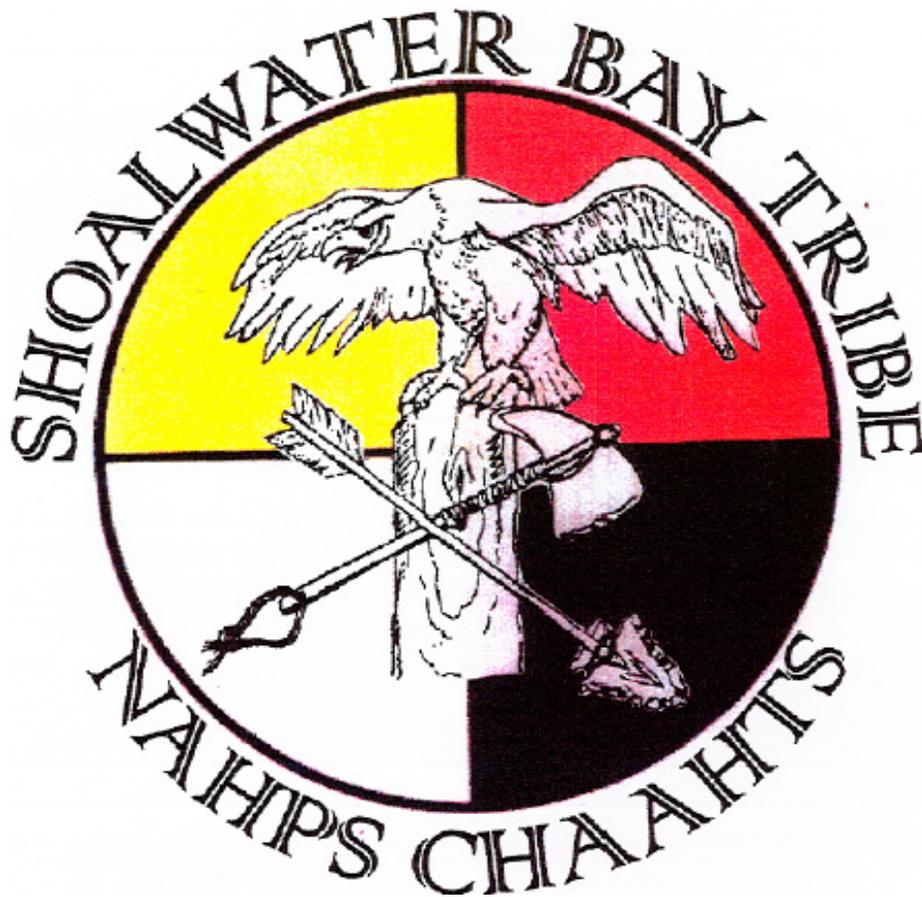


June 2012

The Mission of the Shoalwater Bay Tribal Fish & Wildlife Commission is to protect & preserve the right of tribal members to hunt; while preserving the natural resources on traditional lands and waters for future generations.



**Shoalwater Bay Indian Tribe
Code of Laws**



**Title 24
Fish & Wildlife**

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24.00.00 NOTICE TO TRIBAL HUNTERS

- a) Every Tribal member who engages in any activity on the Shoalwater Bay Reservation covered under this ordinance shall be deemed to have read and understood these regulations and any implemented amendments of regulations as adopted by the Fish and Wildlife Commission. This ordinance and any amendments implemented shall be made available in print at the Shoalwater Bay Tribal Government Office during regular business hours and shall be given to each tribal member hunter applicant upon application to hunt.
- b) Ignorance of these regulations shall be of no excuse in a tribal court of law.
- c) Every Tribal member who engages in any activity under this ordinance shall have in his possession a Permit and Tribal Membership card and shall have them readily available upon request by any Tribal Law Enforcement Officer.
- d) Enrolled Tribal Members may hunt on the Reservation under this ordinance as long as they are approved and in compliance with its provisions.
- e) Leave No Trace will be in effect while engaged in activities under this ordinance. Leave no trace shall mean that:
 - Human fecal waste will be buried appropriately six inches or more deep and at minimum of 100 feet away from any streams or lakes; any trash, i.e. paper, containers, plastic or metal, bullet casings, cigarette butts, and food waste, etc., will be removed by the hunter when exiting the area and properly disposed of.
- f) Hunting permits are issued by the Commission to tribal members only. Hunting permits are a revocable privilege upon conviction of illegal activity and may not be re-assigned or transferred.
- g) A Tribal member can hunt on tribal lands of the Shoalwater Bay Indian Tribe with a tribal permit, but may need additional permits from other jurisdictions to hunt elsewhere.

h) Wild game is not a commercial commodity and is for tribal consumption, therefore, the sale of meat to any person, Tribal or non-Tribal Member is prohibited.

SHOALWATER BAY FISH AND WILDLIFE ORDINANCE
TITLE 24
GENERAL PROVISIONS
PART I

24.01.01 JURISDICTION, AUTHORITY AND PURPOSE

This Shoalwater Bay Fish and Wildlife Ordinance or Title 24 as promulgated hereunder shall govern all persons with respect to fish and wildlife and all tribal members in exercising hunting and fishing rights and for the protection of fish and wildlife under the Shoalwater Bay Indian Tribe. The Shoalwater Bay Indian Tribe is a federally-recognized sovereign Indian Tribe organized pursuant to the Constitution of the Shoalwater Bay Indian Tribe approved March 10, 1971, ratified on May 22, 1971, and as amended from time to time. Shoalwater Bay tribal members are exempted hereunder from Washington State laws and regulations and do not require a State permit while exercising their right to hunting activities occurring on Shoalwater Bay Tribal Lands. Nothing herein shall act to give the State of Washington and/or any local government jurisdiction over the Tribe or its members.

24.01.02 PROOF OF IDENTITY

Every tribal member engaged in activities under Title 24 shall have in his or her possession a tribal membership card and a permit. Any person, tribal or non-tribal, engaged in activities under this Title who does not have a permit or tribal membership card shall be deemed a trespasser and/or poacher and subject to potential consequences under the laws of the Tribe.

24.01.03 DEFINITIONS

The following words shall have the meaning as set forth below when they appear in Title 24:

“Adult” means a person who is eighteen (18) years of age or older;

“Bag Limit” means the maximum number of animals which may be taken, caught, killed, or possessed by any person for any particular period of time,

and may include limits on size, sex, or species as specified by regulation;

“Big Game” means bear, deer or elk.

“Closed Area to Hunting” means any geographic location designated on an F/W map of the reservation or by sign stating area is “closed to hunting” where hunting is prohibited.

“Closed Season” means all times during the entire year that the season is not open for hunting.

“Commission” hereunder shall mean the Fish and Wildlife Commission.

“Cultural Hunt” shall mean a designed hunt that uses traditional means of capture and/or is intended to educate tribal members about cultural or historic means of hunting, fishing and gathering on the Reservation.

“Designated Hunter” shall mean an eligible and experienced hunter who is a Shoalwater Bay tribal member that resides on the Shoalwater Bay Reservation and is authorized by the commission to hunt for ‘special hardship’ tribal members, whom also live on the Reservation, and for ‘ceremonial’ or cultural purposes.

“Disabled” shall have the intended meanings of physically impaired, physically challenged or elderly or as designated according to tribal custom.

“Elder” means an enrolled Shoalwater Bay Tribal member who is sixty-five (65) years or older.

“Emergency Closure” shall mean closure of hunting due to unforeseen circumstances such as risks to health and safety, low count of animal populations or other symptoms of wildlife distress.

“Family” is defined as a group individuals living under one roof.

“F/W” shall mean ‘Fish and Wildlife,’ or the Commission whose members are appointed by tribal council and are responsible for management and conservation of all tribal natural wildlife resources.

“Game” means all wildlife listed hereunder (excluding federal, state or tribally designated threatened or endangered species) or in Commission regulations that are suitable for ‘subsistence’ purposes.

“General Council” shall mean all those tribal members who are duly enrolled in the Shoalwater Bay Indian Tribe and who are eligible to vote.

“Hunter” shall mean someone who is authorized to hunt.

“Hunting” or “to Hunt” shall mean the hunting of wild animals.

“Hunting Tag” or “Tag” means a card, label or other identification device issued by the Shoalwater Bay Fish and Wildlife Commission for attachment to the carcass of any hunted game as carried by the hunter.

“Leave No Trace” shall mean tribal hunters engaged in activities under this ordinance are responsible when exiting the designated hunting areas will leave no trash and are responsible for keeping our proud land clean and natural.

“Minor Hunter” shall mean any tribal member under the age of eighteen (18) and is at least twelve (12) years who is eligible to Hunt under this regulation.

“Non-Tribal” shall mean *not a member or not of the* Shoalwater Bay Tribe.

“Open Season” shall mean those times hunting is permitted and the season is not closed.

“Permit” shall mean any tribal member engaged in any activity under this Ordinance on the Reservation, will have a permit in their possession at all times as issued by the Tribal Fish and Wildlife Commission authorizing a person to hunt.

“Poacher” shall mean any person caught in the act of fishing, hunting and/or gathering on the Shoalwater Bay Reservation at the time of a closed season

and/or in a closed area. It shall also mean any person engaging in these activities without valid permission from the Tribe.

“Problem animal” shall mean any animal(s) designated by the Commission as causing, or likely to cause, a specific harm to health and safety on the Reservation.

“Proof of Identity” shall mean every tribal member engaged in an activity under this Ordinance on the Reservation, will have in their possession a ‘tribal membership card’.

“Protected Wildlife” shall mean all animals encompassing the spectrum of wildlife, big or small, terrestrial, reptilian, amphibian, aquatic, marine and all bird species that are not listed for subsistence hunting purposes and designated as such by the Commission.

“Regulation” means any rule, law or formally approved policy issued and promulgated by the Shoalwater Bay Tribe or the Commission.

“Reservation” means the Shoalwater Bay Reservation, its lands, tidelands, and waters.

“Revocation of Hunting Privileges” means the loss of permission to Hunt under this regulation on tribal lands.

“Shoalwater Bay Tribal Member” refers to a formally enrolled member of the Shoalwater Bay Indian Tribe.

“Special Hardship Permit” shall mean a permit that is acquired via application for disabled, elderly and physically disadvantaged tribal members that cannot hunt for themselves and are in need of subsistence for survival.

“Subsistence” shall mean survival provisions hunted for livelihood.

“Trespasser” shall mean anyone who is non-tribal that is caught in the act of fishing, hunting and/or gathering on the Shoalwater Bay Reservation.

“Tribe” means Shoalwater Bay Indian Tribe, unless attributed to another named tribe.

“Tribal Council” shall mean the formally elected or appointed members of the Shoalwater Bay Tribal Council.

“Tribal Court” means the Shoalwater Bay Tribal Court of law.

“Tribal Fish and Wildlife Law Enforcement Officer” means any Tribal Law Enforcement Officer or other person officially designated or authorized by the Shoalwater Bay Tribal Council or Commission to act as Game Wardens to enforce this ordinance.

“Tribal lands” shall mean all lands owned by the Shoalwater Bay Indian Tribe or the United States on behalf of the Tribe.

“Tribal Member” means a person who is enrolled under the Shoalwater Bay Indian Tribe. All tribal members are issued a Tribal Membership Identification Card by the Tribal Enrollment Office at the individual’s request.

“Tribal Membership Card” is a form of identification issued by the Shoalwater Bay tribal enrollment office as a means of identity and proof of enrollment.

“Wasting” or “to waste” means intentionally allowing edible meat to spoil or leaving edible meat behind in the field or elsewhere. Edible meat does not include diseased meat or meat damaged in the course of the hunt. NOTE: Wasting is a reportable offense.

“Wildlife” means all species except domesticated animals.

ELIGIBLE HUNTERS PART II

24.02.01 ENROLLED MEMBERS

Only enrolled members of the Shoalwater Bay Tribe are eligible for permits for hunting on designated tribal lands hereunder.

24.02.02 MINOR HUNTERS

Any person eligible as authorized under Title 24 to hunt who is not eighteen (18) years of age and is at least twelve (12) years of age that may exercise hunting rights are subject to the following:

- a) Minor shall be closely supervised by their parent and/or other authorized tribal adult, at least eighteen (18) years of age, at all times while hunting. Authorized adult shall have proof of authorizing parent in writing with date and signature;
- b) Minor shall possess Tribal Membership Card;
- c) Minor shall be authorized to hunt under the accompanying parent or authorized adults Hunting permit only;
- d) The parent or authorized adult's permit shall state the minors name and that the minor is under their guidance;
- e) Minor and adult supervisor has taken a Fish and Wildlife Commission approved Hunter and Gun Safety Course, (and/or state certified hunter/safety course if approved by the Commission) and species identification course with certification copy for commission file.
- f) Minor is subject to all other rules and regulations contained herein, or as amended.

**24.02.03 DESIGNATED HUNTER:
SPECIAL HARDSHIP AND CEREMONIAL**

A designated hunter may be appointed by the Commission for approval of tribal member special hardship or ceremonial permits according to the following:

- a) The special hardship applicants shall complete an application for a special hardship permit from the Commission who shall verify that all the information contained therein is true and complete;
- b) The person applying shall be a Shoalwater Bay tribal member;
- c) The Commission will, in its sole discretion, make a determination if the special hardship applicant shall be approved, whether the designated hunter shall be approved, and will proscribe the hunting activities within any Permit that is issued.
- d) The Commission will work with the Cultural Resources staff, Environmental Program staff, and Tribal Council to design a ceremonial/cultural hunting program for the Tribe.
- e) The Tribal Council shall apply in writing for ceremonial hunting permits for tribal occasions that may include tribe to tribe gifts, General Council gatherings, and/or other special occasions as requested by Tribal Council.

FISH AND WILDLIFE COMMISSION PART III

24.03.01 ESTABLISHMENT OF FISH AND WILDLIFE COMMISSION

By authority of the Shoalwater Bay Tribal Council, there is hereby established the Shoalwater Bay Fish and Wildlife Commission (“Commission”). The Commission is primarily responsible for the protection of fish and wildlife and the regulatory oversight of all applicable Hunting activities within the jurisdiction of the Shoalwater Bay Indian Reservation and/or on applicable trust properties; and for issuance of hunting and fishing permits, adoption, approval and enforcement of all regulations hereunder and shall be reportable to Tribal Council. The Shoalwater Bay Tribal Council shall have authority to amend this ordinance, and delegates to the Commission the responsibility to suggest and draft substantive edits and revisions, subject to Council approval. All amendments to this ordinance shall be subject to General Council comment and General Council ratification following Tribal Council approval. Any action taken by the Fish and Wildlife Commission shall be appealable to the Tribal Council, but only if consistent with the provisions of this Code.

24.03.02 MEMBERSHIP, APPOINTMENT and QUALIFICATIONS

- a) The Fish and Wildlife Commission shall be composed of five (5) Shoalwater Bay Tribal Members as defined under Section 24.01.03 and one non-voting technical advisor. The Commission members shall be appointed by majority vote of the Tribal Council.

- b) Appointment of Fish and Wildlife Commissioners shall be for a term of three (3) years and shall be subject to automatic renewal for subsequent three (3) year terms, unless the Tribal Council, prior to the expiration of a three (3) year term, appoints a new Tribal Fish and Wildlife Commissioner.

- c) In order to serve as a Fish and Wildlife Commissioner, a person must:
 1. Be an enrolled member of the Shoalwater Bay Tribe;

 2. Be twenty-one (21) years of age or older;

3. Reside on or within two (2) hours driving time from the Shoalwater Bay Indian Reservation's main office;
4. Not have been convicted of a felony or misdemeanor involving game, fish or wildlife within the last ten (10) years;
5. Otherwise qualify to serve as a Fish and Wildlife Commissioner as determined by the Tribal Council.

24.03.03 SELECTION OF A CHAIRPERSON, VICE CHAIRPERSON and TECHNICAL ADVISOR

- a) The Commission shall select a Chairperson from its membership, who shall serve a three (3) year term;
- b) The Chair shall preside over Commission meetings and shall have the power to convene special meetings upon twenty-four (24) hours written notice to all members of the Commission.
- c) The Commission shall select a Vice Chairperson from among their membership who shall have the same powers as the Chairperson in his/her absence.
- d) The Commission shall select a non-voting technical advisor from the Tribal Environmental Program staff who will provide assistance to the Commission as requested, for an indefinite term. The technical advisor shall be prepared to assist the Commission in making determinations for fish and wildlife related matters, have skills, education and training specific to biological and environmental matters.

24.03.04 VACANCIES

The Tribal Council shall appoint a person who meets the requirements of Part III 24.03.02 (c) to fill any vacancy on the commission.

24.03.05 QUORUM-MAJORITY VOTE

- a) Each Commissioner, including the Chair, shall have one (1) vote and a majority vote shall constitute the official decision of the Commission.

- b) Three (3) members of the Commission shall constitute a quorum.
- c) All decisions shall be made by a majority vote of the quorum present (or by participation by telephone line).
- d) Vote by proxy will be prohibited.
- e) In all decisions, the Commission shall act to promote and ensure the integrity, security, honesty, and fairness of the regulation, administration and enforcement of this ordinance during their term.

24.03.06 MEETINGS

- a) The Commission shall meet at minimum, quarterly;
- b) The Commission Chair may call special meetings and shall make a good faith effort to notify each member to attend within 48 hours and file evidence that notification was given accordingly.
- c) The Commission Chair shall call any such meeting at the request of a minimum two (2) other commission members requesting a meeting with notification to all members as contained 24.03.06 (b) above.
- d) Notification of quarterly meetings shall be communicated to each commissioner by: first class mail, personal delivery, facsimile, or electronic mail, at least five (5) days prior to such meetings and shall be noted.

24.03.07 COMPENSATION OF COMMISSIONERS

Commissioners shall not be compensated or receive any special hunting privileges that no other tribal member may have. Commissioners shall be reimbursed for actual expenses incurred, including traveling expenses on Fish and Wildlife related business as approved in writing by the Tribal Administrator and/or Tribal Council.

24.03.08 REMOVAL FROM THE COMMISSION

- a) A Commissioner may only be removed from the Commission by a majority vote of the Tribal Council for good cause, which may include:
 - 1. Neglect of duty, malfeasance, inefficiency, or conduct that jeopardizes the integrity of the commission and the Tribe;
- b) Occurrence or discovery of a condition that would exclude a person from appointment;
- c) Removal should not be permitted for simple disagreement over matters that involve a commissioner's exercise of discretion in the performance of his or her duties.
- d) Prior to removal a Commissioner shall be entitled, upon request, to a hearing before the Tribal Council which shall ensure that the commissioner receives adequate due process protections.
- e) The Tribal Council shall consider all the evidence and determine by majority vote whether good cause exists to remove the Commissioner. Tribal Council decisions shall be final.
- f) Any person removed from the F/W commission shall be disqualified for reappointment to the commission for one (1) year.

24.03.09 ADOPTION OF REGULATIONS

This ordinance and any major amendments hereto, shall be considered by Tribal Council during a thirty (30) day comment period, which can be triggered by presentation of the Code (or revisions) to the Tribal Council. No action taken by the Commission shall be effective until comments have been addressed, as determined by Tribal Council, and this Code has then been approved by Tribal Council.

The Commission may implement 'emergency closures' to hunting with consent of Tribal Council, and can create "no hunting zones" or take other immediate action as necessary to prevent harm to human health and safety.

24.03.10 CONFLICT OF INTEREST

If a vote is required on any matter before the Commission in which a Commissioner has a direct or indirect interest or a direct familial relationship, such Commissioner shall disclose the nature of such interest or relationship to the Commission members. The Commissioner shall recuse his or herself from voting. If no majority exists after all such recusing, then the item in question shall be delegated to tribal council for resolution. It is not in the best interest for a commissioner to vote for themselves on any matter that benefits their personal or familiar interests.

24.03.11 STANDARD OF CONDUCT

The Commission members shall:

1. Act in good faith and honesty in all matters involving Title 24 and for the citizens of this tribe;
2. Maintain a high level of knowledge of rules and regulations regarding protection of Fish and Wildlife and their intended purposes;
3. Be transparent and provide truthful answers and information during meetings;
4. Treat everyone including the applicants with high respect;
5. Not jeopardize the integrity of the Commission or the Tribe.

24.03.12 TRIBAL SOVEREIGN IMMUNITY

As an instrumentality of the Shoalwater Bay Indian Tribe, the Sovereign Immunity of the Tribe extends fully to the Fish and Wildlife Commission, its actions, omissions, and its members.

APPLICATION FOR PERMIT PART IV

24.04.01 APPLICATION/PERMIT FOR HUNTING PERMIT

Hunting applications shall be made available by the Fish and Wildlife Commission in print at the Shoalwater Bay Tribal Office during hours of regular business.

a) Applications shall state at minimum:

1. Name of applicant and date;
2. Physical address and mailing address;
3. Telephone number;
4. Copy of Shoalwater Bay Tribal Enrollment Card;
5. Signature that they have read and understood Title 24 and will abide by the regulations;
6. Map of proposed area for hunting, fishing, or shell fishing, and clear description of proposed gear to be used in the hunting, fishing, or gathering activity;
7. Description of precautions that will be taken to minimize harm to non-target species and protect human health and safety;
8. Incomplete applications will not be accepted;
9. False information provided by the applicant on an application at anytime may delay the process for approval of a permit or be denied for one (1) year;
10. Signature that they have provided truthful information;

11. Copy or evidence of Firearms Education and species identification course completed.

b) Permits shall state:

1. Tribes Name and F/W contact information;
2. Name of tribal member permitted to hunt;
3. Time-frame by date and year when hunting will be allowed, area of allowed hunting and any site-specific or gear specific limitations;
4. Species of animal being permitted;

c) Tribal Council may apply for an ongoing cultural hunting permit, and will work with the Commission on this application and shall make season-specific requests in writing to the Commission for cultural hunting purposes.

24.04.02 PERMITS AND TAGS

- a) Permits are intended to authorize tribal members to hunt under Tribal Fish and Wildlife Ordinance - Title 24. The permit issued is for hunting within the exterior boundaries of the Shoalwater Bay Indian Reservation only. Hunting outside Reservation boundaries with this permit is not authorized and hunters may face arrest.
- b) Tags are to be attached to hunted game carcasses and are assigned with the permit.
- c) All hunted game must be reported to the Commission in writing within seventy-two (72) hours. Failure to do so shall deem the hunter a poacher under this Code and subject to relevant penalties.

24.04.03 ENFORCEMENT, FINES AND DISPOSITION

- a) Violation of this ordinance shall be addressed pursuant to Shoalwater Bay Tribal Court, the Tribal Code of laws, civil or criminal.

- b) Enforcement and arrests shall be made by Tribal Law Enforcement Officers acting pursuant to such codes of law and confiscation of any or all equipment involved with illegal activity in the possession of the violator (including weapons, gear, vehicles, etc.) will be at the discretion of the Tribal Law Enforcement Officer. Additionally, the privilege of the violator to hunt on the Reservation may be suspended by the Commission for such period the Commission deems appropriate and pending a court hearing.
- c) For the purpose of enforcing this ordinance, the Shoalwater Bay Police Department, in addition to their regular duties, are hereby appointed as Game Wardens with the authority to arrest and bring before the tribal court judge any person's violating the provisions of this ordinance.
- d) The Tribal Law Enforcement Officers at their discretion, may:
 - 1. Inspect all fish and wildlife taken or transported; seize all wildlife and fish taken in violation of this ordinance, together with all equipment used;
 - 2. Search without warrant any vehicles, bags, boats, aircraft, boxes or hunting camps where there is reasonable cause to believe that fish or wildlife are possessed in violation of Tribal ordinance, provided that a permanent occupied dwelling shall not be searched without a warrant.
 - 3. A Tribal judge, who shall be authorized, shall reasonably fine a violator but shall not exceed the maximum allowable fine for violation of this ordinance; and shall be responsible for disposition of collateral or confiscated equipment.
 - 4. All collateral and confiscated equipment shall be permanently forfeited if the violator does not appear at a hearing.
- e) Confiscated fish, clams and other edible wildlife shall be donated to tribal programs such as Elders Food Programs or other tribal gatherings or as the tribal judge and/or F/W Commission deems appropriate.
- f) Confiscated equipment shall be sold and proceeds deposited into the Tribe's General Fund.

g) Fines will be assessed accordingly:

1. Minimum of \$250.00 per offense up to, and not to exceed, \$5000.00 per offense at the discretion of the Tribal Court.

24.04.04 HUNTER CHARGED WITH KNOWLEDGE OF LAWS

It is the responsibility of each hunter to be familiar with and abide by these regulations and any amendments hereunder and of emergency notices as posted. The Commission shall provide to each hunter acquiring a Hunting Permit a copy of Title 24 regulations for the hunting season and any other species, area, or seasonal limitations. Copies of the Hunting Title shall be available to all tribal members in the Shoalwater Bay Tribal Office during regular business hours at their request. All notices or updates shall be posted in the tribal administrative office.

Ignorance of these rules will be of no excuse in a tribal court of law.

HUNTING REGULATIONS

PART V

24.05.01 REGULATIONS

The F/W Commission shall adopt regulations as necessary for immediate health, safety, protection and preservation purposes at anytime with or without Tribal Council concurrence but shall notify Tribal Council subsequently the reasons for any emergency action taken within seventy-two (72) hours.

The F/W Commission may adopt regulations that include the establishment of open or closed hunting seasons, lands opened or closed to hunting, bag limits, limitations on methods of taking game, or other measures for the protection and harvest of the wildlife resources, protection of health and safety, and protection of natural resources and threatened or endangered species. These regulations shall also serve to protect the health and safety of tribal members and their property.

Prior to adopting regulations as provided in this section, the Commission shall conduct an inventory of the resources on the Reservation, including hunting and fishing resources, stocks, and species. The Commission shall, based on this inventory, develop specific hunting and fishing goals and objectives for each species on an annual basis, identifying specific take limits and creating opportunities for hunting, fishing, and shell fishing while monitoring the ongoing health of the species, stocks, and subsistence resources. The Commission will update the Reservation inventory annually. The Commission will make every effort to obtain adequate information, at minimum, on an annual basis of the abundance and distribution of each fish, shellfish, and Game species permitted.

Prior to adopting new regulations the commission will submit the regulations to the Tribal Council for a thirty (30) day comment period and concurrence.

24.05.02 EMERGENCY CHANGES

The F/W Commission may make emergency changes in the annual regulations if the regulations are determined to conflict with public health and safety, protection of sensitive fish and wildlife, and in effect endanger persons or

public property. The F/W Commission shall notify Tribal Council within seventy-two (72) hours following these changes.

Changes may be made whenever a modification of said regulations is necessary to insure proper management of the wildlife resource based upon sound biological management principles. Emergency regulations shall be effective and enforced immediately after ratification by a quorum of the F/W Commission and after notification to Tribal Police. A posting shall also be prominently displayed in the Tribal Center or posted near Reservation access roads or trails.

24.05.03 GENERAL CLOSURE

All areas within the exterior boundaries of the Shoalwater Bay Reservation and/or tribal lands are closed to hunting game animals unless specifically opened under regulations as adopted pursuant to the authority of this Title.

24.05.04 EMERGENCY CLOSURE

The F/W Commission may implement an emergency closure to hunting at anytime for any reason deemed in the best interests of the Tribe and its natural resources. An emergency closure notice shall be posted and may occur due to unforeseen circumstances or reasons such as risk to public health and safety, low count of animal populations or other symptoms of wildlife distress. Hunters shall be notified immediately of such closures and all hunting activities under this ordinance shall cease until further notice.

24.05.05 ISSUANCE OF BIG GAME HUNTING TAGS

The F/W Commission shall be responsible for the issuance of tribal hunting tags. The F/W Commission, at its discretion, shall establish any other reasonable conditions for the issuance, revocation and suspension of Hunting Tags. All Hunting Tags must be signed by the applicant and three members of the F/W Commission. It shall be a violation of this Title to alter copy, tamper with, forge a signature, and/or otherwise change the Hunting Tag.

24.05.06 HUNTING TAGS TO REMAIN TRIBAL PROPERTY

All Hunting Tags issued by the F/W Commission pursuant to this Title shall remain the property of the Tribe and shall be returned to the Tribe upon request of the F/W Commission or by order of the Tribal Court. All revocations and suspensions of said Hunting Tags shall be subject to judicial review by the Tribal court.

24.05.07 BIG GAME LIMIT

It shall be unlawful for any Shoalwater Bay Tribal Hunter to kill more than one deer or one elk in any calendar year unless special provisions have been made through formal petition to the Fish and Wildlife Commission and Tribal Council (Refer to Appendix C, Special Circumstances). Additionally, no bull elk may be taken before October 15th of each calendar year that has less than three point antler tines. On October 15th and until the end of the season any bull can be taken. Cows are always an allowable take as are either sex deer.

Further, it shall be unlawful for any Shoalwater Bay Tribal Hunter to harvest water fowl from Shoalwater Bay Indian Reservation without a valid license. The license will be issued by the Fish and Wildlife Commission but stipulations, such as Bag Limits, special unit closures, season lengths, taking of threatened species, etc. will be consistent with U. S. Fish and Wildlife Federal Regulation. All federal regulations must be adhered to as well as Tribal regulations. It is critical at all times that hunters understand that they are responsible for knowledge of species, limits and regulations.

24.05.08 BIG GAME HUNTING SEASON

It shall be unlawful to kill Big Game at any time, except during open season as established by the Shoalwater Bay F/W Commission (please see Appendix A - Hunting Season). Hunting Seasons are subject to change at any time.

HUNTING ENFORCEMENT PART VI

24.06.01 AUTHORITY

The Shoalwater Bay Police Department shall have the authority to enforce all applicable regulations of Title 24. Any person may inform the Police Department about concerns regarding any hunter, fisher, or gatherer on the Reservation, and the Police shall have the responsibility of following-up any tips with due diligence.

24.06.02 RULES OF CRIMINAL PROCEDURES APPLY

All Tribal Police Enforcement Officers shall comply with Tribal Criminal or Civil laws and Rules of Criminal Procedures, in enforcing the provisions of this Title.

SEIZURE OF GEAR AND WILDLIFE PART VII

24.07.01 SEIZURES

In enforcing the criminal provisions of this Title, a Tribal Police Officer may seize all wildlife, or parts thereof, that he or she has probable cause to believe was taken, killed, transported, or possessed by the alleged violator in violation of this Title or applicable regulations; and further may seize gear, including any trap, weapon, decoy, ammunition, light, motor vehicle, or other objects that he or she has probable cause to believe was used in unlawful hunting. Seizure of gear may occur without process when:

- a) the Officer has reasonable cause to believe the gear is being used in violation of this Title; or
- b) the Officer has reasonable cause to believe the gear will be used again for illegal hunting; or

- c) the alleged offender refuses to sign a citation; or
- d) the alleged offender is arrested and taken into custody;

24.07.02 Method for Seizures

A Tribal Police Officer seizing any property pursuant to 24.07.01 shall follow the following procedures:

- a) Prepare a written inventory of each item seized. The alleged violator shall have the opportunity to sign the inventory and one copy shall be given to the alleged violator, if known, one copy shall be filed with the Tribal Prosecutor and/or Tribal Court and one copy shall be given to the F/W Commission.
- b) If perishable meat is seized from the hunter, the F/W Commission shall direct the disposition of the meat. If the hunter from whom meat is seized is acquitted, or charges are dismissed, the person may petition the Tribal Court for a Hunting Tag to bag a replacement animal. Such petition shall be granted only if the hunter is otherwise eligible to hunt under this Title and regulations promulgated hereunder and entitled to harvest the original animal at the time it was taken. In the event the season is closed for that particular animal when the Tribal court grants the petition for a new Hunting Tag, a Tag shall be issued when the season opens again for that particular species and sex and shall not be in addition to the Bag Limit to which the hunter shall otherwise be entitled.
- c) All property seized pursuant to 24.07.01 shall be transported to the tribal Police headquarters for safe-keeping, as soon as practical.

24.07.03 Order of Forfeiture on Conviction

Upon conviction of an offense under this Title, and after notice and an opportunity for hearing with regard to the seized property, the Tribal Court may order forfeiture of any property seized pursuant to section 24.07.01.

24.07.04 Forfeiture Where Owners Unknown

In all cases where it appears that the owner of seized gear is unknown, the Shoalwater Bay Police Department shall keep the equipment for a minimum

forty-five days in the lost and found. The Shoalwater Bay Police Department shall post a list of seized property, along with the date and area recovered, at the Tribal Administrative Office. If no person notifies or claims the seized equipment, the seized property shall be deemed forfeited. If a person notifies the Shoalwater Bay Police Department of the person's claim to ownership or right of possession of the seized property within forty-five (45) days of seizure, such person shall have a reasonable opportunity to be heard as to such claim or right in tribal court. Such person must request a hearing in Tribal Court as to such claims or rights within thirty (30) days, of claim. If no such request is made after thirty (30) days, the seized property shall be deemed forfeited.

FORFEITURE – DISPOSITION OF PROPERTY PART VIII

24.08.01 Disposition of Forfeited Property

In the event the Tribal Court orders forfeiture of any property seized, such property shall be turned over to the Shoalwater Bay F/W Commission to administer a public auction of all such property or dispose of by destruction or donation to a tribal program. All proceeds from said auction shall be deposited into the Shoalwater Bay Fish and Wildlife Program general account. Any property not forfeited by order of the Tribal Court shall be returned to the lawful owner or possessor of said property after the case has been completed and the penalties, if any, have been paid.

CRIMINAL VIOLATIONS PART IX

24.09.01 Hunting During Closed Season

Any person convicted of hunting during a closed season as established by this Title or by regulation promulgated hereunder is guilty of an offense and shall be sentenced in accordance with the Penalty Schedule attached hereto (SEE APPENDIX B – CRIMINAL AND CIVIL PENALTY SCHEDULE).

24.09.02 Hunting in Closed Areas

Any person convicted of hunting within the exterior boundaries of a closed area designated by this Title or by regulation promulgated hereunder is guilty of an offense and shall be sentenced in accordance with the Penalty Schedule attached hereto (SEE APPENDIX B – CRIMINAL AND CIVIL PENALTY SCHEDULE). *Ignorance of closed areas is not a defense.*

24.09.03 Possession of Wildlife Taken During Closed Season

Any person convicted of possessing any wildlife killed during a closed season or of otherwise processing or killing any animal contrary to this Title or by regulation promulgated hereunder is guilty of an offense and shall be sentenced in accordance with the Penalty Schedule attached hereto (SEE APPENDIX B – CRIMINAL AND CIVIL PENALTY SCHEDULE).

24.09.04 Exceeding Bag Limit – Poaching

Any person who is convicted of exceeding the bag limit set by regulation or possessing or killing animals not authorized by permit or regulation is considered to have been poaching and is guilty of an offense and shall be sentenced in accordance with the Penalty Schedule attached hereto (SEE APPENDIX B – CRIMINAL AND CIVIL PENALTY SCHEDULE).

24.09.05 Failure to Obtain a Hunting Tag and/or Altering a Hunting Tag

Any person who is convicted of hunting without first obtaining a valid Shoalwater Bay Hunting Tag is guilty of an offense and shall be sentenced in accordance with the Penalty Schedule attached hereto (SEE APPENDIX B – CRIMINAL AND CIVIL PENALTY SCHEDULE).

In order for Hunting Tags to be valid said Tags must have the signature of the person(s) authorized by the F/W Commission who shall issue Tags, the signature of the person to whom the Hunting Tag is issued. Any person who is convicted of altering, forging, or otherwise falsifying a Hunting Tag is guilty of an offense and shall be sentenced in accordance with the Penalty Schedule attached hereto (SEE APPENDIX B – CRIMINAL AND CIVIL PENALTY SCHEDULE).

24.09.06 Wasting Game Animals

Any person who is convicted of killing game animals and causing them to waste is guilty of an offense and shall be sentenced in accordance with the Penalty Schedule attached hereto (SEE APPENDIX B – CRIMINAL AND CIVIL PENALTY SCHEDULE).

24.09.07 Hunting With Artificial Light

Any person who is convicted of hunting big game with the use of artificial light (i.e. hunting at night using lighting) is guilty of an offense and shall be sentenced in accordance with the Penalty Schedule attached hereto (SEE APPENDIX B – CRIMINAL AND CIVIL PENALTY SCHEDULE).

24.09.08 Shooting Livestock or Pets

Any person who is convicted of shooting any domestic livestock or personal pets while hunting is guilty of an offense and shall be sentenced in accordance with the Penalty Schedule attached hereto (SEE APPENDIX B – CRIMINAL AND CIVIL PENALTY SCHEDULE).

24.09.09 Hunting While Intoxicated

Any person who is convicted of hunting while under the influence of alcohol or illegal drugs is guilty of an offense and shall be sentenced in accordance with the Penalty Schedule attached hereto (SEE APPENDIX B – CRIMINAL AND CIVIL PENALTY SCHEDULE).

24.09.10 Hunting at Night

Any person who is convicted of hunting at night, defined as the period between thirty (30) minutes after official time of sunset and thirty (30) minutes before the official time of sunrise, is guilty of an offense and shall be sentenced in accordance with the Penalty Schedule attached hereto (SEE APPENDIX B – CRIMINAL AND CIVIL PENALTY SCHEDULE).

24.09.11 Laying Out Poison or Unauthorized Use of Traps

Any person who is convicted of laying or setting out a drug, explosive, or toxic substance that may endanger, injure, or kill wildlife is guilty of an offense and shall be sentenced in accordance with Penalty Schedule attached hereto. Any person who is convicted of laying or setting out a trap or trapping device, without prior authorization by the Commission (for example in the case of a Problem Animal) that may endanger, injure, or kill wildlife is guilty of an offense and shall be sentenced in accordance with the Penalty Schedule attached hereto (SEE APPENDIX B – CRIMINAL AND CIVIL PENALTY SCHEDULE).

24.09.12 Selling Wildlife

Any person who is convicted of selling meat from wildlife harvested under this Title is guilty of an offense and shall be sentenced in accordance with the Penalty Schedule attached hereto (SEE APPENDIX B – CRIMINAL AND CIVIL PENALTY SCHEDULE).

24.09.13 Assisting Another to Commit a Criminal Violation

Any person who is convicted of knowingly assisting another person to engage in criminal conduct in violation of this Title or regulations promulgated hereunder is guilty of an offense and shall be sentenced in accordance with the Penalty Schedule attached hereto (SEE APPENDIX B – CRIMINAL AND CIVIL PENALTY SCHEDULE).

24.09.14 Obstructing a Law Enforcement Officer

Any person who is convicted of willfully making a false or misleading statement to a law enforcement officer who has lawfully detained him/her, or of willfully hindering, delaying, or obstructing any law enforcement officer in the discharge of his/her official powers or duties, including refusal to summon aid for a law enforcement officer, shall be guilty of an offense and shall be sentenced in accordance with the Penalty Schedule attached hereto (SEE APPENDIX B – CRIMINAL AND CIVIL PENALTY SCHEDULE).

24.09.15 Refusing to Aid a Law Enforcement Officer

Any person who is convicted of unreasonably refusing or failing to assist or summon aid for a law enforcement officer when so requested by a person he/she knows to be a law enforcement officer shall be guilty of an offense and shall be sentenced in accordance with the Penalty Schedule attached hereto. No liability shall be attached to such a person assisting a law enforcement officer when requested to do so by said officer (SEE APPENDIX B – CRIMINAL AND CIVIL PENALTY SCHEDULE).

24.09.16 Resisting Lawful Arrest

Any Person who is convicted of knowingly and intentionally resisting, or assisting another person to resist, a lawful arrest by a law enforcement officer shall be guilty of an offense and shall be sentenced in accordance with the Penalty Schedule attached hereto (SEE APPENDIX B – CRIMINAL AND CIVIL PENALTY SCHEDULE).

24.09.17 Threat or Intimidation of a Law Enforcement Officer

Any person who is convicted of using unjustified force or violence, or who threatens the use thereof, toward a law enforcement officer for the purpose of interfering with or influencing the performance of an official duty, or for any other reason shall be guilty of an offence and shall be sentenced in accordance with the Penalty Schedule attached hereto (SEE APPENDIX B – CRIMINAL AND CIVIL PENALTY SCHEDULE).

CIVIL VIOLATIONS PART X

24.10.01 Failure to Report Harvest Data

Any Person who fails to submit all harvest data specified on the Hunting Tag, as required by regulation, has committed a civil violation and is subject to the penalties provided in the Penalty Schedule attached hereto (SEE APPENDIX B – CRIMINAL AND CIVIL PENALTY SCHEDULE).

24.10.02 Field Identification of Wildlife

Unless otherwise specified in the annual Hunting regulations, the head of a big game animal shall accompany the carcass in the field and while being transported. Any person who violates this section has committed a civil violation and is subject to the penalties provided in the Penalty Schedule attached hereto (SEE APPENDIX B – CRIMINAL AND CIVIL PENALTY SCHEDULE).

24.10.03 Transporting Loaded Firearms

Any person, for purposes of this Title, except authorized law enforcement officers who carries, transports, conveys, or possess (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 inside the cab of a motor vehicle has committed a civil violation (Check Tribal Laws) and is subject to the penalties provided in the Penalty Schedule attached hereto (SEE APPENDIX B – CRIMINAL AND CIVIL PENALTY SCHEDULE).

24.10.04 Transporting Big Game-Hunting Tag Required

Any person who transports big game without attaching to the carcass a valid tribal Hunting Tag with the date of kill notched out has committed a civil violation and is subject to the penalties provided on the Penalty Schedule attached hereto (SEE APPENDIX B – CRIMINAL AND CIVIL PENALTY SCHEDULE).

24.10.05 Completion of Hunting Tags

Any person who fails to properly and completely provide all information requested on the Hunting Tag as required by this Title or by Tribal regulation has committed a civil violation and is subject to the penalties provided in the Penalty Schedule attached hereto (SEE APPENDIX B – CRIMINAL AND CIVIL PENALTY SCHEDULE).

24.10.06 Identification and Hunting Tag in Possession

Any person who has obtained a valid Hunting Tag as required by this Title or by Tribal regulation and is exercising or purporting to exercise hunting rights under this Title but does not have the Tag(s) in his or her possession while hunting has committed a civil violation and is subject to the penalties provided by Penalty Schedule attached hereto (SEE APPENDIX B – CRIMINAL AND CIVIL PENALTY SCHEDULE).

24.10.07 Hunting by Person under Age

Any minor, a person under the age of eighteen (18) who fails to comply with 24.02.02 of this Title has committed a civil violation and is subject to the penalties provided in the Penalty Schedule attached hereto. Any person age 12 through 17 who fails to comply with all special restrictions applicable to minor hunters ages 12 through 17 set by regulation has committed a civil violation. Parents or guardians of children who violate this section are responsible for the child's action and the Tribal Court may impose a penalty on the Child and/or the parent(s) or guardian or supervising adult Hunter (SEE APPENDIX B – CRIMINAL AND CIVIL PENALTY SCHEDULE).

24.10.08 Shooting From a Vehicle

Any person who fires a firearm from within the cab of a vehicle has committed a civil violation and is subject to the penalties provided in the Penalty Schedule attached hereto (SEE APPENDIX B – CRIMINAL AND CIVIL PENALTY SCHEDULE).

24.10.09 Shooting Firearms across a Paved Public Highway or Shooting Firearms From Within or Toward Any Residential Area

Any person, who discharges a firearm across a paved public highway or within or toward any residential area and is potentially endangering the life of another person has committed a civil violation and is subject to penalties provided in the Penalty Schedule attached hereto (SEE APPENDIX B – CRIMINAL AND CIVIL PENALTY SCHEDULE).

A hunting map designating restricted hunting areas will be made available annually by the Fish and Wildlife Commission. It is the responsibility of the Tribal Hunters to familiarize themselves with the map. Restricted hunting areas may change from year to year based upon new development, and/or other reasons.

24.10.10 Laying Out Bait

Any Person who lays or sets out any bait, including but not limited to salt licks, to lure game or uses dogs to hunt has committed a civil violation, except as permitted by tribal regulation, and is subject to the penalties provided in the Penalty Schedule attached hereto (SEE APPENDIX B – CRIMINAL AND CIVIL PENALTY SCHEDULE).

24.10.11 Big Game Hunting – Weapons Restrictions

No person shall hunt game with any of the following:

- a) A fully automatic firearm; or
- b) A rifle with a barrel length less than 16 inches and/or bore diameter less than the 240 hornet; or
- c) A rifle cartridge containing a bullet other than a mushrooming or expanding type, designed for big game hunting; or
- d) A shotgun, except that a shotgun which is 20 gauge or larger, using shells loaded with slugs or buckshot size #1 or larger, may be used to hunt deer and bear; or

- e) A handgun, except that deer or elk may be hunted with a magnum caliber greater than or equal to a .357 magnum; or
- f) A bow that possesses less than 40 pounds of pull, measured at 28 inches or less draw length; or
- g) Any arrows, except those having sharp broad head blades at least seven-eighths inches (7/8") wide. The broad head must be unbarred and completely closed at the back end of the blade or blades by a smooth, unbroken surface starting at maximum blade width forming a smooth line toward the feather end of the shaft and such line shall not angle toward the point; or
- h) Any unauthorized traps, snares, or other trapping devices unless specifically authorized by the Commission (such as in the case of Problem Animals, or as otherwise specified).

Failure to comply with this section is a civil violation and subjects the violator to the penalties provided in the Penalty Schedule attached hereto (SEE APPENDIX B – CRIMINAL AND CIVIL PENALTY SCHEDULE).

24.10.12 Muzzle-Loading Rifles

No person shall carry or possess any muzzle-loading rifle that does not meet the following requirements. Muzzle-loader means a single or double-barrel wheel lock, matchlock, flintlock or percussion rifle with exposed ignition in which the black powder and ball or bullet must be loaded from the muzzle. If the rifle has a removable breech plug, such removal must require the use of tools. Minimum barrel length is 20 inches and minimum caliber is 40, such measurements to be taken from land to land in the barrel. 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. Sights must be metal, Telescope sights or sights containing glass are prohibited. This section shall not apply to carrying a muzzle loading pistol. Failure to comply with this section is a civil violation and subjects the violators to the penalties provided in the Penalty Schedule attached hereto (SEE APPENDIX B – CRIMINAL AND CIVIL PENALTY SCHEDULE).

24.10.13 Assisting Another to Commit a Civil Violation

Any person who knowingly assists another person to engage in conduct that violates the civil violation sections of the Title of the corresponding regulations adopted hereunder has committed a civil violation subject to the penalties provided in the Penalty Schedule attached hereto (SEE APPENDIX B – CRIMINAL AND CIVIL PENALTY SCHEDULE).

24.10.14 Other Acts Prohibited

Any person who commits any other acts or omissions prohibited by this Title or regulations adopted hereunder, but which are not specifically described in this chapter as a violation, has committed a civil violation subject to the penalties provided in the Penalty Schedule hereto (SEE APPENDIX B – CRIMINAL AND CIVIL PENALTY SCHEDULE). This may include, but not be limited to; fishing or shellfish harvesting that is not in compliance with established Commission regulations.

PENALTY SCHEDULE PART XI

24.11.01 Assessment of Penalties – Time Payments and Community Service

The Tribal Court does not have the authority to suspend or reduce any minimum penalty under this Title. The Tribal Court may order reasonable installment payments. The Tribal Court may also order the defendant to perform community service hours in lieu of part or all of a penalty. Each hour of community service shall reduce the penalty by \$10.00 per hour.

24.11.02 Penalty Distribution

Any funds collected by the Tribal Court from penalties paid under this Title shall be deposited to the Shoalwater Bay Fish and Wildlife Protection Fund account.

SEVERABILITY, SOVEREIGN, IMMUNITY, AND CAPTIONS PART XII

24.12.01 Severability

Should any word, section, clause, paragraph, sentence, or provision of this Title be declared invalid by the Shoalwater Bay Indian Tribal Court or competent jurisdiction, such decision shall not affect the validity of any other part of the Title which can be given effect without said invalid parts.

24.12.02 Sovereign Immunity Preserved

Nothing in this Title is intended or shall be construed as a waiver of the sovereign immunity of the Tribe. No manager, officer or employee of the Tribe shall be authorized, nor shall they attempt, to waive the immunity of the Tribe.

24.12.03 Captions

Chapter, section, and subsection captions are for organizational purposes only and shall not be construed as part of this Title.

APPENDIX A

-HUNTING SEASON-

EXAMPLE:

| Hunting Season | Black Tail Deer/Elk |
|-----------------------|-----------------------------|
| Archery | September 1 – September 15 |
| Muzzleloader | September 16 – September 30 |
| Modern Firearm | October 1 – October 31 |
| Archery | November 1 – November 15 |
| Modern Firearm | November 16 – December 31 |

APPENDIX B

-CRIMINAL AND CIVIL PENALTY SCHEDULE-

Violations are considered prior violations if they were committed during the seven (7) years proceeding a guilty verdict or finding that a violation was committed. These are minimum penalties; the Court may add additional punishment for special circumstances or egregious offenses.

TYPE ONE VIOLATIONS:

24.09.06 Wasting of Game Animals
 24.09.12 Selling Wildlife

| OFFENCE | FINE | JAIL | SUSPENSION/REVOCAION |
|----------------|----------------------|---------------|---|
| First | \$1,000 - \$2,500 | None | Hunting rights suspended for 2 years (deferred sentence available) |
| Second | \$1,500 - \$3,000 | 10-30 days | Hunting rights suspended for 5 years (no deferred sentence) |
| Third | \$3,000 - \$5,000 | 10-30 days | Hunting rights suspended for 7 years (no deferred sentence) |

TYPE TWO VIOLATIONS:

24.09.01 Hunting During Closed Season
 24.09.02 Hunting In Closed Areas
 24.09.03 Possession of Wildlife Taken During Closed Season
 24.09.04 Exceeding Bag Limits – Poaching
 24.09.05 Failure to Obtain a Hunting Tag and/or Altering Hunting Tag
 24.09.07 Hunting With Artificial Light
 24.09.08 Shooting Livestock
 24.09.09 Hunting While Intoxicated
 24.09.10 Hunting at Night
 24.09.11 Laying Out Poison
 24.09.13 Assisting Another to Commit a Criminal Violation
 24.09.14 Obstructing a Law Enforcement Officer
 24.09.15 Refusing to Aid a Law Enforcement Officer
 24.09.16 Resisting Lawful Arrest
 24.09.17 Threat or Intimidation of a Law Enforcement Officer

| OFFENCE | FINE | JAIL | SUSPENSION/REVOCAATION |
|----------------|-----------------------|----------------|---|
| First | \$1,000 - \$2,000 | None | Hunting rights suspended for 2 years (deferred sentence available) |
| Second | \$2,000 - \$3,000 | 10-30 days | Hunting rights suspended for 5 years (no deferred sentence) |
| Third | \$3,000 - \$5,000 | 30-60 days | Hunting rights suspended for 7 years (no deferred sentence) |
| Fourth | \$5,000 - \$10,000 | 90-180 days | Hunting rights suspended for life (no deferred sentence) |

Hunting Commission must coordinate with the Shoalwater Bay Tribal Court on deferred sentence program for first-time offenders. Community service work will be valued at \$10.00 per hour.

TYPE THREE VIOLATIONS

- 24.10.01 Failure to Report Harvest Data
- 24.10.02 Field identification of Wildlife
- 24.10.03 Transporting Loaded Firearms
- 24.10.04 Transporting Big Game – Hunting Tag Required
- 24.10.05 Completion of Hunting Tags
- 24.10.06 Identification and Hunting Tag in Possession
- 24.10.07 Hunting by Person Under Age
- 24.10.08 Shooting from a Vehicle
- 24.10.09 Shooting Firearms Across Public Roads
- 24.10.10 Laying Out Bait
- 24.10.11 Big Game Hunting - Weapon Restrictions
- 24.10.12 Muzzle-Loading Rifles
- 24.10.13 Assisting Another to Commit a Civil Violation
- 24.10.14 Other Acts Prohibited by Law

| OFFENCE | FINE | JAIL | SUSPENSION/REVOCAATION |
|----------------|-----------------|---------------|--|
| First | \$50 - \$250 | None | Deferred or Community Service |
| Second | \$250 - \$500 | 10-30 days | Deferred or Community Service |
| Third | \$500 - \$1,000 | 10-30 days | Hunting rights suspended for 1 year (mandatory) |

APPENDIX C

-SPECIAL CIRCUMSTANCES-

The following list designates special conditions whereby the aforementioned codes may be waived or circumvented, and also areas of special consideration for regulation by the Commission. These conditions and their relevancy for special consideration and possible waiver, requires a review by the Fish and Wildlife Commission as well as the Tribal Council, and a subsequent approval from both bodies. The intent is for the Commission to create regulations that address these exceptions/special circumstances. Furthermore, the Commission has the responsibility to draft and revise this Code to include Fishing and Shell fishing provisions as described more fully above.

List of potential additional exceptions are as follows:

- Taking of problem/nuisance animals
- Taking of potentially dangerous animals
- Ceremonial hunts
- Clam digging—no commercial

In addition to the list above, there may be other cases whereby Tribal hunters petition the Fish and Wildlife Commission and request a waiver of the Regulations.

The following are areas of special consideration for development of Code and/or regulations by the Commission:

- Fishing, shell fishing and set netting
- Taking of black bear
- Hunting predators
- Trapping for problem or non-problem animals
- Taking beavers
- Waivers of hardship for families in need of more than one animal
- Migratory birds
- Sensitive species
- Seals and other marine mammals