



REFERENCE:

COEUR D'ALENE TRIBE

850 A STREET
P.O. BOX 408
PLUMMER, IDAHO 83851
(208) 686-1800 • Fax (208) 686-1182

COPY

November 15, 2005

VIA CERTIFIED MAIL

Mr. Steve Hawks
89231 Hwy 3 N
St. Maries, ID 83861

Dear Mr. Hawks

By Tribal Compliance Order dated December 9, 2004, the Coeur d'Alene Tribe notified you that maintenance of your encroachment (dock) on Tribal lands and waters without a Tribal permit and without paying annual encroachment fees in 2003 and 2004 was in violation of Tribal Code Chapter 44 (Encroachments), and that you had the right to file a written appeal of that Order within 10 days of receiving it.

Your written response, dated December 20, 2004, stated that "I protest having to pay any fees beyond the permits I paid through the state of Idaho," but it was unclear to us whether you intended this response to serve as a formal appeal of the Order. By letter dated January 10, 2005, we tried to clarify the matter, and provided you with an additional 10 days to respond. The Tribe has no record that you responded to this inquiry.

The Tribe wants to ensure that you have had an adequate opportunity to clarify the intent of your letter dated December 20, 2004. We are therefore providing you the opportunity to do so within 10 days after receiving this letter. If you respond, please indicate whether your letter dated December 10, 2004, was intended to appeal the Compliance Order, and please express any additional grounds you may have in support of your appeal.

If the Tribe does not receive a response from you within the allotted time, we will nevertheless assume that your letter of December 10, 2004, was intended to appeal the Compliance Order, and that the basis for your appeal is limited to the grounds set forth in that letter. We will then refer the matter to the Tribal Lake/River Board to schedule a hearing date and to issue a Notice of Hearing to you regarding the Compliance Order.

For your reference, we are enclosing a copy of Tribal Code Chapter 44 (Encroachments), which sets forth the specific provisions governing appeals from Compliance Orders, and a copy of the Tribal Lake/River Board Rules and Procedures, which govern appeals brought before the Board.

Please contact me at the above listed telephone number if you have any questions regarding this matter.

Sincerely

A handwritten signature in black ink, appearing to read "Jason P. Brown".

Jason P. Brown
Navigable Waters Specialist

cc: Eric Van Orden
Phillip Cernera

Encl. (2) (Ch. 44, & Bd Rules & Proc.)