


Senator Mike Crapo
304 North Eighth Street
Room 338
Boise, ID 83702

On this 22nd day of October, 2004, the governments of the Shoshone Paiute Tribes and of Owyhee County have taken an historic step to establish a process by which they can coordinate their governmental plans and actions for the best interests of both their peoples. The undersigned leaders of those governments have executed a Memorandum of Agreement attesting a future of coordination and cooperation. Throughout history, the lives of their people have been intertwined by common interests in protecting and preserving the resources and traditions of the unique area they call home. Their governments have individually exercised their own level of sovereign duties. From this day onward, their governments will formally coordinate their efforts to resolve land use conflicts, to protect the natural resources, to protect cultural resources and to achieve economic stability for their people.

As the first, important, coordinated effort in executing the Memorandum of Agreement, the undersigned Chairmen submit to you the Owyhee Initiative Proposal for initiation of legislative action to implement the goal of the Initiative to which these governments are mutually committed. We appreciate the interest and dedication with which you and your staff have assisted in the effort to develop the Initiative. We, and our governmental designees and representatives, look forward to working actively and closely with you and your staff in the drafting and presentation of the appropriate legislation.

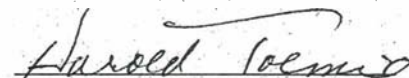
Very truly yours,

For the Shoshone Paiute Tribes:



Terry Gibson, Chairman

For Owyhee County:



Harold Tolmie, Chairman

MEMORANDUM OF AGREEMENT BETWEEN THE SHOSHONE PAIUTE TRIBES AND OWYHEE COUNTY, IDAHO REGARDING COORDINATION OF GOVERNMENTAL AFFAIRS

Preamble:

This Memorandum of Agreement (MOA) is intended to set forth agreement as to a process for implementing coordination between the sovereign Shoshone Paiute Tribes and the government of Owyhee County established pursuant to the Idaho Constitution. The MOA is based upon the principle of government-to-government interactions between the Tribes and the County. It is designed to provide the forum in which the Tribes and County can freely discuss governmental issues of mutual concern in an atmosphere of mutual respect and accountability. Such forum will provide the process for consultation within which the Tribes and County can consider the impact of their actions and proposed actions upon each other.

Parties and authority:

Forum participants will include:

Shoshone Paiute Tribal leaders
Owyhee County Commissioners

The Tribes have sovereign authority to enter into this MOA

The County Commissioners have authority to enter into this MOA pursuant to statutes contained in the Idaho Code which implement the Idaho Constitution.

Purpose:

The purpose of this MOA is to provide the forum in which the Tribal and County governments will communicate and coordinate regarding their governmental decisions which have impact upon each other. The MOA is not intended to, and does not, limit or preclude the Tribes or County from communicating through other means or activities. It is intended to establish the process by which the Tribes and County can discuss and coordinate issues early and directly.

Process:

Forum sessions will be held bi-monthly at times and sites to be mutually selected.

The participants will each select a facilitator-coordinator who will work jointly to assure that issues presented are fully and thoroughly explored, that sessions are properly recorded and archived for future reference, and that contemplated actions and decisions are fully documented. The facilitators-coordinators will assist the participants in developing the agenda for each meeting and assure that the agenda is distributed to participants no less than two weeks before a scheduled forum session. By mutual agreement of the participants, agenda items may be added and/or given different priority status at the commencement of a session.

The participants will work collectively to define issues and concerns, consider alternatives and strive for consensus on issue resolution and proposed actions. A wide range of topics will be included in the process, so different methods may be appropriate

to resolve issues of differing degrees of complexity or concern. Communication between meetings is necessary to keep all parties informed, minimize misunderstandings, avoid surprises and resolve potential conflicts as quickly as possible. Any of the following options, or other mutually agreed options, may be used to coordinate a given proposal or issue:

- a. Participants always have the option of responding or communicating immediately to proposals or issues that do not require mutual evaluation, or proposals or issues which have already been mutually evaluated and need no further evaluation. This option will allow the participants to avoid unnecessary delay in taking action necessary to carry out the participants' duties.
- b. Where mutually acceptable, coordination may be completed and documented by facilitator-coordinator communications between meetings
- c. Where an issue requires further discussion and evaluation, continuing consideration may be scheduled for the next meeting.
- d. Issues may be referred to the facilitators-coordinators for review and recommendation for consideration at the next meeting.

- e. For an issue of special concern to either participant, a special meeting may be scheduled.

- f. Since the meetings must be public meetings under Idaho law in order for the Commissioners to participate in discussions which might lead to decision by them, executive sessions may be scheduled for discussion and consideration of very sensitive/confidential issues in cases in which executive sessions are allowed by Idaho law.

- g. As to any issue, the resolution of which requires formal approval by the participants' government, the participants will present the resolution or alternatives of resolution for approval and decision in accordance with the laws governing participants.

If participants cannot reach agreement on a given issue, the facilitators-coordinators will prepare a concise, but full, paper outlining the issue, any areas of agreement as to the issue, and the reasons why agreement is not reached. The paper will be equitable to both entities, without assessing blame for the lack of agreement. The paper will be filed with the archives when participants confirm that the paper accurately reflects the situation.

When requested by the participants, the facilitators-coordinators will prepare a briefing paper as to an issue or proposed action, for distribution only to the participants, prior to the forum session at which the issue or proposed action is scheduled for discussion. The

briefing paper will include the statement of the issue or proposed action, background information, and alternative resolutions or actions.

When an issue or proposed action must be discussed at more than one session, and further discussion will be enhanced by between-session actions on the part of participants, the participants will define the action to be taken, or the research to be conducted.

Disclaimers:

This MOA is not intended to, and does not:

- a. Delegate any lawful authority or responsibility of either participant.
- b. Create in either participant any authority, responsibility, or duty not otherwise conferred by their its governing law
- c. Abrogate or limit in any way the sovereign authority of the Tribes or the constitutional and statutory authority of the County.
- d. Limit the discretion, alter or increase or diminish the legal rights of the participants under relevant Tribal, federal and state laws.
- e. Modify, limit, or alter the obligations or duties of the participants under current laws.
- f. Limit, modify, alter or restrict the participants' governments from taking governmental actions.
- g. Impede the timely exercise of the participants' governments authority, discretion, or duty in accordance with law.
- h. Require the obligation, appropriation or expenditure of any funds.

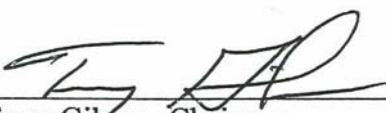
- i. Modify, abrogate or otherwise affect private property rights, including water rights, or the obligations to comply with applicable water law.

Effective Date, Modification and Termination:

This MOA is effective upon execution on behalf of all participants. Its terms may be modified by mutual agreement of the participants. Any participant may withdraw from the MOA through the following process: A participant seeking withdrawal shall serve a written notice on the other participant of the intention to withdraw and the reason or reasons for withdrawal. The non-withdrawing participant may request a special forum session to discuss the withdrawal, and upon such request a special session shall be scheduled within thirty days of the request. After the special session, if a participant still seeks withdrawal, a written notice of withdrawal must be served on the non-withdrawing participant, and thirty days after service of said notice, the MOA will terminate.

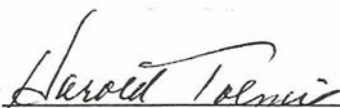
Dated this 22 day of October, 2004:

For the Shoshone Paiute Tribes:



Terry Gibson, Chairman

For Owyhee County:



Harold Tolmie, Chairman

ADDENDUM ONE TO MOA REGARDING COORDINATION OF THE PARTICIPANTS AS TO THE OWYHEE INITIATIVE

Because of the importance of the Owyhee Initiative to the people represented by the participants to the MOA between the Shoshone Paiute Tribes and Owyhee County, Idaho Regarding Coordination of Governmental Affairs, the participants enter into this Addendum One to that MOA:

The participants will confer and coordinate regarding the Initiative and its implementation on a government-to-government basis;

Legislative language developed and proposed by the Initiative Work Group and presented to the Commissioners will be presented to the Tribes for consideration, coordination and agreement.

The participants will discuss the Initiative Proposal in a special forum session;

Both participants will have a voting member on the Initiative Board of Directors;

The participants will develop legislative language that provides that no Tribal cultural resource will be subjected to Science Review, that will acknowledge the assertion of the Tribes' aboriginal claims, that will provide for Tribal involvement in protection of cultural resources, and that will acknowledge protection of existing senior water rights and claims in accordance with state water law.

The participants will consult and coordinate as to the process by which appointment of the non-voting Chair of the Initiative Board of Directors will be made.

Signatures:

Dated this 22 day of October, 2004:

For the Shoshone Paiute Tribes:


Terry Gibson, Chairman

For Owyhee County:


Harold Tolmie, Chairman