



COEUR D'ALENE TRIBE

OFFICE OF THE CHAIRMAN

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December 30, 2013

Brian Ness, Director
Idaho Transportation Department
3311 W. State Street
P.O. Box 7129
Boise, ID 83707-1129

RE: Mammoet USA South, Inc. Proposed Megaload Route

Dear Director Ness:

The Coeur d'Alene Tribe (the "Tribe") has learned that the Idaho Transportation Department ("ITD") is currently evaluating a proposal to permit Mammoet USA South, Inc. to transport multiple massive shipments (Megaloads) through the Coeur d'Alene Reservation and along Coeur d'Alene Lake. On behalf of the Tribe, I would like to communicate the Tribe's concerns with the process and plan to transport such Megaloads as proposed.

First, the Tribe has not been consulted by ITD on this Megaload proposal. The Tribe's Lake Management Director received a letter today from a group called Forsgren Associates Inc. that states "in order to meet ITD's accelerated project schedule," they "will assume the Tribe has no comments or anticipates any impacts" if the Tribe does not provide input by this Friday, January 3, 2014. As you know, a letter from an engineering firm contracted by a shipping company does not substitute or constitute consultation between a sovereign State and a sovereign Indian Tribe.

It is my understanding that the National Environmental Policy Act (NEPA) requires ITD to consult with the Coeur d'Alene Tribe on this project in order to adequately evaluate the environmental and cultural impacts of the proposed construction of an onramp near the northern shore of Coeur d'Alene Lake. Since there has been no consultation with the Tribe, we would expect ITD to formally contact the Tribe soon to ensure the applicable NEPA regulations are not violated in an attempt to expedite these shipments. The Tribe is willing to work with ITD on this project to ensure NEPA compliance.

While every proposal considered by ITD need not be the subject of Tribal consultation, the environmental and cultural concerns posed by the sheer magnitude of these shipments invoke a unique array of potential impacts to Tribal interests. One can easily point to the failed attempts of ITD and Omega Morgan to ignore consultation with other Tribes on Megaload shipments as an example of why such communication would be advisable and necessary.

Experience has taught me that the reciprocal flow of communication is key to working through most large-scale issues. This may be an opportunity to highlight a broader need for an interagency agreement between ITD and the Tribe to establish a framework for consultation and communication on future important issues. The Tribe has such agreements with other state and federal agencies which have proven helpful in avoiding miscommunication and turmoil while reaching mutually acceptable solutions to matters significant to either or both sovereigns.

I look forward to hearing back from you on this important matter. Please feel free to contact me or my staff for additional information.

Sincerely,

A handwritten signature in blue ink that reads "Chief J. Allan". The signature is written in a cursive, flowing style.

Chief J. Allan, Chairman
Coeur d'Alene Tribe

Cc: Governor C.L. "Butch" Otter
Jason Minzghor, District Operations Manager, District 1