

Comments on behalf of the Coeur d'Alene Tribe re: HCR 021 and HCR 022:  
By: Helo Hancock, Legislative Director, Coeur d'Alene Tribe

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Mister Chairman and members of the Committee,

On behalf of the Coeur d'Alene Tribe, I would like to thank you for the opportunity to address you today regarding the decision of the majority in the Idaho Legislature, as set forth in HCR 022 whereby the state of Idaho intends to assume control of the management and ownership of certain federal lands in the state, upon approval by the Congress through federal legislation.

Ultimately, it appears that a majority of legislators have decided it would be of benefit for the lands to be transferred to the state by the federal government. That question will be decided by Congress and the President, and neither HCR 21 nor HCR 22 present that issue for consideration by this Interim Committee.

Most people will agree that too much government and too many regulations can have negative consequences socially and economically. It appears that the impetus for this the decision expressed in HCR 022, has derived from a decades long struggle over the management of federal lands, especially in the areas of grazing and logging.

I can tell you that Indian Tribes are no stranger to the frustrations of federal governance. I need not remind you that it was the federal government that instituted military campaigns against Indian Tribes, displacing tribal members from their homelands and confining them to reservations within specific geographic boundaries.

It was also the federal government that decided Indian reservations had far too much land within their boundaries not being farmed, mined or logged- so they passed laws allowing the vast majority of Indian reservation lands to be homesteaded by non-Indian settlers.

And it was also the federal government that unilaterally reduced the size of the Coeur d'Alene Tribe's reservation multiple times after its original creation. This occurred when precious metals like gold and silver were discovered in parts of the reservation where non-Indians believed the land was too valuable to be suitable for Indians.

The list goes on and on. So believe me when I say, the Tribe is not here to say that the federal government has done everything right. With that said, there a few things I would like to submit to this Committee as it further investigates the proposal at hand.

First, I would like to echo some of the same concerns raised by Vice Chairman Moffet and Chairman Small regarding the unique fiduciary relationship that Tribes have with the federal government which includes reserved and guaranteed rights to hunt, fish and gather on federal lands on or near the reservation. The relationship between Tribes and the federal government also gives rise to heightened rights of co-management and other

areas of levels of involvement in the administration of federal lands on or near reservations. Protecting those rights is vital to Idaho Tribes.

In the case of the Coeur d'Alene Tribe, there are other considerations at play. One major concern we would have is the oversight, enforcement and management of the environmental regulations, resultant damages and liabilities that may arise on lands transferred to the state.

We can easily point to an embarrassing chapter in Idaho's history where industry was allowed to despoil the forests, rivers and entire ecosystems in pursuit of natural resources. In our own backyard the Tribe has spent decades and millions of dollars trying to stop contaminated mining waste from being dumped into the lake, rivers and streams in the Coeur d'Alene River Basin. In fact, Idaho has a number areas identified as Superfund sites, like the one in the Silver Valley, where the federal government has had to enforce federal regulations to restrict activity and compel responsible polluters to pay millions of dollars.

The last thing we need is huge tracts of clear cuts, new roads dozed and the environmental devastation caused by irresponsible timber harvest and mining practices. The protection from further environmental catastrophes would be a major concern if ownership were to change hands.

It is imperative for this Committee to recognize that Federal lands are managed for a different purpose than state lands. One of the biggest attractions to Idaho is the vast amount of public land that can be accessed by hunters, hikers, campers, and literally anyone else. Federal lands are managed with goals other than just profit in mind, considerations like public enjoyment, conservation, access and wildlife habitat drive the many of the management decisions of the US forest service and BLM.

Furthermore, the legal impediments to accomplishing the transfer contemplated in HCR 022 are significant. Strikingly similar attempts to force the federal government to transfer title to public lands have been made by several western states in the past, most notably during the "Sagebrush Rebellion" of the late 1970's. However, all such attempts have ended with a predictable and unsuccessful result. And while the intentions may be worthy, the fact of the matter is that only Congress can effectuate the transfer of land outlined in the HCR- and right now with this Congress, getting anything done seems unlikely.

In fact, if the federal government or Congress is going to be transferring title to any lands, they should be transferred back to their rightful ownership- which would be to Indian Tribes in many cases. Indian Tribes were the first stewards of this land and there is certainly no better land manager. The idea that such lands would be transferred to the state with have profit-driven management goals with the potential for sale to private ownership is really a non-starter.

There is no question that improvements can be made in the management of federal lands in Idaho. The good news is that we already have a few examples where this has happened with all of the stakeholders at the table- Vice Chairman Moffit already mentioned one example with the Clearwater Collaborative a brainchild of Senator Crapo. The other is up north in Boundary County called the Kootenai Valley Resource Initiative. Both of these collaborative forums bring key stakeholders to the table to find an acceptable balance in the management of the natural resources in the region.

It is these types of cooperative, stakeholder controlled, negotiated forums that will bring lasting change to the management of federal lands in Idaho. And with existing examples of frameworks that actually work, this pattern could and should be replicated in other regions of Idaho.

There is no question this is a difficult issue to resolve or that Idaho is in need of further economic revitalization. But the millions of dollars that might be spent trying to fight the federal government over who has rightful title to these lands could be used to facilitate the kinds of citizen-based management that has proven successful with federal agencies in the management of Idaho natural resources.

Again, I appreciate the invitation for Coeur d'Alene Tribe to be included in this important discussion and I would stand for any questions.