

## 2008 FINAL REPORT

of the

### IDAHO COUNCIL ON INDIAN AFFAIRS

The Idaho Council on Indian Affairs was created in 1999 by section 67-4004, Idaho Code. The Idaho Council on Indian Affairs is composed of ten members. Four are from the Legislature. Currently serving from the Legislature are Senator Mike Jorgenson, Senator Edgar Malepeai, Representative Bob Nonini and Representative George Saylor. Governor “Butch” Otter’s representative is David Hensley. The five recognized Indian Tribes are represented by their tribal council chairperson or the chairperson’s designee. In 2008, the Tribes were represented by Chief J. Allan, the Chairman of the Coeur d’Alene Tribal Council; Jennifer Porter, the Chairwoman of the Kootenai Tribal Council; Samuel Penney, the Chairman of the Nez Perce Council Executive Committee; Nancy Egan, Chairwoman of the Shoshone-Paiute Tribal Council; and Lee Juan Tyler, Vice-Chairman of the Fort Hall Business Council and representing the Shoshone-Bannock Tribes. Senator Jorgenson serves as the Chair of the Idaho Council on Indian Affairs with Chairman Allan serving as the Council’s Vice-chair.

The purpose of the Council is set forth in section 67-4007, Idaho Code, and includes monitoring and reviewing legislation and state policies which impact state/tribal relations in the areas of jurisdiction, governmental sovereignty, taxation, natural resources and economic development; advising the Governor, Legislature and state departments and agencies on the nature, magnitude and priorities of issues regarding state/tribal relations; assisting in the development and implementation of cooperative policies, programs and procedures focusing on the unique relationship between tribal and state government; establishing advisory committees on special subjects or projects; and cooperating and facilitating contracting between Tribes and individuals or state, local and other agencies. The two meetings held by the Council in 2008 were true to these purposes and involved a broad discussion of issues that affect the state of Idaho and the recognized Tribes in this state. This report discusses some of the highlights of those meetings.

The March 12, 2008, meeting was held in Boise. Bob Wells represented Governor “Butch” Otter at that meeting. Mr. Wells recommended that a summit meeting between the Tribes and the state of Idaho be held in early summer and should include all issues that have been addressed by the Council. The Council heard from Susan Pengilly, Chair of the Geographical Place Names Advisory Board, who informed the Council that the Idaho Historical Society Board has recommended that all “squaw” name changes be approved, pending an agreement on an alternative name. This is a work-in-progress with no reportable action taken at this time. Council member Lee Juan Tyler requested that the Council become involved in obtaining recognition of the Bear River Massacre Site in Franklin County where over 400 members of the Northwest Band of the Shoshone Nation were killed and agreed to develop a plan to achieve that recognition.

Coeur d'Alene Tribal Attorney Quannah Spencer reported on the Coeur d'Alene Tribe's efforts in support of the Governor's Office of Drug Policy's anti-meth campaign and recommended that the summit meeting with the Governor address the issues of environmental concerns, police training and cooperation and intergovernmental agreements between the Tribes and the state. Christelle Edmo, who has been the Tribal Relations Program Manager, Idaho Department of Health and Welfare, since December of 2007, described her role as helping to strengthen relationships between the Idaho Tribes and the Department by helping foster collaboration and cooperation and to assure that appropriate and effective community-based services are available to American Indian people across the state.

The Council met on October 9, 2008, at Lapwai, Idaho, on the Nez Perce Reservation. David Hensley, participating by telephone, notified the Council that he is in discussions with Governor Otter regarding a state-tribal summit meeting. Washington State Representative John McCoy and Washington Senator Claudia Kauffman addressed the Council on the recent legislation passed in Washington (HB 2476 (2008)) which permits the individual Tribes to enter into cross-deputization agreements with county sheriffs. Chief Allan, Chairman of the Coeur d'Alene Tribe, noted that his Tribe has negotiated cross-deputization agreements with two counties, sends its officers to POST and hires officers from surrounding jurisdictions. Chairman Allan related that the Tribe's agreement with Kootenai County has saved that county the cost of patrolling Lake Coeur d'Alene and other costs associated with the availability of resources.

Mary Jane Oatman-Wak Wak, Indian Affairs Coordinator for the Idaho Department of Education, reported to the Council on the Idaho Indian Student Data which shows a learning/achievement gap between not just Indian and non-Indian students but also between urban and rural students.

Particularly noteworthy was the Class III Gaming Compact signed by the Nez Perce Tribe and the state of Idaho on July 16, 2008, which permitted Idaho Lottery products to be sold on the Nez Perce Reservation. Since those sales began, more than two million dollars of revenue have been generated.

Also noteworthy is the economic stimulus that has been generated in northern Idaho by the economic development programs on the Coeur d'Alene Reservation through the business opportunities made available by the Small Business Administration section 8(a) Program. The section 8(a) Program offers a broad scope of assistance to firms that are owned and controlled at least 51% by socially and economically disadvantaged individuals. By availing itself to the benefits of the section 8(a) Program, the Coeur d'Alene Tribe has generated \$450 million in set-aside contracts with an additional \$250 million in new set-aside contracts projected. Over one-third of the jobs newly created through the section 8(a) Program have gone to nontribal members. The Coeur d'Alene Tribe recently announced a \$190 expansion to its hotel and casino operation.

Cooperation between the Tribes and state and local governments can benefit all. For example, officials with the Idaho Department of Environmental Quality and the Coeur d'Alene

Tribe have completed their draft of the 2008 Coeur d'Alene Lake Management Plan in June, designed to protect lake water quality.

There remains much to do. A formalization of communications between the state and local governments and the Tribes needs to be developed, perhaps through the creation of an Idaho Bureau of Indian Affairs. Such formalization of communications becomes critical in the case of natural or man-made emergencies and would facilitate cooperation. Cross-deputization between tribal officers and county sheriff's departments also needs to be addressed. Progress has been made in this area between the Coeur d'Alene Tribe and Kootenai County. Greater utilization of cross-deputization would improve law enforcement while reducing its delivery costs.

Respectfully submitted,

Senator Michael Jorgenson, Chairman  
Idaho Council on Indian Affairs