

**JAMESTOWN S'KLALLAM TRIBE
TRIBAL CODE
TITLE 9 – HUNTING CODE**

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Section 9.01.01 Title

This Title shall be known and may be cited as the Jamestown S’Klallam Tribe Revised Treaty Hunting Code or Hunting Code.

Section 9.01.02 Declaration of Policy

Hunting, along with fishing and gathering, has always been central to the cultural, subsistence and economic life of the Jamestown S’Klallam Tribe and its citizens. By this Title, and the regulations adopted under it, the Tribe intends to exercise control over hunting and related activities to the fullest extent of Tribal jurisdiction in order to properly regulate, manage, and to insure the continued availability of hunting resources to the Tribe and its Citizens. Nothing in this Title shall be construed as a relinquishment, abrogation, or abridgment of any treaty right of the Tribe.

Section 9.01.03 Natural Resources Committee

The Natural Resources Committee (“NRC”), formerly known as the Fish and Game Committee, shall act in an advisory capacity to the Tribal Council, the Natural Resources Department and/or the Point No Point Treaty Council (PNPTC). The NRC shall, from time-to-time, provide to the Tribal Council: 1) proposed revisions to this Title; 2) proposed regulations to be adopted, pursuant to this Title; 3) such other recommendations, as are appropriate, to insure effective implementation of this Title; and 4) provide such other relevant input as the Tribal Council may request.

Section 9.01.04 Definitions

The following definitions shall apply in this Title unless the context clearly requires otherwise:

- A. "Adult" means any person who is eighteen (18) years or older;
- B. "Bag Limit" means the maximum number of animals which may be taken, caught, killed, or possessed by any person, specified by this Title or by a hunting regulation, for any particular period of time, and may include limits on size, sex, and/or species;
- C. “Bait” means any substance placed with the intent of attracting wildlife;
- D. "Big Game" means elk or wapiti, black-tailed deer, mountain goat, cougar or mountain lion, and black bear;
- E. "Closed Areas" means any place described or designated by a hunting regulation where it is unlawful to hunt;
- F. "Closed Season" means all times during the entire year except those times an "open season" is designated by a hunting regulation;
- G. Fish and Game Officer(s) or Enforcement Officer(s) means the person or persons charged with the responsibility of enforcing this Title and the regulations promulgated under it.;

- H. "Game Animals" means all wild animals, other than "big game" animals, and marine mammals that are classified by a hunting regulation as game animals;
- I. "Game Birds" means all wild birds that are classified by a hunting regulation as game birds;
- J. "Game Tag" means a card, label or other identification device issued for attachment to the carcass of any game animal;
- K. "Hunt" and its derivatives, "hunting," "hunted," etc., and "trap" and its derivatives, "trapping," etc., mean any effort to pursue, kill, injure or capture a wild animal or wild bird;
- L. "Immediately Present" means sharing the same vehicle, within hearing range, same proximity, packing the same animal, on the same trail, etc.
- M. "Jamestown S'Klallam Tribal Citizen," "Citizen" or "Tribal Citizen" means an enrolled citizen of the Jamestown S'Klallam Tribe;
- N. "Marine Mammal" means mammals that live the majority of their lives in marine waters and are classified by a hunting regulation as marine mammals;
- O. "Minor" means any Citizen who is under the age of eighteen (18);
- P. "Muzzle-loader" means a single or double-barrel wheel lock, matchlock, flintlock, or percussion rifle with exposed ignition in which the black powder, or black powder substitute, and ball, or bullet, must be loaded from the muzzle;
- Q. "Open Season" means those times, manners of taking and area established by a hunting regulation for lawful hunting. "Open Season" includes the first and last days of the established time, unless otherwise specified;
- R. "Public Roads" means those roads maintained by a county, the State of Washington, or the Federal Government;
- S. "Regulation" means any rule or regulation adopted by the Tribal Council pursuant to this Title; any such regulation or rule, during the period they are in effect, shall have the force of law equal to the other provisions of this Title;
- T. "Revocation of Hunting Privileges" means the recall of all rights and privileges granted by a Jamestown S'Klallam Tribal Hunting Tag, and the loss of eligibility to apply for a Jamestown S'Klallam Tribal Hunting Tag, for the duration specified by this Title;
- U. "Tribal Council or Council" means the Jamestown S'Klallam Tribal Council;
- V. "Tribe" means the Jamestown S'Klallam Tribe;
- W. "Wildlife" means all species of the animal kingdom whose members exist within the jurisdiction of the Jamestown S'Klallam Tribe, except fish, shellfish, and domesticated animals.

Section 9.01.05 Jurisdiction

The provisions of this Title, and all rules and regulations adopted under it, shall apply to the full extent of the sovereign jurisdiction of the Tribe and within all open and unclaimed lands and usual and accustomed grounds and stations, as provided in the Treaty of Point No Point of 1855. All references in this Code to the applicability of this Title include, in those references, any rules or regulations that are in effect at a given point in time.

Section 9.01.06 Applicability of this Title

The provisions of this Title shall apply to all persons purporting to exercise hunting rights secured to the Tribe by the Treaty of Point No Point, or other applicable treaties or agreements.

Section 9.01.07 Violation of 18 U.S.C. § 1165

Any person who hunts on the trust or reservation lands of the Tribe in violation of the provisions of this Title shall be deemed to be hunting on the land of the Tribe without lawful authority or permission, as those terms are used in 18 U.S.C. § 1165.

Section 9. 01.08 Reporting Bagged Game

Each Tribal Citizen hunting under the provisions of this Title shall report bagged game as follows:

- A. Each time a hunter bags big game, the species, sex, date of bagging and location must be immediately recorded on their Tribal Hunting Tag; and
- B. All big game in the hunter's possession, must be recorded on their Tribal Hunting Tag, which tag must be returned to the Tribal Office within ten (10) days of harvest. Any unused tags must be returned to the Tribe's Natural Resources Department following the end of a given hunting season. Annual Hunting Regulations include requirements for returning big game tags.
- C. All other game must be reported in accordance with current regulations.

Chapter 9.02

Adoption of Hunting Regulations

Sections:

Section 9.02.01 Standard Regulations

Section 9.02.02 Emergency Regulations

Section 9.02.01 Standard Regulations

The Committee shall propose standard regulations regarding hunting seasons in the following manner:

- A. Prior to each hunting season, the Committee shall formulate and recommend to the Tribal Council any standard regulations which are necessary to carry out the purpose of this Title. The regulations may establish open seasons, areas closed or open to hunting or trapping, bag limits, limitations on methods of taking game, and other measures for the protection and wise harvest of wildlife resources within the Tribe's jurisdiction;
- B. Before proposing standard regulations as provided in this section, the Committee shall make an effort to get all available information on the abundance and territories of various animal species within the Tribe's jurisdiction by consulting with appropriate personnel in the United States Fish and Wildlife Service, the United States Forest Service, the Washington Department of Fish and Wildlife, as well as the Tribe's technical staff;
- C. No later than thirty (30) days after it receives recommended regulations from the Committee, the Tribal Council shall either approve or amend, and adopt the regulations, or refer the proposed regulations back to the Committee with suggestions for changes. If the Tribal Council does not act on the Committee's recommendations within thirty (30) days, the Committee's proposed regulations shall be considered approved by the Council and shall take effect immediately or according to their terms; and
- D. All standard hunting regulations, once adopted, must be posted promptly at a public location at the Tribal government offices at 1033 Old Blyn Highway, Sequim, WA 98382, and must indicate the date they were adopted. Additionally, such standard regulations will be posted on the Tribe's web site, and a copy (paper or electronic) will be provided to any Tribal Citizen who requests a copy or obtains a tag.

Section 9.02.02 Emergency Regulations

The procedure for adoption of Emergency Regulations shall be as follows:

- A. The Committee may recommend that emergency changes in previously adopted standard hunting regulations occur whenever it gets information which indicates that the changes are necessary for proper management of wildlife resources in areas under Tribal jurisdiction;
- B. Emergency regulations shall take effect as soon as they are adopted or issued, or at such other time specified in the emergency regulations. They shall remain in effect until 1) withdrawn by the Natural Resources Department, 2) they lapse by their own terms, or 3) until the Tribal Council withdraws them; and
- C. All emergency regulations must be posted promptly at a public location at the Tribal government offices at 1033 Old Blyn Highway, Sequim, WA 98382, and must indicate the date they were adopted. Additionally, such emergency regulations will be posted on the Tribe's and/or PNPTC web site. No penalty shall be imposed for violation of an emergency regulation unless twenty-four (24) hours have passed since the regulation was issued or unless the violator was personally provided with a notice of the regulation before the violation occurred.

Chapter 9.03

General Closures

Sections:

Section 9.03.01 General Closures

Section 9.03.01 General Closures

- A. The trust and reservation lands of the Tribe are closed to hunting by all people, including Tribal Citizens. Provided, however, that the Tribe may, through a hunting regulation, open such lands to hunting by Tribal Citizens;
- B. All areas within the Tribe's jurisdiction are closed to hunting by Citizens unless those areas have been specifically opened by regulations adopted pursuant to this Title;
- C. Any areas within the boundaries of Washington State parks and National Parks are closed to hunting, unless specifically opened by emergency regulation; and
- D. Hunting is not allowed within any area closed to public access due to extreme fire danger, as determined by the Tribe, the U.S. Forest Service or the Washington Department of Natural Resources.

Chapter 9.04 Eligible Hunters

Sections:

Section 9.04.01 Eligible Hunters

Section 9.04.02 Hunting by Minors

Section 9.04.03 Assistance by Non-Citizen Spouses of Citizens

Section 9.04.04 Assistance by Non-Citizen Relatives

Section 9.04.01 Eligible Hunters

Only Tribal Citizens may exercise treaty hunting rights under the authority of this Title.

Section 9.04.02 Hunting by Minors Who are Tribal Citizens

Hunting by Tribal Citizens who are Minors may be done as follows:

- A. Tribal Citizens under the age of eighteen (18) may hunt under the provisions of this Title, provided they 1) do not have a handgun in their possession, 2) have been awarded a certificate of satisfactory completion from a qualified Hunter Safety course, and 3) are accompanied by an eligible Tribal Citizen who is eighteen (18) years old or older or an eligible non-Citizen relative who is eighteen (18) years old or older as described in Section 9.04.04, below. The determination of whether a minor may hunt under this section shall be made by the Committee based on information regarding the minor's completion of a qualified Hunter Safety course, and who will be accompanying the minor; and
- B. It is the duty of the parent or guardian of any minor who exercises treaty hunting rights pursuant to this section to insure compliance with this Title. No minor shall be issued a hunting tag without the signed consent of their parent or guardian. Said consent shall clearly indicate the duty of the parent or guardian to insure compliance with this Title. Either the parent or guardian who permits a minor to hunt under this Title or the minor may be subject to prosecution for violation of this Title.

Section 9.04.03 Assistance by Non-Citizen Spouses of Citizens

Non-Citizen spouses of Citizens may assist Citizens as follows:

- A. The non-Citizen spouse of a Citizen has no right to exercise treaty hunting rights of the Tribe. The privilege to be assisted by their non-Citizen spouse belongs to the Tribal Citizen;
- B. A Citizen may be assisted by their non-Citizen spouse so long as they are married to each other. The Citizen spouse must be immediately present during any treaty hunting activity;
- C. A non-Citizen spouse who is eligible to assist shall obtain the appropriate Tribal identification cards;
- D. Citizens are responsible for the conduct of their non-Citizen spouses in hunting related activities; violations of this Title or regulations promulgated under it shall subject the Citizen spouse to citation to the Tribal Court in the place of the non-Citizen spouse; and
- E. For purposes of this section, the term "assist" shall be defined to include any normal hunting activities permitted by this Title, except carrying loaded weapons or discharging weapons. Non-Citizen spouses, assisting a Citizen, may bear loaded weapons only if they are properly licensed to hunt under the provisions of Washington State law or another Tribe's regulations with overlapping hunting area.

Section 9.04.04 Assistance by Non-Citizen Relatives

Tribal Citizens may be assisted by non-Citizen relatives consisting of the Tribal Citizen's forebearers, children, siblings, or grandchildren as follows:

- A. The non-Citizen relative of a Citizen has no right to exercise treaty hunting rights of the Tribe. The privilege to be assisted by their non-Citizen relative belongs to the Tribal Citizen;

- B. A Citizen may be assisted by their non-Citizen relative so long as they are direct blood relatives. The Tribal Citizen must be immediately present during any treaty hunting activity;
- C. A non-Citizen relative who is eligible to assist shall obtain the appropriate Tribal identification cards;
- D. Citizens are responsible for the conduct of their non-Citizen relatives in hunting related activities; violations of this Title or regulations promulgated under it shall subject the Tribal Citizen to citation to the Tribal Court in the place of the non-Citizen relative; and
- E. For purposes of this section, the term "assist" shall be defined to include any normal hunting activities permitted by this Title except carrying loaded weapons or discharging weapons. Non-Citizen spouses, assisting a Citizen, may bear loaded weapons only if they are properly licensed to hunt under the provisions of Washington State law or another Tribe's regulations with overlapping hunting areas.

Chapter 9.05

Hunting for Ceremonial Use

Sections:

Section 9.05.01 Hunting for Ceremonial Use

Section 9.05.02 Hunting for Another

Section 9.05.03 Hunting to Provide Meat for Tribal Elders

Section 9.05.04 Designated Hunter

Section 9.05.01 Hunting for Ceremonial Use

The Committee or Tribal Council may issue Tribal Hunting Tags to allow wildlife to be hunted for funerals, ceremonies, and other Tribal uses. The Tribal Hunting Tags shall specify the type, sex and number of animals to be hunted, and any other conditions the Committee or Council attaches. Tribal hunting tags under this section may be issued for use during a closed season. The Committee or Tribal Council shall authorize a "designated hunter" to receive the Tribal Hunting Tag. Requests for Tribal Hunting Tags under this section must be submitted in writing to the Committee or Tribal Council.

Section 9.05.02 Hunting for Another

The Committee may issue Tribal hunting tags to allow a "designated hunter" to hunt for another Citizen who is unable to hunt. Requests for Tribal hunting tags under this section must be submitted in writing to the Committee. Requests must state why the person or family making the request is unable to hunt for themselves, and must demonstrate a need to the Committee. No Citizen of the household making the request may exercise treaty hunting rights themselves that hunting year. All provisions of this Title, and any prevailing hunting regulations, shall apply to hunting under this section.

Section 9.05.03 Hunting to Provide Meat for Tribal Elders

The Committee or Tribal Council may issue Tribal Hunting Tags to allow a "designated hunter" to harvest big game to provide meat to the Social Services Department for distribution to Tribal elders. Up to 10 Hunting Tags per year may be allocated for this purpose, but no more than two of them shall be valid for elk harvest. Each Hunting Tag shall be valid for the harvest of one animal and shall specify the species and sex of the animal to be harvested, and any other conditions the Committee or Council attaches. Each tag shall be marked to identify it as an "Elders" tag. All provisions of this Title, and any prevailing hunting regulations, shall apply to hunting under this section.

Section 9.05.04 Designated Hunter

Any eligible Citizen hunter with a valid Tribal hunting tag may submit their name to the Committee to be considered for placement on a list of "designated hunters." When the Committee grants a request under Section 9.05.01 or 9.05.02 of this Title, it shall notify a designated hunter and issue the appropriate Tribal hunting tag. The designated hunter shall comply with the terms of the Tribal hunting tag, this Title and all other applicable regulations. Eligibility requirements for designated hunters are:

- A. Be a Tribal Citizen;
- B. Be at least eighteen (18) years old;
- C. Demonstrate hunting ability;
- D. Have no Tribal hunting convictions for the previous two (2) years; and
- E. Not be a person prohibited from carrying a firearm under Tribal, state, or federal laws.

Chapter 9.06

Hunting with Non-Citizens

Sections:

Section 9.06.01 Hunting with Non-Citizens

Section 9.06.01 Hunting with Non-Citizens

It shall be lawful for Citizens to exercise treaty hunting rights with non-Citizens who are hunting under Washington State law or another Tribe's law, provided that the non-Citizen is: 1) appropriately licensed by the State or another Tribe with overlapping hunting area and 2) hunting according to current State or other Tribe's laws and regulations. The Tribal Citizen, under such conditions, will be subject to the hunting laws and regulations of the Tribe, unless the Citizen chooses to exercise their Washington State hunting rights, in which case the Citizen will be limited to the same areas, laws and regulations that apply to the non-Citizen.

Chapter 9.07
Required Identification and Tags

Sections:

Section 9.07.01 For Tribal Citizens

Section 9. 07.02 Ceremonial Hunting

Section 9. 07.03 Tribal Citizen Minor

Section 9. 07.04 Non-Citizen Spouse/Relative

Section 9. 07.01 For Tribal Citizens

The required identification and tags, for Tribal Citizens exercising hunting rights under this Title, shall be as follows:

- A. No Tribal Citizen who is eligible to hunt under this Title shall exercise any treaty hunting right unless they are in possession of a valid Treaty Indian Fishing and Hunting Identification card issued by the Tribe and a Tribal Hunting Tag issued by the Tribe, as provided in this Title;
- B. All Tribal Citizens purporting to exercise treaty hunting rights shall obtain a Tribal Hunting Tag. All such tags shall be non-transferable and shall expire on the date stipulated on the tag. The Tribal Hunting Tag shall also serve as a reporting card for big game bagged, as provided in this Title;
- C. All Tribal Citizens shall obtain a Tribal Hunting Tag prior to hunting the following species: deer, elk, bear, cougar, mountain goat, and marine mammals. Successful hunters shall immediately fill out the tag and attach the tag to the carcass of the harvested animal;
- D. All identification cards and tags issued by the Tribe shall remain the property of the Tribe and shall be returned to the Tribe 1) upon order of the Tribal Court, 2) within ten (10) days of the date when an animal is harvested, 3) at the end of a season for unused tags, or 4) as otherwise provided in the Annual Hunting Regulation or this Title; and
- E. No new Tribal Hunting Tags shall be issued to a Citizen who has been cited for violations of this Title until the applicant Citizen has paid all fines for hunting violations levied or otherwise resolved the violation in Tribal Court.

Section 9.07.02 Ceremonial Hunting

Only Citizens shall exercise ceremonial hunting rights. Non-Citizen spouses and relatives are eligible to assist Citizens exercise their treaty hunting rights during ceremonial hunts. Citizens hunting for ceremonial purposes shall have in their possession valid and current identification cards and tags issued by the Tribe, as provided in this Title. Each ceremonial hunter shall report their ceremonial catch to the Committee, as provided for in this Title.

Section 9.07.03 Tribal Citizen Minor

Minors who are Citizens and are purporting to exercise treaty hunting rights under this Title must have in their possession a Treaty Indian Fishing and Hunting Identification card issued by the Tribe and a Tribal Hunting Tag issued by the Tribe. Minors must also have in their possession a game tag when hunting big game.

Section 9.07.04 Non-Citizen Spouse/Relative

The required identification for a Non-Citizen spouse or relative assisting a Citizen shall be as follows:

- A. Non-Citizen spouses and relatives shall have in their possession a Tribal non-Citizen spouse/relative card while engaged in assisting Tribal Citizens in the exercise of Treaty hunting activities. The Tribal non-Citizen spouse/relative card shall be an un-embossed identification card issued or approved by the Tribal Council or the Point No Point Treaty Council for the purpose of identifying the holder as the Non-Citizen spouse/relative of a Citizen and eligible to assist said Tribal Citizen in the exercise of their treaty hunting and fishing rights. The card shall bear a photograph of the holder and shall show the Tribal Citizen's name, the BIA number of the Citizen, the holder's name, address and physical description, and any other information the Tribal Council deems necessary;

- B. The Tribe, acting through the Committee, retains the right to suspend or revoke identification cards issued to Non-Citizens who are in violation of this Title. A determination whether such a violation has occurred shall be made by the Committee in open hearing. Decisions of the Committee may be appealed to the Tribal Council whose decision shall not be subject to judicial review; and
- C. Any person hunting under this Title shall produce for examination the applicable identification cards and tags required by this section upon demand of any Tribal, state or federal law enforcement official. Failure to produce the required forms of identification shall be probable cause to believe that such person is not authorized to exercise treaty hunting rights.

Chapter 9.08 General Offenses

Sections:

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- Section 9.08.02 Hunting Tags**
- Section 9.08.03 Hunting During Closed Season**
- Section 9.08.04 Animals Wrongfully Taken**
- Section 9.08.05 Hunting in Closed Areas**
- Section 9.08.06 Exceeding Bag Limits**
- Section 9.08.07 Failure to Report Bagged Game**
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- Section 9.08.12 Selling Wildlife**
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- Section 9.08.44 Failure to Appear/Response**

Section 9.08.01 Introduction

This chapter sets forth the general hunting activities which are prohibited by this Title. All hunting activities by Tribal Citizens, including those assisting Citizens, within the jurisdiction of the Tribe are subject to the provisions of this chapter. Hunting is closed unless specifically opened by regulation and/or whenever any specific hunting areas are opened by regulations under this Title.

Section 9.08.02 Hunting Tags

Any Citizen who exercises, or purports to exercise, any treaty hunting right without first obtaining valid and current Tribal identification, and hunting tags, as required by this Title, or by regulation, is guilty of an offense, and upon conviction shall be sentenced to a minimum fine of two hundred fifty dollars (\$250.00) and shall have their hunting privileges revoked for one (1) calendar year from the date of sentencing.

Section 9.08.03 Hunting During Closed Season

Any Citizen who hunts during closed season, as established by this Title or regulations issued under it, is guilty of an offense, and upon conviction shall be sentenced to either a minimum fine of five hundred dollars (\$500.00) or to jail for a period not to exceed thirty (30) days and shall have their hunting privileges revoked for one (1) calendar year from the date of sentencing.

Section 9.08.04 Animals Wrongfully Taken

Any Citizen who kills, injures, takes, captures, or possesses wildlife in any manner or by any means contrary to this Title or regulations issued under it, is guilty of an offense, and upon conviction shall be sentenced to:

- A. A minimum fine for each animal as follows:
 - 1. Eagles: five thousand dollars (\$5,000.00);
 - 2. Elk: one thousand dollars (\$1,000.00);
 - 3. Swans: one thousand dollars (\$1,000.00);
 - 4. Cougar: two hundred fifty dollars (\$250.00);
 - 5. Deer: five hundred dollars (\$500.00);
 - 6. Bear: two hundred fifty dollars (\$250.00);
 - 7. Mountain Goats: two hundred fifty dollars (\$250.00);
 - 8. Marine Mammals: one hundred dollars (\$100.00);
 - 9. Game Animals: one hundred dollars (\$100.00);
 - 10. Game Birds: one hundred dollars (\$100.00); or
- B. Jail for a period not to exceed thirty (30) days; or
- C. Both.

Section 9.08.05 Hunting in Closed Areas

Any Citizen who hunts within the boundaries of an area closed to hunting, as designated by this Title or regulations issued under it, is guilty of an offense, and upon conviction shall be sentenced to a minimum fine of five hundred dollars (\$500.00) and shall have their hunting privileges revoked for one (1) calendar year from the date of sentencing.

Section 9.08.06 Exceeding Bag Limits

Any Citizen who exceeds the bag limit set by a regulation issued under this Title is guilty of an offense, and upon conviction shall be sentenced to a minimum fine of two hundred fifty dollars (\$250.00) and/or have their hunting privileges revoked for one (1) calendar year from the date of sentencing.

Section 9.08.07 Failure to Report Bagged Game

Failure of a Citizen hunter to comply with the provisions of Section 9.01.08 Reporting Bagged Game is an offense,

and upon conviction, the hunter shall be sentenced to a minimum fine of one hundred dollars (\$100.00) and a revocation of all hunting privileges for a period of one (1) calendar year from the date of sentencing.

Section 9.08.08 Failure to Inspect Traps

Any Citizen who fails to inspect any trap or trap-line they have set, and such failure results in the spoilage of game, is guilty of an offense, and upon conviction shall be sentenced to a minimum fine of one hundred dollars (\$100.00).

Section 9.08.09 Interference with Traps

Any Citizen, who takes wildlife from another person's trap without permission, or springs, damages, possesses or removes another person's trap, is guilty of an offense, and upon conviction shall be sentenced to a minimum fine of one hundred dollars (\$100.00).

Section 9.08.10 Wasting Big Game

Any Citizen who kills big game and causes it to go to waste, is guilty of an offense, and upon conviction shall be sentenced to a minimum fine of two hundred fifty dollars (\$250.00) and shall have their hunting privileges revoked for one (1) calendar year from the date of sentencing.

Section 9.08.11 Wasting Game Birds or Game Animals

Any Citizen who kills game birds or game animals and causes them to go to waste, is guilty of an offense, and upon conviction shall be sentenced to a minimum fine of one hundred dollars (\$100.00) and shall have their hunting privileges revoked for one (1) calendar year from the date of sentencing.

Section 9.08.12 Selling Wildlife

Any Citizen who sells edible portions of wildlife that they have killed or taken pursuant to the provisions of this Title, is guilty of an offense, and upon conviction shall be sentenced to a minimum fine of five hundred dollars (\$500.00), or jail time for a period not to exceed six (6) months, or both, and shall have their hunting privileges revoked for one (1) calendar year from the date of sentencing.

Non-edible portions of game species (antlers, hides, teeth, claws) may be sold or traded, *except for* any parts of a cougar, mountain goat or marine mammals, the velvet antlers of deer or elk, or the gall bladder of bear.

Section 9.08.13 Transporting Big Game without a Game Tag

Any Citizen who transports a big game animal without a valid game tag affixed to the animal, is guilty of an offense, and upon conviction shall be sentenced to a minimum fine of two hundred fifty dollars (\$250.00).

Section 9.08.14 Transporting Loaded Firearms

Any Citizen, except authorized law enforcement officers, who carries, transports, conveys or possesses any of the following in or on a motor vehicle is guilty of an offense, and upon conviction shall be sentenced to a minimum fine of two hundred fifty dollars (\$250.00).

- A. A shotgun or rifle containing shells or cartridges in the magazine or chamber; or
- B. A muzzle-loading firearm loaded and capped or primed.

Section 9.08.15 Shooting Firearms Across Public Roads

Any Citizen, except authorized law enforcement officers, who discharges a firearm from, across, or along the maintained portion of a public road is guilty of an offense, and upon conviction shall be sentenced to a minimum fine of two hundred fifty dollars (\$250.00).

Section 9.08.16 Shooting Arrows Across Public Roads

Any Citizen who shoots an arrow from a vehicle or shoots an arrow from, across, or along the maintained portion of a public road is guilty of an offense, and upon conviction shall be sentenced to a minimum fine of two hundred fifty dollars (\$250.00).

Section 9.08.17 Hunting from a Vehicle or Boat Under Power

Any Citizen who hunts from a moving vehicle or pursues game off the road with a motor vehicle, or discharges a firearm from a boat under power (in gear) is guilty of an offense, and upon conviction shall be sentenced to a minimum fine of one hundred dollars (\$100.00).

Section 9.08.18 Hunting Other Than Daylight Hours

Any Citizen who hunts earlier than one half (1/2) hour before sunrise or later than one half (1/2) hour after sunset is guilty of an offense, and upon conviction shall be sentenced to a minimum fine of two hundred fifty dollars (\$250.00).

Section 9.08.19 Hunting with Artificial Light

Any Citizen who hunts with an artificial light, is guilty of an offense, and upon conviction shall be sentenced to:

- A. A minimum fine of five hundred dollars (\$500.00); and
- B. Revocation of their hunting privileges for one (1) calendar year from the date of sentencing.
- C. Artificial light shall not include illuminated nocks.

Section 9.08.20 Use of Dogs in Deer or Elk Hunting

Any Citizen accompanied by a dog while deer or elk hunting is guilty of an offense, and upon conviction shall be sentenced to a minimum fine of one hundred dollars (\$100.00).

Section 9.08.21 Hunting While Under the Influence

Any Citizen who hunts while under the influence of alcohol or drugs, including legal drugs if they result in impairment, is guilty of an offense, and upon conviction shall be sentenced to a minimum fine of two hundred fifty dollars (\$250.00) and shall have their hunting privileges revoked for one (1) calendar year from the date of sentencing.

Section 9.08.22 Unauthorized Hunting by Minors

Any Citizen under the age of eighteen (18) years old who hunts unaccompanied by an authorized adult under this Title, and has not been issued a hunter safety certificate, or is hunting with a pistol in their possession is guilty of an offense, and upon conviction shall be sentenced to a minimum fine of one hundred dollars (\$100.00). The court, in its discretion, may allow the defendant to provide work for the Tribe in lieu of all or part of the fine, at a rate not to exceed the Tribe's minimum wage.

Section 9.08.23 Hunting Eagles

Any Citizen who kills, takes, catches, or possesses an eagle, its part(s), nest or eggs in violation of any federal statute passed for the protection of eagles is guilty of an offense, and upon conviction shall be sentenced to a minimum fine of five thousand dollars (\$5,000.00), or jail time not to exceed 30 days, or both, and shall have their hunting privileges revoked for one (1) calendar year from the date of sentencing.

Section 9.08.24 Laying Out Bait

Any Citizen who lays or sets out any bait to lure wildlife for hunting, including but not limited to salt licks, except as provided in annual hunting regulations, is guilty of an offense, and upon conviction shall be sentenced to a minimum fine of one hundred dollars (\$100.00).

Section 9.08.25 Laying Out a Drug, Explosive, or Poison

Any Citizen who lays or sets out a drug, explosive or poison that endangers, injures, or kills wildlife is guilty of an offense, and upon conviction shall be sentenced to a minimum fine of two hundred fifty dollars (\$250.00).

Section 9.08.26 Mutilation of Wildlife

Any Citizen who mutilates wildlife so that the species or sex cannot be determined visually in the field or while being transported is guilty of an offense and upon conviction shall be sentenced to a minimum fine of two hundred fifty dollars (\$250.00).

Section 9.08.27 Accidentally Shooting a Person

Any Citizen who accidentally shoots any other person while hunting is guilty of an offense and upon conviction shall be sentenced by the judge to pay restitution to the affected party, with the amount due to be determined on a case-by-case basis.

Section 9.08.28 Accidentally Shooting Livestock

Any Citizen who accidentally shoots domestic livestock while hunting is guilty of an offense and upon conviction shall be sentenced by the judge to pay restitution to the affected party, with the amount to be determined on a case-by-case basis.

Section 9.08.29 Big Game Hunting Firearms Restrictions

Any Citizen who hunts big game with any of the following, is guilty of an offense, and upon conviction shall be sentenced to a minimum fine of two hundred fifty dollars (\$250.00).

- A. A fully automatic firearm;
- B. A rifle with a bore diameter less than .240 (6/25) of an inch (six (6) mm), or barrel length less than sixteen (16) inches;
- C. A rifle cartridge with a bullet weighing less than eighty-five (85) grains, or that develops less than nine hundred (900) pounds of energy at one hundred (100) yards (three hundred (300) feet);
- D. A rifle cartridge containing a bullet other than a mushrooming or expanding type that is designed for big game hunting;
- E. A shotgun; except that a shotgun which is 20 gauge to 10 gauge, shooting slugs or buckshot size #1 or larger, may be used to hunt deer, bear, and cougar, and other big game may be hunted with a 10 or 12-gauge shotgun using slugs;
- F. A handgun; except that a deer, bear or cougar may be hunted with a .41 magnum, .44 magnum, .44 automatic magnum, .45 Winchester magnum, or any handgun, .24 caliber or larger - provided its barrel is at least six (6) inches long and uses a center fire cartridge with a minimum overall length of at least two (2) inches and is loaded with mushrooming or expanding type bullet or one hundred (100) grains or more, designed for big game hunting;
- G. Any bow (re-curved or compound) that possesses less than forty (40) pounds of pull, measured at twenty-eight (28) inches or less draw length;
- H. A crossbow with either a draw weight less than 125 pounds, a limb width less than 24 inches, a draw length less than 14 inches, or a trigger safety that does not work properly;
- I. Any arrows or crossbow bolts, except those having a sharp, fixed broadhead blade or blades at least seven-eighths (7/8) of an inch wide, or those having a mechanical broadhead with retractable blades that have a cutting diameter of at least seven-eighths of an inch when in the open position; or
- J. Any crossbow bolt measuring less than 16 inches in length and weighing less than 350 grains.

Section 9.08.30 Hunting of Game Animals with Shotgun

No Citizen shall hunt animals with a shotgun larger than 10 gauge. Violation of this section is an offense, and upon conviction a Citizen shall be sentenced to a minimum fine of one hundred dollars (\$100.00).

Section 9.08.31 Game Birds - Special Restrictions

- A. No Citizen shall hunt game birds with:
 - 1. A shotgun larger than 10 gauge; or

2. A rifle or pistol, with the exception of blue grouse, and ruffed grouse; and

B. No Citizen shall hunt migratory waterfowl with lead shot.

Violation of this section is an offense, and upon conviction a Citizen shall be sentenced to a minimum fine of one hundred dollars (\$100.00).

Section 9.08.32 Firearms Restrictions for use of Muzzle Loaded Rifles

No Citizen shall carry or possess any muzzle-loaded rifle which does not meet the following requirements:

- A. If the rifle has a removable breech plug, such removal must require the use of tools;
- B. The rifle must have a single or double barrel of at least twenty (20) inches in length, rifled or smoothbore;
- C. It must have a minimum caliber is .40 such measurement to be taken from land to land in the barrel;
- D. The ignition is to be wheel lock, matchlock, flintlock, or percussion using original style percussion caps that fit on the nipple and are exposed to the elements; and
- E. The sights must be open, peep, or of other open sight design. Telescopic sight or sights containing glass are prohibited. Fiber optic sights are legal.

This section shall not apply to carrying a muzzle loading pistol.

Violation of this section is an offense, and upon conviction a Citizen shall be sentenced to a minimum fine of one hundred dollars (\$100.00).

Section 9.08.33 Defacing

Any Citizen hunting who destroys, tears down, shoots at, defaces or erases any printed matter or signs placed to assist in the enforcement of hunting and fishing regulations is guilty of an offense, and upon conviction shall be sentenced to a minimum fine of one hundred dollars (\$100.00).

Section 9.08.34 Obstructing Enforcement Officers

Any Citizen who resists or obstructs any duly authorized enforcement officer in the discharge their duties under this Title, or regulations issued under it, is guilty of an offense, and upon conviction shall be sentenced to a minimum fine of one thousand dollars (\$1,000.00).

Section 9.08.35 Aiding and Abetting

Any Citizen who knowingly aids and abets another Citizen to engage in conduct which is unlawful under this Title, or regulation issued under it, is guilty of an offense and upon conviction shall be sentenced to the same degree as if they had committed the primary offense.

Section 9.08.36 Hunting While Privilege Is Revoked

Any Citizen who obtains a Tribal Hunting Tag or hunts while their hunting privilege is revoked is guilty of an offense, and upon conviction shall be sentenced to a minimum fine of five hundred dollars (\$500.00), and a minimum of fourteen (14) days in jail, and shall have their hunting privileges revoked for two (2) calendars years from the date of sentencing.

Section 9.08.37 Hunting Without Proper Identification, or Tag in Possession

Any Citizen who exercises, or purports to exercise, any treaty hunting right without having in their possession valid and current Tribal identification and hunting tags, as required by this Title and applicable regulations issued under it, is guilty of an offense, and upon conviction shall be sentenced to a minimum fine of one hundred dollars (\$100.00).

Section 9.08.38 Unauthorized Transfer of Identification, or Tags

Any Citizen who transfers any identification or tag issued to them under this Title, or applicable regulations, to another person for the purpose of allowing the transferee to engage in hunting, and any Citizen who uses any

identification or tag issued to another Citizen under this Title, or applicable regulation, is guilty of an offense, and upon conviction shall be sentenced to a minimum fine of one hundred dollars (\$100.00).

Section 9.08.39 Illegal Hunting with Non-Citizens

Any Citizen who engages in hunting activities in violation of the provisions of Section 9.06.01 Hunting with Non-Citizens, of this Title, is guilty of an offense and upon conviction shall be sentenced to a minimum fine of one hundred dollars (\$100.00).

Section 9.08.40 Violation of Regulations and Tags

Any Citizen who fails to comply with:

- A. Any provision of this Title;
- B. Any hunting regulation issued pursuant to this Title; or
- C. The terms or conditions stated on any Tribal Hunting Tag,

when such failure has not been specifically designated as an offense under this Title, or which does not carry with it a specific penalty, is guilty of an offense. Upon conviction, the Citizen shall be sentenced to a minimum fine of one hundred dollars (\$100.00).

Section 9.08.41 Failure to Produce Identification, or Tags to Enforcement Officers

Any Citizen who fails to produce for examination their identification card or tags, as required by this Title, upon demand by any Tribal, state, or federal enforcement officer, is guilty of an offense, and upon conviction shall be sentenced to a minimum fine of one hundred dollars (\$100.00).

Section 9.08.42 Interference with Wildlife Management Personnel

Any Citizen who willfully interferes with or prevents wildlife management personnel of the Tribe, the Treaty Council, or state or federal agencies from carrying out their professional management duties is guilty of an offense, and upon conviction shall be sentenced to a minimum fine of one thousand dollars (\$1,000.00).

Section 9.08.43 Giving False Information to an Officer

Any Citizen who knowingly gives false information to an Enforcement Officer is guilty of an offense, and upon conviction shall be sentenced to a minimum fine of five hundred dollars (\$500.00).

Section 9.08.44 Failure to Appear/Response

Any Citizen who fails to appear and respond, as required by a civil or criminal citation, summons, subpoena or notice of hearing issued under this Title, is guilty of an offense, and upon conviction shall be sentenced to a minimum fine of one thousand dollars (\$1,000.00).

Chapter 9.09

Penalties and Sentencing

Sections:

Section 9.09.01 Penalties and Sentencing

Section 9.09.02 Repeat Offenders

Section 9.09.01 Penalties and Sentencing

Sentences listed for each offense herein apply to convictions for the first violation of the Title. The Tribal Court shall not suspend or reduce any minimum sentence under this Title. Hunters convicted of violations under this Title shall have their hunting privilege revoked until all court fines and sentences are fully satisfied.

Section 9.09.02 Repeat Offenders

Any Citizen who is convicted of a second or subsequent violation of this Title (whether the same or a different offense) within five (5) years of the first conviction shall be sentenced as follows:

- A. Unless otherwise specified, the sentence shall be a minimum fine in an amount which is twice (2x) the minimum fine for a first violation for that offense.
- B. If the second conviction is for violating Tags Obtained, Hunting During Closed Season, Possession of Wildlife Taken During a Closed Season, Animals Wrongfully Taken, Hunting in a Closed Area, Bag Limits, Reporting Big Game, Wasting Big Game, Wasting Game Birds or Animals, Selling Wildlife, Jacklighting, or Hunting While Intoxicated (e.g., under the influence of drugs or alcohol), the sentence shall be the same as subsection (A) above, and revocation of all hunting privileges for no less than one (1) calendar year from the date of sentencing and not to exceed three (3) calendar years from the date of sentencing;
- C. If the second conviction is for violating Prohibition on Hunting Eagles, the sentence shall be a mandatory fine of three thousand dollars (\$3,000.00) and a mandatory minimum jail sentence of fourteen (14) days with a maximum jail sentence of six (6) months, and a mandatory revocation of all hunting privileges for not less than three (3) years from the date of sentencing; and
- D. After a third conviction, an offender must undergo a mandatory review by the Fish and Game Committee and/or Tribal Council to consider temporary or permanent revocation of their hunting privileges.

Chapter 9.10 Enforcement

Sections:

Section 9.10.01 Enforcement Officers

Section 9.10.02 Cross-Deputization

Section 9.10.03 Arrest

Section 9.10.04 Searches With or Without Warrant

Section 9.10.05 Seizure of Wildlife

Section 9.10.06 Forfeiture Procedures

Section 9.10.07 Return of Seized Property Non - Perishable

Section 9.10.08 Disposition of Property Forfeited

Section 9.10.09 Citation to Tribal Court

Section 9.10.01 Enforcement Officers

The Tribal Council shall appoint one (1) or more persons to serve as enforcement officers. Enforcement officers shall have the authority to enforce the provisions of this Title and all emergency and annual regulations promulgated hereunder. The Tribal Council may, upon request from an enforcement officer, appoint and deputize a person to assist an enforcement officer in the performance of their duties.

Section 9.10.02 Cross-Deputization

The Tribal Council may enter into an agreement with another tribe, the Treaty Council, or State, Federal, or County Governments providing for the cross-deputization of enforcement officers and/or law enforcement officers.

Section 9.10.03 Arrest

- A. Enforcement officers shall have the authority to arrest a Citizens purporting to exercise Tribal hunting rights who are in violation of any provision of this Title or any regulation adopted hereunder. No enforcement officer shall arrest any such person for a violation of this Title or the above-mentioned regulations except when:
1. The offense occurs in the presence of the arresting officer; or
 2. The Enforcement officer has probable cause to believe that the person being arrested has committed the alleged offense; or
 3. The Enforcement officer has a warrant signed by a Tribal Judge commanding the arrest of such person or knows as a certainty that such warrant has been issued.
- B. In those situations where the Enforcement officer is authorized to make an arrest, the Enforcement Officer may instead, at their discretion, issue either a written warning or a citation on a form approved by the Tribe commanding the alleged violator to appear before the Tribal Court to answer the charges.

Section 9.10.04 Searches With or Without Warrant

- A. An Enforcement officer may utilize standard law enforcement procedures to search without warrant any gear, vehicle, tent, camper, or any place or premises at or near a hunting site provided the Enforcement officer has reasonable suspicion to believe that the site contains evidence of violations of this Title; and
- B. The Tribal Court may issue a search warrant and direct a search to be made in any place wherein it is alleged that any evidence of violation of this Title or of the Tribe are concealed or kept.

Section 9.10.05 Seizure of Wildlife

- A. Upon arrest or upon issuance of a citation, the Enforcement officer may seize all wildlife and parts of wildlife which the Enforcement officer has reasonable grounds to believe have been taken or killed by the alleged violator contrary to the provisions of this Title, or any regulations promulgated hereunder. An Enforcement officer may, in addition, seize any weapons or other paraphernalia (excluding the hunter's

vehicle) which the Enforcement officer has reasonable grounds to believe has been used in the commission of a violation of this Title or any regulation promulgated hereunder;

- B. An Enforcement officer who has seized wildlife, weapons or any other items pursuant to this section shall prepare a written inventory of all items seized which shall be signed by the Enforcement officer. When unattended gear and/or its contents are seized, the inventory shall be signed by the Enforcement officer. In all cases, one (1) copy of the inventory shall be filed with the Tribal Court, and one (1) copy returned to the Natural Resources office;
- C. All items, other than perishable wildlife and wildlife parts, seized pursuant to this section shall, as soon as practicable, be brought to the Tribal Office or other places designated by the Tribe for the storage of seized property. Seized property shall be stored in such manner as to minimize further damage to it and shall be held until disposed of pursuant to order of the Tribal Court; and
- D. Any person who has perishable meat seized under the authority of this Title may elect to have the meat frozen and stored, pending the outcome of court proceedings, or to have the Natural Resources Committee dispose of the meat for Tribal purposes. If the person is acquitted or charges are dismissed, the frozen meat shall be returned or, if the meat was disposed of by the Natural Resources Committee, the person shall be issued a Tribal Hunting Tag and specific game tag, if needed, to bag a replacement animal.

Section 9.10.06 Forfeiture Procedures

- A. When a person has been convicted of violating a provision of this Title, or any regulation promulgated pursuant thereto, the court may order forfeiture of any items seized in connection with the violation. The convicted person shall be given the opportunity to present evidence and argument to the Tribal Court regarding why it would be inequitable to forfeit those items seized;
- B. In all cases where the owner of items seized is unknown, the Tribal Court shall have the power to order the forfeiture of any articles seized;
- C. The Enforcement Officer who makes a seizure shall immediately post at prominent public locations on the Reservation a notice describing the items and the time and place of seizure. The notice shall provide that person wishing to claim articles must do so within ten (10) days after the notice is posted;
- D. If no one claims unmarked articles seized pursuant to this Title within the time limit provided, the Natural Resources Department may dispose of it. Any proceeds from disposition of the property shall be turned over to the Tribe; and
- E. If a person does claim unmarked articles seized by an enforcement agent, the Tribal Court shall hold an expedited hearing to determine whether the property shall be returned to the owner, as provided in Section 9.10.05.

Section 9.10.07 Return of Seized Property Non - Perishable

- A. Any person whose property has been seized under the authority of this Title may apply immediately to the Tribal Court for release of said property if the Court determines that said release is in the best interest of the wildlife resource. The Tribal Court shall expedite all hearing requests under this section; and
- B. If the person whose property has been seized pursuant to the Title is acquitted or charges against the person are dismissed, the Court shall order immediate return of the property.

Section 9.10.08 Disposition of Property Forfeited

In the event the Tribal Court orders forfeiture of articles seized, the articles shall be turned over to the Natural Resources Department for the use and benefit of the Tribe. Any items or proceeds not forfeited by the order of the Tribal Court shall be returned to the person from whom it was seized, after the completion of the case and after the fines, if any, have been paid.

Section 9.10.09 Citation to Tribal Court

- A. All persons charged with a violation of this Title or regulation promulgated under it shall be cited to appear and answer said charges before The Tribal Court;
- B. Except in the case of a bail forfeiture, failure to appear in Tribal Court shall constitute a separate offense and shall be punishable as any other violation of this Title; and
- C. Failure to comply with a Tribal Court order shall constitute a separate offense and shall be punishable as any other violation of this Title.

Chapter 9.11

Miscellaneous Provisions

Sections:

Section 9.11.01 Severability

Section 9.11.02 Liberal Construction

Section 9.11.02 Severability

If any provision or provisions of this Title shall be held to be invalid, illegal, unenforceable, by a court of competent jurisdiction, the validity, legality and enforceability of the remaining provisions shall not in any way be affected or impaired thereby.

Section 9.11.02 Liberal Construction

This Title shall be liberally construed to give full effect to the objectives and purposes for which it was enacted.

Chapter 9.12

Codification and Amendments

Sections:

Section 9.12.01 Codification

Section 9.12.02 Amendments

Section 9.12.01 Codification

Title 09 Hunting was approved at a Tribal Council meeting on August 24, 2004 and codified into a title of the Tribal Code by Resolution #11-05 on February 18, 2005.

Section 9.12.02 Amendments

This Title was amended on September 21, 2012 by Tribal Council Resolution # 46-12; amended on September 23, 2015 at a Tribal Council meeting; and amended on May 17, 2016 by Tribal Council Resolution # 20-16. Title 09 was further amended on January 3, 2019 by Resolution #02-19. Title 09 was further amended on March 30, 2021 by Resolution #11-2021.