation (ODOT) submits the following comments concerning the DEIS.

Page	Section	Paragraph	Comment
ES-11	Transportation	4	The last couple of sentences discuss ODOT doing a Traffic Speed study. ODOT can support this, however, the next statement infers that the study will automatically require the speed to be reduced and signals to be installed. This needs to be restated such that the needs will be identified through the study and if changes are necessary then there will need to be an agreement made on the proportionate share of costs to fund the mitigation. ODOT would not necessarily be responsible for all of the mitigation.
ES-13	Alternative A	Item #3	This would not necessarily be ODOT's responsibility. It may be a joint effort between jurisdictions.
2-34	Transportation	3	Alternative E infers that the current traffic study is correct in its traffic projections. This needs to be restated to say that if through a traffic signal study that signal warrants are met, then a signal shall be constructed. Again, this should be identified as a possible cost share between agencies that are involved.

If you have any questions regarding our comments please call me at (541) 963-1344.

Respectfully submitted,

Teresa Penninger
Region Planning Manager

Cc: Frank Reading, Northeast Area Manager
George Ruby, District 12 Manager
Tom Kuhlman, Region Traffic Engineer

Letter 7 Cedric and Tania Wildbill
Page 1 of 2

February 16, 2006

Mr. Jerry Lauer
Acting Superintendent
BIA Umatilla Indian Agency
P.O. Box 520
Pendleton, OR 97801

Dear Mr. Lauer,

As an enrolled member of the Confederated Tribes of the Umatilla Indian Reservation and resident of Tutuilla Flats for over 30 years, I and my wife do not support the tribe's proposed light industrial park, because of the impacts to the land, environment, wildlife, and social economics.

The proposed site for the light industrial park is a natural wetland that currently has drainage pipes to keep the water from saturating and building up on this site to keep the soil somewhat stable for farming.

If the drainage pipes were removed from this property would this land even be considered for the light industrial park? This property's environment and wildlife has been impacted because of farming, which probably cannot be changed. But continuing to further the damage this natural wetland with light industrial park would not be the right choice either.

In the past samples of endangered fish have been identified using the creek west of Billy Road. But the culvert under this road has created a deep pool of water on the west side that is a barrier to fish and denies access the rest of creek that runs along the proposed site of the light industrial park.

Due to poor management and neglect of the culvert under Billy Road that is a barrier, and probably why there have not been any fish identified in the creek east of that culvert. However, this barrier would be evident to a fish biologist or technician that fish cannot access the creek past the culvert and sampling would be useless for them.

Because of neglect of a culvert for how many years does not mean that at one time that endangered fish did not use the creek for habitat and subsistence. It is quite easy to document that fish do not utilize the creek in this EIS. But the findings in the report do not illustrate past impacts to the current land, environment, and wildlife such as: the water drainage pipes and the poorly maintained culvert.

Response to Letter 7

7-1

The entire acreage of the proposed site is not a wetland. A wetland delineation was completed in April 2004 and determined the extent of wetlands on the site. Wetlands were determined to be present along Patawa Creek and in three additional, isolated areas (See Figure 2-1.) Under Alternatives C, D, and E (the only alternatives which would otherwise potentially approach these isolated areas), these wetlands would be protected by a 100 foot buffer; see page 2-23.

The commenter is correct that drainage pipes were installed in the proposed project area by previous farm operators. It is likely (Wysocki, personal conversation, March 2006) that due to their present configuration, the pipes were installed to drain specific areas of the site and not to drain the entire parcel. The area drained by the tiles is not specifically known, but is generally to the west of the proposed location of the lots in Alternatives B, C, D, and E (see Figure 3.4 and Section 2.3.)

7-2

The commenter is correct that the culvert under Billy Road may be considered a barrier to fish passage. There are presently coho in the lower reaches of Patawa Creek, but they do not inhabit the higher reaches of the creek near enough to Billy Road for that culvert to be considered a constraint on them. CTUIR Department of Natural Resources has an active fish habitat restoration program on the Reservation. According to the "Umatilla/Willow Creek Sub-Basin Plan" (Northwest Power Planning Conservation Council, 2004), Patawa Creek is not a priority for resolving fish passage issues or for restoration of endangered and threatened species (CTUIR Fish Biologist Billy Goodrich, personal communication, March 2006).

Today, there are wintering bald eagles on the reservation that have been seen along the creek along the proposed light industrial park area. It is apparent that these endangered bald eagles are using the creek for subsistence and is the impact to this species been addressed in this EIS.

7-3

The social economics of minimum labor jobs created from the light industrial park is not worth the trade off that the land, environment, and the wildlife will be impacted.

Is the unemployment of tribal members truly the factor for developing a light industrial park? That is hard to believe since the Confederated Tribes of the Umatilla Indian Reservation is the second largest employer in Umatilla County and operates with a budget of over 90 million a year.

Today, the Confederated Tribes of the Umatilla Indian Reservation cannot meet some federal and state grant criteria because the tribe's social economic status does not reflect a poverty state as it once did in the past. I am very proud of where the tribe is today. But a light industrial park will have to compete for business against foreign countries where labor market is cheap. Eventually whatever company the tribe selects as an anchor tenant will end up like most companies in the United States, and will not be able to compete against the foreign countries cheap labor force.

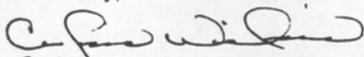
7-4

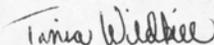
The light industrial park is not solving any immediate or future employment problems on for the Confederated Tribe of the Umatilla Indian Reservation. We are for economic and community development but one that makes sense such as: developing an infrastructure on a different site or property for tribal small business development that creates employment and economy on the reservation. The Coyote Business Park is truly a light industrial park, which simply translates to minimum wages jobs, and recreating a poverty state among the future tribal members. This cannot be the tribes' solution for future if this tribe.

The Confederated Umatilla Journal wrote, "Their criticisms (two opposing landowners) should be duly noted in the BIA's final Environmental Impact Statement but there does not appear to be enough valid complaints or a groundswell of opposition that would stop this project."

However, there was not a groundswell of unemployed tribal members at the public hearing in support of the light industrial park either. So, truly is this about employment and the social economics on the Umatilla Indian Reservation. Thank you for allowing us to make our comments on the light industrial park.

Sincerely,


Cedric Wildbill


Tania Wildbill

7-3

The commenter is correct that bald eagles winter on the Reservation. The stretch of Patawa Creek along the proposed project site does not meet bald eagles' need for fish and eagles are not utilizing the creek for subsistence (CTUIR Wildlife Biologist Carl Scheeler, personal communication, March 2006). The proposed project would not be a measurable impact to bald eagles (ibid). Bald eagles' winter use of Umatilla River for subsistence is described in Section 3.4 of the Draft EIS.

7-4

Section 3-10 documents an unemployment rate of 11% of American Indians and Alaska Natives on the Reservation in 2000, which is more than twice the unemployment rate of Umatilla County in the same time period. Section 3-10 documents that 544 American Indian and Alaska Natives are projected to turn 18 over the next 14 years. This is an increase of 189% in the current (as of 2000) civilian American Indian and Alaska Native labor force of 609 people. With a labor force projected to nearly double in the next 14 years and an unemployment rate that is over twice the rate of the surrounding county area, it is appropriate for the Confederated Tribes of the Umatilla Indian Reservation to create on-Reservation opportunities for employment growth.

The wages offered by employers in the proposed business park would be set by the employers according to market rates and not by CTUIR.



Oregon

Theodore R. Kulonowski, Governor

January 30, 2006

Water Resources Department

North Central Region
116 S.E. Dorian Avenue
Pendleton, OR 97801
Phone (541) 278-5456
FAX (541) 278-0287

RECEIVED

UMATILLA AGENCY
PENDLETON, OR 97801

Jerry Lauer
Acting Superintendent, Umatilla Agency
Bureau of Indian Affairs
P.O. Box 520
46807 B Street
Pendleton, OR 97801

Dear Mr. Lauer:

Thank you for the copy of the Draft Environmental Impact Statement (DEIS) for the proposed Coyote Business Park near Mission, Oregon. The Oregon Water Resources Department (OWRD) is concerned that the DEIS does not mention the need to secure or amend water rights with the OWRD. Although we recognize that the Confederated Tribes of the Umatilla Indian Reservation (CTUIR) disagree with our position, and OWRD is committed to working with the CTUIR on this issue, we continue to believe that OWRD has the authority and obligation to regulate the diversion of groundwater throughout the state.

8-1

In a letter dated January 17, 2003, Mr. Philip Sanchez solicited comments from the OWRD regarding the above proposed industrial park. We provided written comments to Mr. Sanchez in a letter dated February 7, 2003. In that letter, we indicated that our research found no water rights appurtenant to the land proposed for this development and identified options for establishing water rights for the proposed industrial park.

We would like to reiterate the simplest option that was outlined in our February 7, 2003 letter. The CTUIR could file an amendment to their existing ground water permit G-14395 (copy enclosed) to add the lands where the industrial park will be located. The permit allows up to 8 cubic feet per second (cfs) for quasi-municipal purposes from well 3, located in the NE ¼ SE ¼ of section 9, and well 4, located in the SE ¼ NE ¼ of section 11, all in T.2 N., R.33E.W.M. The permit allows water use in an identified service area, but does not allow the use of water in the proposed industrial park area.

I must caution that the permit amendment process will be subject to comments from the public and an evaluation as to whether the change would cause injury to existing water rights. Although we expect this procedure is a viable option we can not guarantee what the outcome will be until the process concludes.

It should also be noted, that the time limit for perfection of water use under permit G-14395 was October 1, 2003. Therefore, in conjunction with filing a permit amendment, a time extension would need to be filed and approved to extend the time lines in which further development or changes to the permit could be considered.

In alternative B, the water source proposed is a new well. If a new well is constructed, it would need to meet our current well construction rules to insure it is properly constructed. Furthermore, if the use of water from the new proposed well exceeds the exemptions allowed by the Oregon Legislature under ORS 537.545¹, the use would need to be authorized under a permit issued by OWRD in accordance with ORS 537.535². It may be

¹ The Oregon Legislature has exempted the following uses from needing a permit: Stockwatering purposes; Watering any lawn or noncommercial garden not exceeding one-half acre in area; Watering the lawns, grounds and fields not exceeding 10 acres in area of schools located within a critical ground water area; Down hole heat exchange purposes; Any single industrial or commercial purpose in an amount not exceeding 5,000 gallons a day.

² No person or public agency shall use or attempt to use any ground water, construct or attempt to construct any well or other means of developing and securing ground water or operate or permit the operation of any well owned or controlled by such person or public agency except upon compliance with ORS 537.505 to 537.795 and 537.992 and any applicable order or rule adopted by the Water Resources Commission under ORS 537.505 to 537.795 and 537.992.

Response to Letter 8

8-1

The CTUIR claims a reserved water right, including a right to groundwater, pursuant to the 1855 Treaty between the Cayuse, Umatilla and Walla Walla Tribes, acting in Confederation, and the United States. The CTUIR asserts that it has the most senior water right to groundwater in the Umatilla Basin and that it has the authority to regulate the use of groundwater within the Umatilla Indian Reservation, and has adopted a Tribal Water Code. Pursuant to this Code, the groundwater wells which would serve the Coyote Business Park have been permitted by the Tribal Department of Natural Resources.

Oregon Water Resources Department (OWRD) acknowledges that the CTUIR claims a federal reserved water right as described above, but has not agreed that the CTUIR has the claimed water right or that such a right extends to groundwater.

OWRD has suggested that "The CTUIR could file an amendment to their existing groundwater permit G-14395 to add the lands where the industrial park will be located."

In recognition of the CTUIR's and State's mutual interest in the management of groundwater resources and in economic development, the two parties executed an Intergovernmental Agreement dated May 24, 2006 which outlines a process by which CTUIR's Department of Natural Resources and Oregon Water Resources Department will cooperate to request an extension of time and amended groundwater permit from OWRD for Tribal well Nos. 3 and 4, which wells are part of the Tribal Community Water System, which will provide water to the proposed Coyote Business Park.

The Bureau of Indian Affairs Regional Director has responded to this issue with a letter of response to the Oregon Water Resources Department, issued July 2006. This letter states in part that "It is our position that groundwater is essential for fulfilling the purposes of the Reservation, including lands that have been re-acquired for the Reservation. As you may be aware, the Reservation lands are considered by the federal government to be "Indian Country (18 U.S.C. §1151). As such, the State of Oregon has no regulatory jurisdiction over those lands, even under Public Law 280. Moreover, it is our position that reserved water rights extend to groundwater."

Jerry Lauer
Acting Superintendent, Umatilla Agency
January 30, 2006
Page 2

possible to cover this new well under the existing permit identified above, by doing a permit amendment. Without knowing the proposed depth of the proposed well, it is not possible to evaluate whether the proposed well would interfere with existing wells or whether the well could be added through the permit amendment process. We would be more than happy to work with the CTUIR or BIA in trying to secure the necessary authorizations.

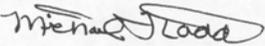
The remaining alternatives identified in the DEIS propose to supply water for the industrial park through the CTUIR water system. Again, the easiest solution to cover the proposed water use is to amend the permit, as stated above. The existing permit does have certain permit conditions relating to water level declines. Any additional water use under the existing permit needs to be evaluated against the water level decline condition to determine if pumping additional water for the proposed industrial park would trigger those conditions.

Finally, the OWRD is concerned that the DEIS does not adequately consider the potential impacts of the additional water use on the water resources in the basin. The DEIS does not consider whether the additional use of groundwater would cause injury to existing groundwater users in the region or cause negative impacts to the groundwater resource. The DEIS does not consider impacts of groundwater use on surface water in the area. For option B, the DEIS should indicate the intended location of the new well and describe how the well drilled would be constructed. This information is necessary for a meaningful analysis of potential impacts to local surface water. } 8-2
} 8-3

I would be happy to meet and work with representatives of the Bureau and/or the CTUIR to discuss options that could be considered to get authorization to cover the proposed water needs at the industrial park.

Thank you for the opportunity to comment on the DEIS. If you have any questions, please feel free to contact me at the number listed above.

Sincerely,



Michael F. Ladd
Region Manager

Enc: 1

Cc: Phil Ward, Director
Kim Grigsby, Water Resources Policy Analyst
Tony Justus, Watermaster
Eric Quaempts, CTUIR DNR Director

Response to Letter 8 Continued

8-2

The CTUIR is interested in the issue of groundwater connectivity on the Reservation, and is involved in ongoing monitoring of groundwater levels. As a part of the process to issue a Tribal groundwater permit, the Department of Natural Resources and Tribal Water Commission must find that a well would not cause injury to existing groundwater permitted uses. As stated in Section 3.12, the proposed groundwater use under any of the action alternatives would amount to a negligible (2.9% at the most) amount of the currently permitted system capacity of 750 acre feet per year. As per CTUIR Water Resources Department (Water Code Administrator Ron Lee, personal communication March 2006) and Section 3.3 in the EIS, the project would not impact area wells under any of the proposed action alternatives.

Sustainable management of groundwater and surface water resources on the Reservation is a CTUIR priority. CTUIR has monitoring wells in proximity to the Mission Community Well network and has no evidence of declines in the observation wells or of any impact to surface water flows as a result of use of the Mission Community Well system (CTUIR Water Code Administrator Ron Lee, personal communication March 2006). Well nos 3 and 4 are sealed and cased to 425 feet, and lined to approximately 1000 feet, below ground level, thereby minimizing impact to surface waters.

8-3

The intended location of the new well would be in proximity to the proposed lots in Alternative B. See Section 2.3, Figure 2.2 for conceptual location of proposed well. The proposed well would be constructed to CTUIR well construction standards (CTUIR Administrative Rules and Standards to the Water Code: Section 500 Standards for the Construction and Maintenance of Wells on the Umatilla Indian Reservation - adopted March 2004).

Public Hearing Comments of January 19, 2006
Comments from Brian Conner

9, Brian Conner

9-1

“If this thing goes over well, what businesses that choose to come and look at what we have available, we want to make or would like to have them be concerned about the environment. And that would be the noise, that would be the air, that would be the visual, how they look from the freeway, how they look from the nearby neighbors that they have because there’s people that live out here.”

9-2

“So this might provide an opportunity down the road for hopefully helping out tribal members some day get involved in the private sector.”

Responses to Brian Conner

9-1

Visual and noise impacts are addressed in the EIS (see Sections 3.7 and 3.8). Proposed mitigation would be to plant landscaping along the edge of the project site (see Section 2.4). Although CTUIR does not have adopted noise standards, the proposed noise levels would not exceed State of Oregon Industrial Noise Standards, as a frame of reference (see Section 3.8) Under Alternative E, the largest development in terms of acreage, “Due to the sound’s dissipation over distance, and the distances involved, it is unlikely the closest noise-sensitive properties (area residences south of South Market Road or Tutuilla Church) would be impacted.” (EIS Section 3.8).

9-2

Thank you for your comment.

Public Hearing Comments of January 19, 2006
Comments from Bill Burke

10, Bill Burke

10-1

“Why buy that high priced power from PP&L, when we can get a heck of a better deal from [BPA] because of this preferential thing?”

10-2

“I like the park idea. There’s no question about that.”

Responses to Bill Burke

10-1

The Bonneville Power Administration (BPA) does not sell retail power. In order to buy power directly from BPA, CTUIR would need to form a utility and gain BPA recognition as a preferred customer. Preliminary analysis completed by CTUIR as part of the development of the business park proposal indicates that this would not be cost-effective at this time.

10-2

Thank you for your comment.

Public Hearing Comments of January 30, 2006
Comments from Gerald Reed

11, Gerald Reed

11-1

“[ODOT] will hopefully fix that turnoff coming in from town.”

Response to Gerald Reed

11-1

ODOT is cooperating with the CTUIR in a current planning process to identify and improve access management along Highway 331 and South Market Lane. The interstate exit ramps have been identified as a concern in that process.

Public Hearing Comments of January 30, 2006
Comments from Daniel Harris

12, Daniel Harris

12-1

“We could directionally drill under the freeway with minimal impact and could provide gas service over there.”

Response to Daniel Harris

12-1

Thank you for your comments. To provide readers with more information, directional drilling is a construction technique in which a drill bit is equipped with sensors and communication capacity so that it can be remotely “guided” underground. This is increasingly used in construction and involves less ground disturbance than open trenching.

Public Hearing Comments of January 30, 2006
Comments from Joe McDonald

13, Joe McDonald

13-1

“I just think there’s better sites that will have a lower impact on our environment.”

13-2

“It mentions there’s a permanent loss of agricultural lands.”

13-3

“Water drawdown in wells.”

13-4

“Reduction in wastewater capacity.”

13-5

“Increased air emissions”

Response to Joe McDonald

13-1

The proposed site was chosen because it met the criteria in Table 2-1. Other sites considered (see Section 2.6, “Description of Alternatives Considered but Eliminated from Detailed Study”) were eliminated because they were too small, too far from existing infrastructure or from freeway access, or designated for other uses in the Mission Community Plan.

13-2

The commenter is correct that the project would result in a permanent loss of agricultural lands. The Mission Community Plan identifies the proposed site as appropriate for industrial development. See response to comments 13-1 and 13-16.

13-3

See Section 3-3 and response to comment 8-2.

13-4

The commenter is correct that the proposed Alternatives D and E would reduce the capacity of the trunk line conveying wastewater to the City of Pendleton treatment plant. The estimated 4,125 gallons per day increase projected under Alternative D, and the projected 8,190 gallons per day projected under Alternative E, would constitute an increase of less than 1% in the total estimated 85,000 gallons per day delivered to the City of Pendleton. These projections would constitute an even smaller percentage increase in the estimated 1.0 million gallon per day capacity of that delivery as per the 1978 Transfer Agreement between the Indian Health Service, the Confederated Tribes of the Umatilla Indian Reservation, and the City of Pendleton.

13-5

The commenter is correct that the proposed action alternatives would result in increased air emissions. As per Section 3-5, the projected increase in emissions would not require an Air Contaminant Discharge Permit and would not cause any of the proposed business operations to be recognized as a non-point source.

Public Hearing Comments of January 30, 2006
Joe McDonald Continued

13-6
“Increased light pollution”

13-7
“Change in visual appearance”

13-8
“Increased traffic”

13-9
“Increased noise”

13-10
“Loss of wildlife habitat”

Responses to Joe McDonald

13-6

The commenter is correct that the proposed action alternatives would result in increased light pollution. As per Section 2-4, design standards for the proposed build alternatives would incorporate guidelines designed to reduce light pollution. See also Appendix E.

13-7

The commenter is correct that the proposed action alternatives would result in a change in the visual appearance. This property is adjacent to Interstate 84 and in the proximity of commercial development including the Tribal Environmental Recovery Facility (TERF), the Arrowhead Travel Plaza, and the Wildhorse Resort. Collectively, these facilities present the visual appearance of a developed area. The proposed change in visual appearance would not be the first of its kind in the area. See discussion in Section 3-7.

13-8

The commenter is correct that the proposed project would result in increased traffic as summarized in Section 3-9, Table 3-30 in the Draft EIS. ODOT and CTUIR are currently cooperating in a study of access improvements to Oregon Highway 331 to determine how to improve safety along this corridor in the proposed project area (OR 331 Access Management Study, forthcoming summer 2006).

13-9

The commenter is correct that the proposed project would result in increased noise as summarized in Section 3-8 of the Draft EIS. Although CTUIR does not have a noise ordinance, the projected noise levels from proposed development would not exceed the State of Oregon noise standards for industrial areas. State of Oregon noise standards are included as a point of reference but do not apply on Reservation lands. See also response to comment 9-1.

13-10

See Section 3.4. CTUIR is concerned with wildlife habitat. The proposed project site would result in a loss of annual cropland. CTUIR does not consider annual cropland to be wildlife habitat. Annual cropland does provide forage for deer, but forage is not considered a scarce resource or limiting factor for deer (CTUIR Wildlife Biologist Carl Scheeler, March 2006, personal communication). The wildlife habitat associated with the proposed project site is located within and adjacent to Patawa Creek, and would actually be enhanced by the proposed riparian buffer strips planted in native vegetation (Section 3.4).

Public Hearing Comments of January 30, 2006
Joe McDonald Continued

13-11

“The wildlife survey also fails to mentioned use of Patawa Creek by beaver...They’re going to dam up the creek.....industry is not going to be able to tolerate that flooding.”

13-12

“Incompatibility of industrial and residential”

13-13

“Potential disturbance of cultural resources.”

13-14

“Farming subjects these resources to more disturbance than construction does.”

Responses Joe McDonald Continued

13-11

Although the CTUIR Wildlife program saw no beaver during the site visit, they do recognize the use of Patawa Creek by beaver (CTUIR Wildlife Biologist Carl Scheeler, March 2006, personal communication). Beaver is not a threatened or endangered species and there is a population of beaver throughout the Reservation on all creeks. The proposed riparian buffer area would result in an improvement in beaver habitat over the existing conditions (see Section 3.4).

The CTUIR Wildlife program manages beaver complaints all over the Reservation on a regular basis. CTUIR Wildlife regularly manages beaver dams to prevent the type of flooding anticipated by the commenter.

13-12

See Section 3.2 for a discussion of adjacent land uses. The commenter is correct that this item was mentioned in the document but not in the executive summary. The executive summary is intended to provide a high-level overview of the project without including all of the detailed information available in the document itself.

Since CTUIR considers that industrial and residential land uses are not appropriate for the same parcel of land, (see response to comment 5-1), and as per the Land Development Code Section 3.185), CTUIR decided not to include housing development within the proposed Coyote Business Park (see also Section 2-6). However, it may be beneficial to have adjacent industrial and residential land uses in order to provide convenient housing for workers. The CTUIR Mission Community Plan anticipates just such adjacent industrial and residential uses.

13-13

The CTUIR Cultural Resource Protection Program (CRPP) has been involved in the proposed project throughout the conceptual design and environmental analysis stages in order to minimize potential disturbance of cultural resources (see Section 3-6). CRPP considers that there is always the potential for disturbance of cultural resources. Therefore, the proposed project would require the presence of a cultural resource monitor during all ground-disturbing activity in accordance with all applicable laws protecting cultural resources.

13-14

Farming and construction both subject cultural resources to varying intensities and durations of disturbance. See response to Comment 13-13.

Public Hearing Comments of January 30, 2006
Joe McDonald Continued

13-15

“Potential loss of the farmability of some of the acreage to the west...due to the storm water catch basins that have the potential to raise the water table in the lower elevations.”

13-16

“Irreversible and irretrievable commitments of resources”

13-17

“It’s darn strange that there’s not a single person at this hearing commenting on the effects of those natural resources by this business park.”

13-18

“I do not believe businesses will be attracted to use the park.”

13-19

“There’s an attitude of a segment of tribal members that are never satisfied with monetary contribution and compensation by businesses.”

Responses to Joe McDonald Continued

13-15

The proposed storm water catch basins may have the potential to raise the water table in the lower elevations of the site, but due to overall annual levels of precipitation in the proposed project area, this effect would not be expected to be noticeable. Although the CTUIR anticipates ongoing farming of those acres of the project site that would not be developed, farming is not the highest priority use of land zoned for industrial development.

13-16

Under the National Environmental Policy Act (NEPA), it is recognized that development does irreversibly and irretrievably commit resources. According to the Council on Environmental Quality, Environmental Impact Statements are required to consider and disclose “irreversible and irretrievable commitments of resources.” As a disclosure document, an EIS has the obligation to disclose those resources that would no longer be available as they currently exist if the proposed alternative was implemented.

13-17

A copy of the draft Environmental Impact Statement and a notice of the comment period and public meetings was sent to all interested parties and adjacent landowners, including those who attended the scoping meeting in 2003.

13-18

Each potential tenant of the business park will make their own determination as to whether or not the proposed site is suitable for their needs. This EIS would likely be one of the tools that a prospective business would use to make this determination.

13-19

Thank you for your comment.

Public Hearing Comments of January 30, 2006
Catherine Sherman

Response to Catherine Sherman

14, Catherine Sherman

14-1
“...there’s got to be some other sites that would be more welcome by everybody.”

14-1
See response to Comment 13-1.

