

REFERENCE:

COEUR D'ALENE TRIBE

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

February 7, 2007

Steven W. Hawks
89231 Highway 3 North
St. Maries, ID 83861

RE: Encroachment #0506

Dear Steven W. Hawks,

You have been identified as maintaining an encroachment in, on or above submerged lands and waters of the St. Joe River within the Coeur d'Alene Indian Reservation. The regulation of use of the submerged lands and waters are an essential governmental function of the Tribe. The Tribal and public health, safety and welfare requires that any allowed use of these waters and submerged lands be regulated to protect water quality and quantity, navigation, fish and wildlife habitat, aquatic life, aesthetic beauty and Tribal cultural values.

To this point the Tribe has not yet received an application for your encroachment, failure to provide such application by June 2, 2003 has resulted in your encroachment designated as an 'unregistered dock' within Tribal Waters. In addition to the absence of the requisite application and filing fee for a Tribal encroachment permit and lease, it appears there has also been a failure to obtain a permit for your encroachment (dock) on Tribal lands/waters and failure to pay annual encroachment lease fees in calendar years 2003 through 2007 as required by Tribal Code sections 44-8.01(D), 44-9.01(A)-1, and 44-24.01(A)-1,(A)-5.

Up to this point the Lake Management Department had been pursuing compliance actions against encroachment owners failing to obtain the required permit and lease necessary to maintain an encroachment within Tribal waters. Certain owners, previously maintaining encroachments on Tribal waters, have unsuccessfully pursued an appeal before the Tribal Lake/River Board as allowed by Tribal Code section 44-24-01. It has also been brought to our attention that private individual docks previously in violation, maintained by owners involved in compliance actions, have been removed from Tribal waters.

The regulation of these uses has not been motivated by monetary benefit and the Tribe is prepared to forego any penalties, monetary or otherwise, for those individuals removing their encroachment currently in violation. ***As per Tribal Code section 44-8-01(D)1., All encroachments on Tribal submerged lands and waters are specifically prohibited and considered an unlawful trespass unless there is a solid permit and lease currently in effect for the encroachment.*** This would provide that any related appurtenances (i.e.

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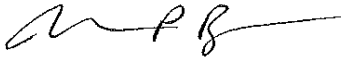
pilings, log booms, etc.), also considered by definition an encroachment on Tribal waters, must also be removed and disposed of appropriately at the owner's expense.

For those owners that may desire to now bring their encroachment into compliance, they would be required to submit the requisite application and pay current and past due lease fees from 2003 through 2007. It has and will be the Tribe's desire for encroachment owners to comply with Tribal laws regulating the use of submerged lands and waters and share in the enjoyment of those waters with the Tribe.

The Tribe is now preparing to move forward with further compliance actions for those remaining owners currently maintaining encroachments in violation of Tribal law. Owners failing to comply may be issued a Tribal Compliance order pursuant to Tribal Law and Order Code Chapter 44.24.01(B) and enter subsequent compliance proceedings.

We would encourage you to contact our office at the earliest stage possible. The Coeur d'Alene Tribe Encroachment Application and Fee Schedules can be downloaded from the Lake Management Department website at the following link http://www.cdatribe-nsn.gov/lake/e_info.shtml or by contacting our office and requesting a copy. Please do not hesitate to call me at (208) 686-1118 if you have any questions regarding this matter.

Sincerely,



Jason P. Brown
Recreation Management Program Manager