

## **Fishing, Hunting, & Trapping within the Boundaries of the Coeur d'Alene Indian Reservation**

Hunters and anglers have asked us about the 2021 fishing and hunting regulation brochure published by the Coeur D'Alene Tribe for "Residents and Nonresidents" for the Coeur d'Alene Indian Reservation.

When it comes to hunting and fishing activities, how Indian Tribes may regulate non-Indians, and how states may regulate Indians, is often not clear in federal, state, or tribal laws and regulations. In several instances federal and state court decisions (referred to as "case law") address these issues.

- **Where do I need state license/tags/permits to hunt, fish or trap within the Reservation?**  
All non-Indians must have the appropriate state of Idaho license/tag/permit to hunt, fish or trap on non-tribal lands within the Reservation boundaries, and must follow state laws, seasons, limits and rules.
  
- **Where do I need license/tags/permits from the Tribe to hunt or trap within the Reservation?**

**Tribal lands:** Hunters, anglers and trappers need to follow the Tribe's requirements on lands and lakes owned by the Tribe, individual Tribal members, or federal lands held in trust for the Tribe (some maps may refer to Bureau of Indian Affairs lands). It is a federal crime ([18 U.S. Code § 1165](#)) to go on tribal lands to hunt, fish, or trap without tribal permission/authorization.

Tribal waters include a portion (southern) of Lake Coeur d'Alene, which does not include state waters within Heyburn State Park. Controlled hunt tag holders for moose and elk considering hunts on tribal lands may wish to contact the Tribe; the 2021 Coeur d'Alene Tribe brochure prohibits harvest of moose and cow elk by those who are not tribal members.

**Non-tribal lands:** At this time, IDFG is not aware of any situation where the Tribe is enforcing tribal licensing or other tribal regulation on non-Indians hunting or fishing on non-tribal lands within the Reservation (private, state, or national forest lands). Case law, including the U.S. Supreme Court's 1981 decision in a case called *Montana vs United States*, indicates that Indian tribes generally do not have authority over hunting, fishing or trapping by non-Indians on non-tribal land within Reservation boundaries (private, state, or National Forest lands).

It is IDFG's understanding that non-Indians do not need a tribal license/permit/tag to hunt, fish or trap on non-tribal lands, and tribal regulations will not apply to your hunting/fishing/trapping activities on non-tribal lands. However, IDFG is a state regulatory agency. IDFG cannot speak for the Coeur d'Alene Tribe, and IDFG may not defend individuals in the event of a dispute with the Tribe over tribal requirements.

- **What if there are differences between the state and tribal methods of take, seasons and limits?** State laws, seasons, limits and rules generally apply to non-Indians hunting, fishing, and trapping on non-tribal lands within the Reservation. The Tribe may apply different requirements (seasons, limits, methods of take, etc.) to tribal lands.
  - Turkey: If you're a non-Indian, the state harvest limit of two birds in the spring season applies to you on non-tribal lands within the Reservation. Although the 2021 Tribal brochure refers to a higher limit of 3 birds, the more restrictive state limit applies to non-Indians hunting on non-tribal lands within the Reservation.
  - Fishing: If you're a non-Indian, state harvest limits and restrictions on methods of take apply to you on non-tribal waters (which include state waters within Heyburn State Park). Although the 2021 Tribal brochure refers to spearfishing northern pike, and harvesting up to 25 kokanee and an unlimited number of bass, the more restrictive state limits and methods of take apply to non-Indians in non-tribal waters. For example, the state prohibits spearfishing of pike, and the state daily bag limits in the Panhandle Region are 15 for kokanee and 6 for bass (largemouth and smallmouth combined).