

Agreement Between the State of Idaho and the Coeur d'Alene Tribe of Idaho

WHEREAS, the Coeur d'Alene Indian Reservation was established by Executive Order on November 8, 1873;

WHEREAS, by Articles of Agreement of 1887, the Coeur d'Alene Tribe of Idaho (hereafter Tribe) ceded to the United States all of its aboriginally-owned lands outside the reservation in the States of Idaho and Washington and, by Articles of Agreement of 1889, ceded approximately the north third of its reservation, and said Articles of Agreement were ratified by Congress in 1891; and

WHEREAS, there exists a disagreement between authorities of the State of Idaho (hereafter State) and the Tribe as to whether and to what extent the Tribe retained hunting, fishing, and trapping rights in the ceded areas free of State jurisdiction; and

WHEREAS, it is to the mutual benefit of the Tribe and the State to avoid litigation of this issue:

THEREFORE, IT IS HEREBY AGREED BETWEEN THE STATE AND THE TRIBE AS FOLLOWS:

1. This agreement is concerned only with off-reservation hunting, fishing, and trapping. It does not affect Tribal Jurisdiction, nor its Tribal Code for on-reservation hunting, fishing, and trapping.
2. The right to hunt and fish in the areas ceded by the Tribe is limited to members of the Tribe. (See Attachment 1, showing boundaries of the ceded areas which is incorporated by reference herein.) Non-member Indians will be subject to State hunting, fishing, and trapping regulations.
3. Members of the Tribe may not hunt, fish, and trap in the ceded areas when accompanied by non-tribal members unless the non-tribal members are immediate family members. Immediate family members shall mean spouses, children, grandchildren, or grandparents.
4. Hunting is limited to game birds, elk, deer, mountain lion, bear, and moose.
5. Hunting:
 - a. Season dates for deer and elk will be August 1 through August 31 (antlered animals only) and September 1 through December 31 (either sex).
 - b. Season dates for all other species will be the same as those established by the State of Idaho for any given year.
 - c. Each tribal member shall be limited to taking one (1) deer, one (1) elk, one (1) mountain lion, and one (1) bear from off-reservation ceded lands. These limits shall not preclude members of the Tribe from taking their on-reservation quota.
 - d. A system of reporting and tagging big game taken by Tribal members shall be set up within three (3) months of the date of this agreement. The reports of game taken shall be made available to all parties to this agreement.
 - e. The killing of moose shall be through a controlled-hunt procedure established by the Tribe. The total number of tribal moose permits shall be limited to two (2) animals per year.
6. Fishing:
 - a. State regulations applicable to all game fish, including seasons, size restrictions, daily limits and catch and release areas shall apply.
 - b. Cutthroat spawners shall be protected in all streams and those streams shall be closed to cutthroat fishing from April 1 to Memorial Day weekend each year.
7. The Tribe accepts the State definitions of predatory animals, game fish, game animals and birds contained in IDAPA 13 G.
8. The Tribe will recognize the State's designation of critical resources and/or habitats which require the restriction of hunting, fishing, or trapping.
9. The Tribe agrees that all selling of protected fish or game or parts thereof harvested by members of the Tribe shall be prohibited.
10. The land area of Heyburn State Park will be declared a game preserve and hunting big game animals by members of the Tribe and non-member Indians will be prohibited.
11. The Tribe gives permission to non-Indians to hunt and fish on non-Indian lands within the reservations as long as they are in compliance with State and Tribal Hunting and Fishing Regulations.
12. The Tribe will enact a supplementary hunting and fishing code regulating off-reservation hunting and fishing by tribal members. This Tribal Code will grant enforcement authorization to duly-commissioned Bureau of Indian Affairs, Tribal, State and County conservation and law enforcement officers. This Code will be enacted within three (3) months of the date of this agreement.
13. The Tribe will cooperate with the State in the introduction of wild turkeys on the reservation. The Tribe agrees that once the turkey populations are established, birds may be trapped and transplanted by the State to off-reservation areas.
14. This agreement may be terminated upon six (6) months' written notice sent to the other party at the addresses below:

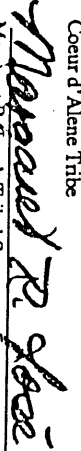
Governor, State of Idaho
State Capitol
Boise, ID 83720


Tribal Chairman
Coeur d'Alene Indian Tribe
Plummer Subagency
Plummer, ID 83851


15. This agreement may be amended by mutual written agreement of the parties.
16. By entering this agreement, neither party waives, relinquishes, or surrenders any legal rights or positions it may seek to assert in any future proceeding.
17. This agreement has been reached in the process of good faith negotiations of a disputed claim. Thus, all parties agree that no statements, comments, conclusions, or offers of any party made in the course of negotiating this agreement shall be construed as admissions against interest, nor shall any party offer such statements, comments, conclusions, or offers into evidence against any other party in any administrative or judicial proceedings, hearings, or actions.
18. In the event that this agreement is terminated by any party, the parties agree that this agreement shall not constitute precedent for the position of either party and shall not be offered into evidence in any administrative or judicial proceedings, hearing, or action.

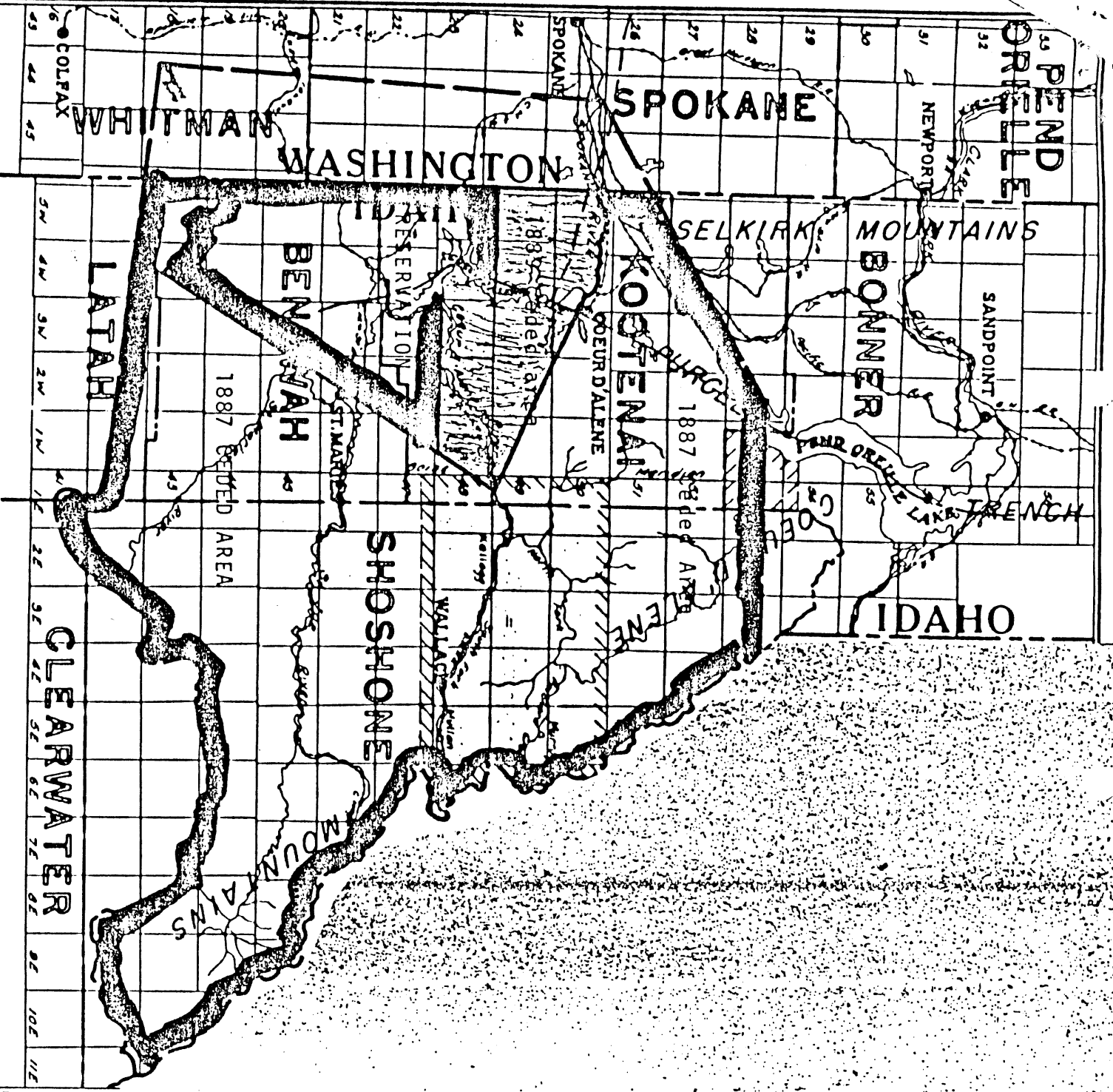
ENTERED INTO THIS DAY, JULY 25, 1988:


Ernest L. Stensgar, Tribal Chairman
Coeur d'Alene Tribe


Margaret R. Rose, Tribal Secretary
Coeur d'Alene Tribe

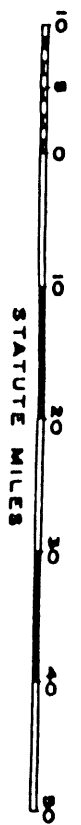

Cecil R. Lindner, Governor
State of Idaho.


Richard Hansen, Chairman
Idaho Fish and Game Commission
Jerry M. Canley, Director
Idaho Department of Fish and Game



1887 ceded area--Large black line
 1889 cession from 1873 Reservation--light shaded area
 Present Reservation enclosed
 Within smaller outlined area.

AREAL LOCATION PLAT



ATTACHMENT 1

Ernest L. Stensgar
 Ernest L. Stensgar, Tribal Chairman
 Coeur d'Alene Tribe

Margaret R. Rose
 Margaret Rose, Tribal Secretary
 Coeur d'Alene Tribe

Cecil D. Amundson
 Cecil D. Amundson, Governor
 State of Idaho

Richard Hansen
 Richard Hansen, Chairman
 Idaho Fish and Game Commission

Jerry M. O'Neil
 Jerry M. O'Neil, Director
 Idaho Department of Fish and Game