

The Mission of the Shoalwater Bay Tribal Fish & Wildlife Commission is to protect & preserve the natural resources for future generations; while exercising the right to hunt, fish, and gather within the jurisdiction of the Shoalwater Bay Indian Tribe.



TITLE 24A

**Public Hearing – March 24, 2016
ADOPTED – May 13, 2016
Tribal Council Resolution #05-13-16-16**

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**Shoalwater Bay Indian Tribe
Code of Laws**



**Title 24A
Wildlife**

Table of Contents

FISH & WILDLIFE COMMISSIONERS	1
24A-01-00: INTRODUCTION: NOTICE TO TRIBAL HUNTERS	4
24A-02-00: JURISDICTION, AUTHORITY AND PURPOSE.....	5
24A-03-00: DEFINITIONS	5
24A-04-00: MINOR HUNTERS.....	7
24A-05-00: DESIGNATED HUNTER: SPECIAL HARDSHIP AND CEREMONIAL - CULTURAL	8
24A-06-00: APPLICATION FOR PERMIT	8
24A-07-00: TAGS.....	9
24A-08-00: ENFORCEMENT, FINES AND DISPOSITION	9
24A-09-00: REGULATIONS.....	9
24A-10-00: ISSUANCE OF BIG GAME HUNTING TAGS.....	10
24A-11-00: BIG GAME LIMIT AND SEASONS	10
24A-12-00: EQUIPMENT AND HUNTING METHODS	10
Modern Firearm Regulations.....	10
Muzzleloader Regulations	10
Archery Regulations	11
Dispatching Wounded Game	12
Loaded Firearms in a Vehicle.....	12
24A-13-00: SEIZURE OF GEAR AND WILDLIFE	12
24A-14-00: METHOD OF SEIZURES	12
24A-15-00: ORDER OF FORFEITURE ON CONVICTION	13
24A-16-00: FORFEITURE WHERE OWNER IS UNKNOWN	13
24A-17-00: DISPOSITION OF FORFEITED PROPERTY	13
24A-18-00: CRIMINAL VIOLATIONS	13
24A.18.01 Hunting During Closed Season.....	13
24A.18.02 Hunting in Closed Areas	13

24A.18.03 Possession of Wildlife Taken During Closed Season	14
24A.18.04 Exceeding Bag Limit - Poaching	14
24A.18.05 Failure to Obtain a Hunting Tag and/or Altering a Hunting Tag	14
24A.18.06 Wasting Game Animals	15
24A.18.07 Hunting With Artificial Light	15
24A.18.08 Shooting Livestock or Pets	15
24A.18.09 Hunting While under the Influence of Mind Altering Substance	15
24A.18.10 Hunting at Night	16
24A.18.11 Placing Poison or the Unauthorized Use of Traps	16
24A.18.12 Unauthorized Selling and Trading Wildlife/Parts for Profit	16
24A.18.13 Assisting Another to Commit a Criminal Violation	16
24A.18.14 Shooting Firearms across a Paved Public Highway or Shooting Firearms From Within or Toward Any Residential Area.....	17
24A-19-00: CIVIL VIOLATIONS	17
24A.19.01 Failure to Report Harvest Data	17
24A.19.02 Field Identification of Wildlife	17
24A.19.03 Transporting Loaded Firearms.....	17
24A.19.04 Transporting Big Game-Hunting Tag Required.....	18
24A.19.05 Incomplete Hunting Tags.....	18
24A.19.06 Identification Permit and Hunting Tag not in Possession	18
24A.19.07 Unaccompanied Hunting by Minors	18
24A.19.08 Shooting From a Vehicle.....	18
24A.19.09 Big Game Hunting: Weapons Restrictions.....	19
24A.19.10 Assisting Another to Commit a Civil Violation	19
24A.19.11 Other Acts Prohibited.....	19
24A-20-00: PENALTY SCHEDULE	20
24A.20.01 Assessment of Penalties-Time Payments and Community Service.....	20
24A.20.02 Penalty Distribution	20
24A-21-00: SEVERABILITY, SOVEREIGN, IMMUNITY AND CAPTIONS	20
24A.21.01 Severability.....	20
24A.21.02 Sovereign Immunity Reserved.....	20
24A.21.03 Captions.....	20
Shoalwater Bay Tribal Council Resolution.....	21
APPENDIX A: HUNTING SEASONS.....	22
F&W Hunting Application.....	23
Criminal Background Check Request Form.....	24
HUNTING ZONE MAP.....	25

**Shoalwater Bay Indian Tribe
Code of Laws**



**Title 24A
Wildlife**

24A-01-00: INTRODUCTION, NOTICE TO TRIBAL HUNTERS

- a) Tribal members who engage in any activity on the Shoalwater Bay Reservation covered under this Title shall be deemed to have read and understood this Code and any regulations and any implemented amendments of regulations as adopted by the Fish and Wildlife Commission. This Title 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) Tribal members who engage in an activity under this Title shall have in his possession a Permit and/or Tag and Tribal Membership card and shall have them readily available upon request by any Tribal Law Enforcement Officer.
- c) Hunting permits are a revocable privilege upon conviction of illegal activity and may not be re-assigned or transferred.
- d) Tribal Member will need additional permits from other jurisdictions to hunt elsewhere.
- e) Any person, tribal or non-tribal, engaged in activities under this Title who does not have a Permit and/or Tag or Tribal Membership card shall be deemed a trespasser and/or poacher and subject to legal consequences under the laws of the Tribe and/or other jurisdictions.
- f) Leave No Trace will be in effect while engaged in activities under this Title. Leave no trace shall mean that:
 - 1. Human fecal waste will be buried approximately six inches or more deep and at a minimum of 100 feet away from any streams of 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.
- g) Wild game is not a commercial commodity and is for tribal consumption, therefore, the sale or trade of any animal parts to any person, Tribal or non-Tribal Member is prohibited (See 24A.18.12).
- h) All background checks are handled with the strictest confidentiality, Commission is check for applicant's that are not able to have possession of firearms and/or with serious hunting violations. If the applicant feels he/she has been denied inappropriately, he/she can appeal to the

Commission in writing within one week of denial. The Commission will meet within one work week of receipt of appeal to notify applicant of hearing date.

**Shoalwater Bay Indian Tribe
Code of Laws**



**Title 24A
Wildlife**

GENERAL PROVISIONS

24A-02-00: JURISDICTION, AUTHORITY AND PURPOSE

- a) This Shoalwater Bay Wildlife Ordinance Title 24A as defined hereunder shall govern all persons with respect to wildlife and all tribal members in exercising hunting and for the protection of wildlife under the Shoalwater Bay Indian Tribe. Shoalwater Bay tribal members are exempted hereunder from Washington State laws and regulations and do not require a State permit while exercising their Tribal 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.

24A-03-00: DEFINITIONS

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

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

“Bag Limit” is 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;

“Baiting” means setting out ‘bait’ for purpose of attracting game.

“Big Game” is a deer or elk.

“Closed Area to Hunting” is 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” is the Shoalwater Bay Tribe Fish and Wildlife Commission.

“Cultural Hunt” is intended to educate tribal members about cultural or historic means (use of bow, arrow, spear and net) of hunting, fishing and gathering on the Reservation, using game gathered for the benefit of tribal elders.

“Dangerous animal” is any animal(s) likely to cause harm to health and safety on the Reservation. (Some wildlife species are potentially dangerous or can cause problems, especially as Washington’s human population continues to expand into traditional habitat. The conflicts that occur with black bears, cougars, and coyotes, in both residential and recreational situations, are the ones most often reported with concerns for human safety, pets, livestock, or property damage.)

“Designated Hunter” is an eligible and experienced hunter who is a Shoalwater Bay tribal member that 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” is a physically impaired, physically challenged or elderly tribal person as designated according to tribal custom.

“Elder” is an enrolled Shoalwater Bay Tribal member who is sixty-two (62) years or older.

“Emergency Closure” means closure of hunting areas.

“Firearms” Rifle, Crossbow, Shotgun, Pistol, and Muzzleloader, see 24A-11-00 page 9-11.

“F/W” means ‘Fish and Wildlife’.

“Fish and Wildlife Enforcement Officer” is any Tribal Law Enforcement Officer authorized by the Shoalwater Bay Tribal Council.

“Game” is all wildlife legally eligible for hunting.

“General Council” mean the General Council of the Tribe.

“Hunting Tag” or “Tag” is an identification device attached to the carcass of game carried by the hunter.

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

“Mind Altering Substance” is any substance that the hunter has used or consumed that causes the hunter to be mentally or physically impaired, and/or causes, or could cause, the hunter or others to be put in danger. Mind altering substances can be but are not limited to alcohol, marijuana, prescribed drugs, controlled substances pursuant to Federal Law, or any legal substance or combination of substances that mentally or physically impairs the hunter.

“Minor Hunter” is any tribal member from the age of twelve (12) until his/her eighteenth (18) birthday.

“Night” is the period between thirty (30) minutes after the official time of sunset and thirty (30) minutes before the official time of sunrise.

“Nuisance animal” is any animal likely to cause harm to home or environment. (It’s important to note that not all wildlife create conflicts. Although it might not appear so at the time, the animals, which are often referred to as nuisance or problem animals, are innocent. When a conflict exists between humans and animals it is usually because the animal is only doing what it needs to do to survive. It is simply following its own instincts, and intends no harm or discomfort. These might include: bats, beavers, bears, coyotes, crows, deer, gophers, moles, nesting birds [swallows], opossums, raccoons, robins, skunks, tree squirrels, woodpeckers [Northern Flickers], and marmots).

“Open Season” is those times when hunting is permitted.

“Ordinance” is the Shoalwater Bay Wildlife Ordinance also known as Title 24A.

“Permit” is a license to hunt.

“Poacher” is any person caught fishing, hunting and/or gathering on the Shoalwater Bay Tribal Lands without a permit. *(Title 23 11.040 - Any person who takes from the lands of the Tribe any sands, rock, mineral, plant life, marine growth, driftwood, wildlife, fish, shellfish, or souvenirs or other product of the land without a permit, or in violation of the terms of a permit, from the Tribe has committed a Class C infraction. Only Tribal members and their spouses may acquire permits for the above activities. Tribal elders are entitled to a lifetime permit for the above activities. All harvest quantities must be reported to the Shoalwater Bay Department of Natural Resources Director)*

“Protected Wildlife” means all wildlife, not listed for subsistence hunting purposes.

“Regulation” is any rule, law or formally approved.

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

“Revocation of Hunting Privileges” means the loss of one’s permit.

“Shoalwater Bay Wildlife Fund” is a fund that will be set aside for the Shoalwater Bay Fish and Wildlife Commission use for printing brochures, tags, maps, supplies, equipment, and trainings for the protection of fish and wildlife and the regulatory oversight of all applicable Hunting activities within the jurisdiction of the Shoalwater Bay Indian Tribal Lands.

“Special Hardship Permit” is a permit acquired for disabled, elderly, tribal member in desperate need and physically challenged tribal members.

“Subsistence” means fish/wildlife hunted for consumption.

“Trespasser” is any person unauthorized to be on tribal lands.

“Tribal Council” is the Shoalwater Bay Tribal Council.

“Tribal Court” is the Shoalwater Bay Tribal Court.

“Tribal lands” are all lands under the jurisdiction of the Shoalwater Bay Indian Tribe or the United States on behalf of the Tribe.

“Tribal Membership Card” is issued by the Shoalwater Bay tribal enrollment office as proof of membership.

“Wasting” or “to waste” means intentionally allowing edible meat to spoil NOTE: Wasting is a reportable offense.

“Wildlife” means all species except domesticated animals.

24A-04-00: MINOR HUNTERS

a) Any eligible minor hunter is subject to the following:

1. Minors shall be closely supervised by their parent and/or other authorized tribal adult at all times while hunting. Adults accompanying minors that are not their legal children, shall submit to the commission written and signed proof from the authorizing parent;
2. Minors are required to possess a Tribal Membership Card while hunting;
3. Tribal parent or authorized tribal adult will be responsible for minor hunters’ actions under this Ordinance.
4. The parent or authorized adult’s name and signature will be on back on minors tag and on hunting application.

5. Tribal minor and tribal adult supervisor (if born before 1973) has taken a Fish and Wildlife Commission approved Hunter and Gun Safety Course (State Certified or Tribal Hunter Safety Education Course) for commission file.
6. Minors are subject to all other rules and regulations contained herein or issued by the Commission.

**24A-05-00: DESIGNATED HUNTER/ SPECIAL HARDSHIP AND CEREMONIAL
-CULTURAL**

- a) A designated hunter may be appointed by the Commission for approval of tribal member special hardship or ceremonial permits according to the following:
 1. Special hardship persons must submit an application to the Commission;
 2. The Commission may approve the special hardship application as well as the designated hunter and will determine the hunting activities within the Permit issued.
 3. The Cultural Resources staff will design a cultural hunting program for the Tribe.
 4. The Tribal Council may apply in writing for ceremonial hunting permits to the Commission.

24A-06-00: APPLICATION FOR PERMIT

- a) Hunting applications are available at the Shoalwater Bay Tribal Office during regular business hours and on line at www.shoalwaterbay-nsn.gov.
- b) Applications shall state at minimum:
 1. Name of applicant and date;
 2. Physical address and mailing address;
 3. Telephone number and/or email address (if available);
 4. Copy of Tribal Membership Card;
 5. Signature signifying that they have read and understood Title 24A and will abide by the regulations;
 6. A clear description of gear to be used in the hunting, fishing, or gathering activity;
 7. Copy or evidence of Firearms Education and species identification course completed, and Certified Hunter and Gun Safety course;
 8. Background check (will be done in house-see page 4 - h): \$10.00 (YOU PAY);
- c) Incomplete applications will not be accepted;
- d) False information provided by the applicant on an application at any time may delay the process for approval of a permit or may be denied for one (1) year;
- e) Permits shall state:
 1. Tribes Name and Commission contact information;
 2. Name of tribal member and Tribal ID# permitted to hunt;
 3. Time-frame by month, day, and year when Hunting/Fishing/Gathering will be allowed, area of allowed hunting and any site-specific or gear specific limitations;
 4. Species approved for Hunting/Fishing;
- f) A map of the Hunting/Fishing/Gathering, which are deer, elk, fowl, shellfish and fish.

24A-07-00: TAGS

- a) Tag assigned to permit to be attached to hunted game head.

- b) 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 Ordinance and subject to penalties.

24A-08-00: ENFORCEMENT, FINES AND DISPOSITION

- a) Violation of this ordinance shall be addressed pursuant to the Shoalwater Bay Tribal Court, the Tribal Code of Laws, civil and/or criminal.
- b) Enforcement and arrests shall be made by Tribal Law Enforcement Officers acting pursuant to such codes of law. 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.
- c) Hunting privileges of violators to hunt on the Reservation may be suspended by the Commission for such period as the Commission deems appropriate, pending a court hearing.
- d) The Tribal Law Enforcement Officers are authorized to:
1. Inspect all species taken or transported; seize all species 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 probable cause to believe that species are possessed in violation of this Ordinance.
 3. All collateral and confiscated equipment may be permanently forfeited if the violator does not appear at a hearing.
- e) Confiscated wildlife may be sent to butcher (paid by Tribal Funds) or to a Tribal Member to be processed for dispersion as Commission deems appropriate.
- f) Confiscated edible wildlife shall be donated to tribal programs such as the Elders, Elders Food Programs or other tribal gatherings, as the Commission deems appropriate.
- g) Permanently confiscated equipment shall be sold and proceeds deposited into the Fish and Wildlife fund.
- h) Fines will be assessed according to Penalty Schedule, Appendix B:
- i) Any person may inform Tribal Law Enforcement about concerns regarding any hunter, fisher, or gatherer on the Reservation and the Tribal Law Enforcement shall have the responsibility of follow-up.

24A-09-00: REGULATIONS

- a) **Emergencies:** The Commission shall take action as necessary for the immediate health, safety, protection and preservation at any time. The Commission shall notify the Tribal Council within seventy-two (72) hours after the action has been taken.
- b) Hunters shall be notified immediately of any changes to hunting activities and notices of those changes shall be conspicuously posted.
- c) The Commission may propose 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.
- d) Proposed regulations shall be submitted to the Tribal Council for approval.

24A-10-00: ISSUANCE OF BIG GAME HUNTING TAGS

- a) The Commission may establish additional conditions for the issuance, revocation and suspension of Hunting Tags. All Hunting Tags must be signed by the applicant and quorum of the Commission. It shall be a violation of this Ordinance to alter copy, tamper with, forge a signature, and/or otherwise change the Hunting Tag.
- b) All hunting tags issued remain the property of the tribe and shall be returned to the tribe upon request by the Commission or by Tribal Law Enforcement.

24A-11-00: BIG GAME LIMIT AND SEASON

- a) It shall be unlawful for any Shoalwater Bay Tribal Hunter to kill more than one deer & one elk in any hunting season unless special provisions have been made through formal petition to the Fish and Wildlife Commission. Additionally, no bull elk may be taken (**SUBJECT TO CHANGE**) before October 15 of each calendar year that has less than three point antler tines. On October 15 and until the end of the season any bull can be taken. Cows are an allowable take as are either sex of deer and elk. Refer to appendix A or tribal regulations for hunting seasons.

24A-12-00: EQUIPMENT AND HUNTING METHODS

Modern firearm tag holders may hunt during established modern firearm seasons with bows and arrows; crossbows; muzzleloaders; revolver-type handguns; or shotguns, so long as the equipment and ammunition complies with Title 24A rules.

a) Modern Firearm Regulations:

1. **Rifles:** Big game must be hunted with a minimum of .24 caliber (6mm) centerfire rifle. Rimfire rifles are not legal for big game.
2. **Shotguns:** Deer and elk may be hunted with 20 gauge to 10 gauge shotguns shooting slugs or #1 or larger buckshot. Other big game may be hunted with 10 or 12 gauge shotgun using slugs.
3. **Pistols/Revolvers:** Deer and elk may be hunted with a minimum of .24 caliber (6mm) centerfire handguns shooting bullets consistent with that of authorized rifle bullets. Rimfire handguns are not legal for big game.
4. **Crossbows:** Big game must be hunted with a crossbow during Modern Firearm.
 - i. It is unlawful to hunt big game animals with a crossbow with a draw weight less than 125 pounds and a trigger safety that does not work properly.
 - ii. It is unlawful to hunt big game animals with any arrow or bolt weighting less than 350 grains.
 - iii. It is unlawful to hunt big game animals with any arrow or bolt that does not have a sharp broadhead and the broadhead blade or blades are less than seven-eighths inch wide.
 - iv. Mechanical broadheads are legal to use for all archery hunting
 - v. A modern handgun may be carried for personal protection and may be used dispatch wounded big game during a big game hunting season for modern firearms.

b) Muzzleloader regulations: Definitions:

1. **Muzzleloader:** A firearm that is loaded from the muzzle and uses black powder or a black powder substitute as recommended by the manufacturer for use in all muzzleloading firearms.
2. A muzzleloading firearm shall be considered loaded if a powder charge and a projectile, either shot or single projectile are in the barrel and the barrel or breach is capped or primed.
3. It is unlawful to hunt wildlife using a muzzleloading firearm that does not meet the following specifications:
 - i. A muzzleloading shotgun or rifle must have a single or double barrel, rifled or smooth-bored.
 - ii. A muzzleloading shotgun or rifle used for deer must be .40 caliber or larger. Buckshot size #1 or larger may be used in a smoothbore of .60 caliber or larger for deer.
 - iii. A muzzleloading shotgun or rifle used for all other big game must be .45 caliber or larger.
4. In addition to the above requirements, it is unlawful to participate (hunt) using a firearm that does not meet the following specifications for a muzzleloader. As in the past sabots are allowed. Any type of projectile is allowed.
5. A muzzleloading handgun used for big game must be .45 caliber or larger.
6. A modern handgun may be carried for personal protection and may be used dispatch wounded big game during a big game hunting season for muzzleloading firearms.
7. 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 weather. "Exposed to the weather" means the percussion cap or the frizzen must be visible and not capable of being enclosed by an integral part of the weapon proper. Primers designed to be used in modern cartridges are not legal.
8. Sights must be open, peep, or of other open sight design. Fiber optic sights are legal. Telescopic sights or sights containing glass are prohibited.
9. It is unlawful to have any electrical device or equipment attached to a muzzleloading firearm while hunting.
10. Those persons lawfully hunting big game with a double barrel muzzleloader may only keep one barrel loaded.
11. Muzzleloading firearms used are not required to meet ignition, sight, or double barrel restrictions.

c) Archery Regulations: Rules Pertaining to All Archery Hunting

1. It is lawful for any person to carry or have in his possession any firearm while in the field archery hunting, during an archery hunt specified for that area, except for modern handguns. A modern handgun may be carried for personal protection and may be used dispatch wounded big game.

2. It is unlawful to have any electrical equipment or electric device(s) attached to the bow or arrow while hunting. (Sights, Scopes, Peeps) **Illuminated nocks are allowed.**
3. It is unlawful to shoot a bow and arrow from a vehicle or from, across or along the maintained portion of a public highway.
4. It is unlawful to use any device secured to or supported by the bow for the purpose of maintaining the bow at full draw or in a firing position.
5. It is unlawful to hunt big game animals with any arrow or bolt that does not have a sharp broadhead and the broadhead blade or blades are less than seven-eighths inch wide.
6. Mechanical broadheads are legal to use for all archery hunting.
7. It is unlawful to hunt wildlife with any bow equipped with a scope.
8. **Rules** Pertaining to Long Bow, Re-curve Bow and Compound Bow Archery:
 - i. It is unlawful for any person to hunt big game animals with a bow that does not produce a minimum of 40 pounds of pull measured at twenty-eight inches or less draw length.
 - ii. It is unlawful to hunt big game animals with any arrow measuring less than 20 inches in length or weighing less than 6 grains per pound of draw weight with a minimum arrow weight of 300 grains.

d) Dispatching Wounded Game

1. A modern handgun may be carried by hunter and may be used dispatch wounded big game during a big game hunting season.

e) Loaded Firearms in a Vehicle

1. It is illegal to carry, convey, transport, possess, or control a loaded shotgun or rifle in or on any motor vehicle. A rifle or shotgun containing shells or cartridges in either the chamber or magazine or a muzzleloading firearm that is loaded and capped or primed is considered loaded. (See 24A.19.08b)

(Failure to comply with this section is a civil violation)

24A-13-00: SEIZURE OF GEAR AND WILDLIFE

a) In enforcing the provisions of this Ordinance, Tribal Law Enforcement 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 of this Ordinance 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:

1. The Officer has probable cause to believe the gear is being used in violation of this Ordinance; or
2. The Officer has probable cause to believe the gear will be used again for illegal hunting; or
3. The alleged offender refuses to sign a citation; or
4. The alleged offender is arrested and taken into custody.

24A-14-00: METHOD OF SEIZURES

a) Tribal Law Enforcement seizing any property shall follow the following procedures:

1. 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. One copy shall be filed with the Tribal Prosecutor and one copy shall be given to the Commission.
2. If perishable meat is seized from the hunter, the 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 Commission for a Hunting Tag to bag a replacement animal. In the event the season is closed for that particular animal when the Commission grants the petition for a new Hunting Tag, the Tag shall be issued when the season opens again for that particular species and sex and will be in addition to the Bag Limit to which the hunter shall otherwise be entitled.
3. All property seized shall be transported to a designated storage place for safekeeping by Tribal Law Enforcement.

24A-15-00: ORDER OF FORFEITURE ON CONVICTION

Upon conviction of an offense under this Ordinance, the Tribal Court may order forfeiture of any property seized as provided in this Ordinance.

24A-16-00: FORFEITURE WHERE OWNER IS UNKNOWN

In all cases where it appears that the owner of seized gear is unknown, Tribal Law Enforcement Department shall keep the equipment for a minimum forty-five (45) days in the lost and found. Tribal Law Enforcement shall post notice with the date when property was recovered at the Tribal Center and in Tribal Newsletter. If no person notifies or claims the seized equipment, the seized property shall be deemed forfeited. If a person notifies Tribal Law Enforcement 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.

24A-17-00: DISPOSITION OF FORFEITED PROPERTY

In the event the Tribal Court orders forfeiture of any Hunting/Fishing/Gathering property seized, such property shall be turned over to the Commission to administer a public auction of all such property or dispose of by destruction or donation to a tribal program, with the exception of firearms. (All firearms will be turned over to Tribal Law Enforcement). All proceeds from said auction shall be deposited into the Shoalwater Bay Fish and Wildlife Fund. 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.

24A-18-00: CRIMINAL VIOLATIONS

24A.18.01 Hunting During Closed Season

Any person who hunts during a closed season (see Appendix A) as established by this Ordinance or by regulation publicized hereunder is guilty of an offense and shall be sentenced to:

First Violation: Fined \$500 - \$1000, Jail None, Hunting rights suspended for 2 years (no deferred sentence available);

Second Violation: Fined \$1,000 - \$2,000, Jail 10-30 days, Hunting rights suspended for 5 years (no deferred sentence);

Third Violation: Fined \$2,000 - \$3,000, Jail 30-60 days, Hunting rights suspended for 7 years (no deferred sentence);

Fourth Violation: Fined \$3,000 - \$5,000, Jail 90-180 days, Hunting rights suspended for life (no deferred sentence)

24A.18.02 Hunting in Closed Areas

Any person who hunts within the exterior boundaries of a closed area (see Map) designated by this Ordinance or by regulation publicized hereunder is guilty of an offense and shall be sentenced to:

First Violation: Warning/Fined \$100 - \$500, Jail None, Hunting rights Suspension/Revocation (Deferred and Community service);

Second Violation: Fined \$500 - \$1,000, Jail 10-30 days, Hunting rights suspended for 2 years (no deferred sentence);

Third Violation: Fined \$1,000 - \$2,000, Jail 30-60 days, Hunting rights suspended for 7 years (no deferred sentence);

Fourth Violation: Fined \$2,000 - \$3,000, Jail 90-180 days, Hunting rights suspended for life (no deferred sentence)

24A.18.03 Possession of Wildlife Taken During Closed Season

Any person who possesses any wildlife killed during a closed season (see Appendix A) or otherwise possesses or kills any animal contrary to this Ordinance or by regulation publicized hereunder is guilty of an offense and shall be sentenced to:

First Violation: Fined \$500 - \$1,000, Jail None, Hunting rights suspended for 2 years (no deferred sentence available);

Second Violation: Fined \$1,000 - \$2,000, Jail 10-30 days, Hunting rights suspended for 5 years (no deferred sentence);

Third Violation: Fined \$2,000 - \$3,000, Jail 30-60 days, Hunting rights suspended for 7 years (no deferred sentence);

Fourth Violation: Fined \$3,000 - \$5,000, Jail 90-180 days, Hunting rights suspended for life (no deferred sentence)

24A.18.04 Exceeding Bag Limit – Poaching

Any person who exceeds the bag limit set (see Appendix A) by regulation or possesses or kills animals not authorized by permit or regulation is considered to have been poaching and is guilty of an offense and shall be sentenced to:

First Violation: Fined \$500 - \$1,000, Jail None, Hunting rights suspended for 2 years (no deferred sentence available);

Second Violation: Fined \$1,000 - \$2,000, Jail 10-30 days, Hunting rights suspended for 5 years (no deferred sentence);

Third Violation: Fined \$2,000 - \$3,000, Jail 30-60 days, Hunting rights suspended for 7 years (no deferred sentence);

Fourth Violation: Fined \$3,000 - \$5,000, Jail 90-180 days, Hunting rights suspended for life (no deferred sentence)

24A.18.05 Failure to Obtain a Hunting Tag and/or Altering a Hunting Tag

Valid Shoalwater Bay Fish & Wildlife Tags must have signatures of authorized Commission members and the signature of the person to whom the Hunting Tag is issued.

- a) **No Tag:** Any person who hunts without first obtaining a valid Shoalwater Bay Fish & Wildlife Tag is guilty of an offense and shall be sentenced to: (see below)
- b) **Altering, forging, or otherwise falsifying Tag:** Any person who alters, forges, or otherwise falsifies a Hunting Tag is guilty of an offense and shall be sentenced to:

First Violation: Fined \$500 - \$1,000, Jail None, Hunting rights suspended for 2 years (deferred sentence available);

Second Violation: Fined \$1,000 - \$2,000, Jail 10-30 days, Hunting rights suspended for 5 years (no deferred sentence);

Third Violation: Fined \$2,000 - \$3,000, Jail 30-60 days, Hunting rights suspended for 7 years (no deferred sentence);

Fourth Violation: Fined \$3,000 - \$5,000, Jail 90-180 days, Hunting rights suspended for life (no deferred sentence)

24A.18.06 Wasting Game Animals

Any person who kills game animals and causes them to waste is guilty of an offense and shall be sentenced to:

First Violation: Fined \$500 - \$1,000, Jail None, Hunting rights suspended for 2 years (no deferred sentence available);

Second Violation: Fined \$1,000 - \$2,000, Jail 10-30 days, Hunting rights suspended for 5 years (no deferred sentence);

Third Violation: Fined \$2,000 - \$3,000, Jail 30-60 days, Hunting rights suspended for 7 years (no deferred sentence);

Fourth Violation: Fined \$3,000 - \$5,000, Jail 90-180 days, Hunting rights suspended for life (no deferred sentence)

24A.18.07 Hunting With Artificial Light

Any person who hunts big game with the use of artificial light (i.e. hunting at night using lighting) is guilty of an offense and shall be sentenced to:

First Violation: Fined \$500 - \$1,000, Jail None, Hunting rights suspended for 2 years (deferred sentence available);

Second Violation: Fined \$1,000 - \$2,000, Jail 10-30 days, Hunting rights suspended for 5 years (no deferred sentence);

Third Violation: Fined \$2,000 - \$3,000, Jail 30-60 days, Hunting rights suspended for 7 years (no deferred sentence);

Fourth Violation: Fined \$3,000 - \$5,000, Jail 90-180 days, Hunting rights suspended for life (no deferred sentence)

24A.18.08 Shooting Livestock or Pets

Any person who shoots any domestic livestock or personal pets while hunting is guilty of an offense and shall be sentenced to:

First Violation: Fined \$500 - \$1,000, Jail None, Hunting rights suspended for 2 years (deferred sentence available);

Second Violation: Fined \$1,000 - \$2,000, Jail 10-30 days, Hunting rights suspended for 5 years (no deferred sentence);

Third Violation: Fined \$2,000 - \$3,000, Jail 30-60 days, Hunting rights suspended for 7 years (no deferred sentence);

Fourth Violation: Fined \$3,000 - \$5,000, Jail 90-180 days, Hunting rights suspended for life (no deferred sentence)

24A.18.09 Hunting While under the Influence of Mind Altering Substance

Any person who hunts while under the influence of mind altering substances is guilty of an offense and shall be sentenced to:

First Violation: Fined \$500 - \$1,000, Jail None, Hunting rights suspended for 2 years (deferred sentence available);

Second Violation: Fined \$1,000 - \$2,000, Jail 10-30 days, Hunting rights suspended for 5 years (no deferred sentence);

Third Violation: Fined \$2,000 - \$3,000, Jail 30-60 days, Hunting rights suspended for 7 years (no deferred sentence);

Fourth Violation: Fined \$3,000 - \$5,000, Jail 90-180 days, Hunting rights suspended for life (no deferred sentence)

24A.18.10 Hunting at Night

Any person who hunts 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 to:

First Violation: Fined \$500 - \$1,000, Jail None, Hunting rights suspended for 2 years (deferred sentence available);

Second Violation: Fined \$1,000 - \$2,000, Jail 10-30 days, Hunting rights suspended for 5 years (no deferred sentence);

Third Violation: Fined \$2,000 - \$3,000, Jail 30-60 days, Hunting rights suspended for 7 years (no deferred sentence);

Fourth Violation: Fined \$3,000 - \$5,000, Jail 90-180 days, Hunting rights suspended for life (no deferred sentence)

24A.18.11 Placing Poison or the Unauthorized Use of Traps

Any person laying or setting out a drug, explosive, or toxic substance that may endanger, injure, or kill wildlife and any person laying or setting out a trap or trapping device, without prior authorization by the Commission (for example in the case of a Dangerous Animal or Nuisance Animal) that may endanger, injure, or kill wildlife is guilty of an offense and shall be sentenced to:

First Violation: Fined \$500 - \$1,000, Jail None, Hunting rights suspended for 2 years (deferred sentence available);

Second Violation: Fined \$1,000 - \$2,000, Jail 10-30 days, Hunting rights suspended for 5 years (no deferred sentence);

Third Violation: Fined \$2,000 - \$3,000, Jail 30-60 days, Hunting rights suspended for 7 years (no deferred sentence);

Fourth Violation: Fined \$3,000 - \$5,000, Jail 90-180 days, Hunting rights suspended for life (no deferred sentence)

24A.18.12 Unauthorized Selling and Trading Wildlife/Parts for Profit

Any person who sells and/or trades for profit meat/parts from wildlife harvested under this Ordinance is guilty of an offense and shall be sentenced to:

First Violation: Fined \$500 - \$1,000, Jail None, Hunting rights suspended for 2 years (no deferred sentence available);

Second Violation: Fined \$1,000 - \$2,000, Jail 10-30 days, Hunting rights suspended for 5 years (no deferred sentence);

Third Violation: Fined \$2,000 - \$3,000, Jail 30-60 days, Hunting rights suspended for 7 years (no deferred sentence);

Fourth Violation: Fined \$3,000 - \$5,000, Jail 90-180 days, Hunting rights suspended for life (no deferred sentence)

24A.18.13 Assisting Another to Commit a Criminal Violation

Any person who knowingly assists another person to engage in conduct that is in violation of this Ordinance or regulations publicized hereunder is guilty of an offense and shall be sentenced to:

First Violation: Fined \$500 - \$1,000, Jail None, Hunting rights suspended for 2 years (no deferred sentence available);

Second Violation: Fined \$1,000 - \$2,000, Jail 10-30 days, Hunting rights suspended for 5 years (no deferred sentence);

Third Violation: Fined \$2,000 - \$3,000, Jail 30-60 days, Hunting rights suspended for 7 years (no deferred sentence);

Fourth Violation: Fined \$3,000 - \$5,000, Jail 90-180 days, Hunting rights suspended for life (no deferred sentence)

(Also See Title 2-2.07.01-Contributing to the Commission of an Offense by a Minor

Any adult who intentionally assists in or encourages the commission of an offense by a minor, or who recruits, solicits, conspires with, or enlists the participation of, a minor with regard to obtaining the minor's participation in an offense, commits a separate offense in addition to being liable for the commission of all crimes committed by the adult's accomplice.

The adult commits a Class A "contributing" offense if the minor's offense is a Class A or Class B offense. The adult commits a Class B "Contributing": offense if the minor's offense is a Class C offense. The adult commits a Class C "contributing" offense if the minor's conduct is a civil infraction.)

24A.18.14 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 criminal violation and shall be sentenced to:

First Violation: Fined \$500 - \$1,000, Jail None, Hunting rights suspended for 2 years (no deferred sentence available);

Second Violation: Fined \$1,000 - \$2,000, Jail 10-30 days, Hunting rights suspended for 5 years (no deferred sentence);

Third Violation: Fined \$2,000 - \$3,000, Jail 30-60 days, Hunting rights suspended for 7 years (no deferred sentence);

Fourth Violation: Fined \$3,000 - \$5,000, Jail 90-180 days, Hunting rights suspended for life (no deferred sentence)

(A hunting map designating restricted hunting areas will be made available annually by the 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.)

24A-19-00: CIVIL VIOLATIONS

24A.19.01 Failure to Report Harvest Data

Any Person who fails to submit all harvest data specified on the Hunting Tag, as required by this Ordinance, has committed a civil violation and is subject to:

First Violation: Warning, Jail None

Second Violation: Fined \$10 - \$25, Jail None

Third Violation: Fined \$25 - \$50, Jail None, Hunting rights suspended for 1 year (mandatory)

24A.19.02 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:

First Violation: Fined \$250 - \$500, Jail None, Hunting rights Suspension/Revocation (Deferred and Community Service)

Second Violation: Fined \$500 - \$750, Jail None, Hunting rights Suspension/Revocation (Community Service and Suspended for 1 year)

Third Violation: Fined \$750 - \$1,500, Jail None, Hunting rights suspended for 2 year (mandatory)

24A.19.03 Transporting Loaded Firearms

Any person, for purposes of this Ordinance, except authorized law enforcement officers who carries, transports, conveys, or possesses (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 and is subject to:

First Violation: Fined \$250 - \$500, Jail None, Hunting rights Suspension/Revocation (Deferred and Community Service)

Second Violation: Fined \$500 - \$750, Jail None, Hunting rights Suspension/Revocation (Community Service and Suspended for 1 year)

Third Violation: Fined \$750 - \$1,500, Jail None, Hunting rights suspended for 2 year (mandatory)

24A.19.04 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:

First Violation: Fined \$250 - \$500, Jail None, Hunting rights Suspension/Revocation (Deferred and Community Service)

Second Violation: Fined \$500 - \$750, Jail None, Hunting rights Suspension/Revocation (Community Service and Suspended for 1 year)

Third Violation: Fined \$750 - \$1,500, Jail None, Hunting rights suspended for 2 year (mandatory)

24A.19.05 Incomplete Hunting Tags

Any person who fails to properly and completely provide all information requested on the Hunting Tag as required by this Ordinance or by Tribal regulation has committed a civil violation and is subject to:

First Violation: Fined \$Warning - \$200, Jail None, (Deferred and Community Service)

Second Violation: Fined \$10 - \$500, Jail None, (Community Service and Suspended for 1 year)

Third Violation: Fined \$250 - \$750, Jail None, Hunting rights suspended for 1 year (mandatory)

24A.19.06 Identification Permit and Hunting Tag not in Possession

Any person who has obtained a valid Hunting Tag as required by this Ordinance or by Tribal regulation and is exercising or purporting to exercise hunting rights under this Ordinance but does not have the Tag(s) in his or her possession while hunting has committed a civil violation and is subject to:

First Violation: Fined \$Warning - \$200, Jail None, Hunting rights Suspension/Revocation (Deferred and Community Service)

Second Violation: Fined \$10 - \$500, Jail None, Hunting rights Suspension/Revocation (Community Service and Suspended for 1 year)

Third Violation: Fined \$250 - \$700, Jail None, Hunting rights suspended for 2 year (mandatory)

24A.19.07 Unaccompanied Hunting by Minors

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. Any minor, a person under the age of eighteen (18) who fails to comply with **24A-04-00** of this Ordinance has committed a civil violation and is subject to:

First Violation: Fined \$Warning - \$200, Jail None, Hunting rights Suspension/Revocation (Deferred and Community Service)

Second Violation: Fined \$10 - \$500, Jail None, Hunting rights Suspension/Revocation (Community Service and Suspended for 1 year)

Third Violation: Fined \$250 - \$700, Jail None, Hunting rights suspended for 2 year (mandatory)

24A.19.08 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:

First Violation: Fined \$250 - \$500, Jail None, Hunting rights Suspension/Revocation (Deferred and Community Service)

Second Violation: Fined \$500 - \$750, Jail None, Hunting rights Suspension/Revocation (Community Service and Suspended for 1 year)

Third Violation: Fined \$750 - \$1,500, Jail None, Hunting rights suspended for 2 year (mandatory)

(a) It is unlawful for a hunter with a disability to shoot from a motor vehicle, unless the vehicle is stopped, the motor is turned off and the vehicle is removed from the maintained portion of a public highway. If the roadway is not paved, and it is impossible for the hunter with a disability to completely remove the vehicle from the roadway, then the hunter may shoot from the vehicle if the vehicle is as far off the roadway as possible. A disabled hunter vehicle identification placard must be displayed.

(b) It is unlawful for any person to possess a loaded firearm in or on a motor vehicle, except if the person is a hunter with a disability and the vehicle is in compliance with subsection (a) of this section.

24A.19.09 Big Game Hunting: Weapons Restrictions

Any person who knowingly uses any other type of weapon or ammunition for the purpose of hunting or the dispatching of an animal other than what is stated in *24A-12-00: Equipment and Hunting Methods* of this ordinance has committed a civil violation and is subject to:

First Violation: Fined \$250 - \$500, Jail None, Hunting rights Suspension/Revocation (Deferred and Community Service)

Second Violation: Fined \$500 - \$750, Jail None, Hunting rights Suspension/Revocation (Community Service and Suspended for 1 year)

Third Violation: Fined \$750 - \$1,500, Jail None, Hunting rights suspended for 2 year (mandatory)

24A.19.10 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 Ordinance of the corresponding regulations adopted hereunder has committed a civil violation subject to:

First Violation: Fined Warning - \$250, Jail None

Second Violation: Fined \$250 - \$500, Jail None, Hunting rights Suspension/Revocation (Community Service and Suspended for 1 year)

Third Violation: Fined \$500 - \$1,500, Jail None, Hunting rights suspended for 2 year (mandatory)

24A.19.11 Other Acts Prohibited

Any person who commits any other acts or omissions prohibited by this Ordinance or regulations adopted hereunder, but whose penalty has not been specifically described in this chapter as a violation, has committed a civil violation subject to:

First Violation: Fined \$250 - \$500, Jail None, Hunting rights Suspension/Revocation (Deferred and Community Service)

Second Violation: Fined \$500 - \$750, Jail None, Hunting rights Suspension/Revocation (Community Service and Suspended for 1 year)

Third Violation: Fined \$750 - \$1,500, Jail None, Hunting rights suspended for 2 year (mandatory)

This may include, but not be limited to; fishing or shellfish harvesting that is not in compliance with established Commission regulations.

See also, Shoalwater Bay Code, 4.2.010 non-members of the Tribe may be excluded for "entry onto any Tribal land for the purpose of hunting, fishing, trapping, timber cutting, driftwood collecting, without a valid Tribal permit" [4.2.010(d)]; or for [a]ny activity involving the taking of or damage to the property or natural resources of the Tribe..." [4.2.010(c)]

24A-20-00: PENALTY SCHEDULE

24A.20.01 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 Ordinance. 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.

24A.20.02 Penalty Distribution

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

24A-21-00: SEVERABILITY, SOVEREIGN IMMUNITY, AND CAPTIONS

24A.21.01 Severability

Should any word, section, clause, paragraph, sentence, or provision of this Ordinance 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 Ordinance which can be given effect without said invalid parts.

24A.21.02 Sovereign Immunity Preserved

Nothing in this Ordinance 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.

24A.21.03 Captions

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

*Fish & Wildlife 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.



SHOALWATER BAY INDIAN TRIBE

P.O. Box 130 • Tokeland, Washington 98590
Telephone (360) 267-6766 • FAX (360) 267-6778

SHOALWATER BAY INDIAN TRIBE RESOLUTION #05-13-16-16

RE: TITLE 24A - WILDLIFE [Hunting] ORDINANCE ADOPTED (See Attached).

WHEREAS, The Shoalwater Bay Indian Tribe is a Federally Recognized Tribe headquartered on the Shoalwater Bay Indian Reservation in the State of Washington; and

WHEREAS, The Shoalwater Bay Tribal Council is the governing body of the Shoalwater Bay Indian Tribe in accordance to the Tribe's Constitution and By-Laws; and

WHEREAS, The Shoalwater Bay Tribal Council, pursuant to Article VI, Section 1 (f) of the Tribe's Constitution, has the authority to enact ordinances and laws governing the conduct of all persons and defining offenses against the Tribe; maintain order and protect the safety and welfare of all persons within the Tribe's jurisdiction; and pass any ordinances or laws necessary to govern the administration of justice and the enforcement of all laws, ordinances and regulations; and

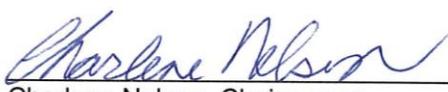
WHEREAS, The Shoalwater Bay Tribal Council has the authority, pursuant to Article VI, Section 1 (o) to develop, manage, protect and regulate the use of water, fish, animals, wildlife, minerals, timber and all other natural resources within the Tribe's jurisdiction; and

WHEREAS, The Shoalwater Bay Tribal Council has authority, pursuant to Article VI, Section 1 (w) to enact ordinances governing persons, property, lands, water, air space and resources within the Tribe's jurisdiction to the extent necessary to implement and protect those rights and powers reserved by the Tribe by treaty and the authority granted to the Tribe by the Constitution and laws of the U.S.; and

NOW THEREFORE BE IT RESOLVED the Shoalwater Bay Tribal Council has held a Public Hearing on March 24, 2016 pursuant to Article VI, Section 2, and hereby adopts **Title 24A WILDLIFE Ordinance with Map**, which may be amended as needed.

CERTIFICATION

This Ordinance was adopted at a regular Tribal Council meeting held May 13, 2016 at which a quorum was present 3 FOR 2 AGAINST 0 ABSTAINED.


Charlene Nelson, Chairperson
Shoalwater Bay Tribal Council


Lynn Clark, Secretary
Shoalwater Bay Tribal Council

APPENDIX A

-HUNTING SEASONS- *Subject to Change*

Hunting Season	*Black Tail Deer/Elk
Archery, Muzzleloader, Modern Firearm/Crossbow	August 1 – January 31

See 24A-11-00: BIG GAME LIMIT AND SEASON

Shoalwater Bay Fish & Wildlife Hunting Application

Shoalwater Bay Fish & Wildlife Commission
PO Box 130
Tokeland, WA 98590

fishandwildlifecommission@shoalwaterbay-nsn.gov

[Incomplete application will not be accepted. False information provided by applicant at any time will delay the process for approval of a permit or be denied for one (1) year. (Fish & Wildlife Title 24 Section 5b)]

Name: _____ Sho #: _____ Date: _____

Physical Address: _____

Mailing Address: _____

Home Phone: _____ Mobile Phone: _____ Work Phone: _____

Birthdate: _____ E-Mail: _____

Applicants Signature: _____ Minors AA Signature: _____

Type of Permit (please check one on both lines)

Deer Elk Bear Shellfish Fowl Fish Plants Other: _____

Standard Minor + Hunters Safety (provide copy) Disabled Designated Ceremonial Cultural

Description of gear to be used in the hunting, fishing, or gathering: _____

Please attach all to application: Copy Tribal Membership Card
 Copy Hunters Safety course card
 Copy of background check

Received Copy Title 24 (please check)

Read & Understood Title 24 & will abide by the Regulations (please check)

Received Copy of map (map changes depending on permit type) (please check)

Commissioner Signature _____ Date: _____

Approved Denied

Reason for Denial: _____



SHOALWATER BAY INDIAN TRIBE

PO Box 130
Tokeland, WA 98590
(360) 267-6766

fishandwildlifecommission@shoalwaterbay-nsn.gov

CRIMINAL BACKGROUND CHECK REQUEST FORM

(\$10.00 Fee applies for each Applicant)

Applicants Name: _____

Alias / Married Names: _____

Date of Birth: _____ Sex: _____ Race: _____

Social security Number: _____

Driver's License Number: _____ State issued: _____

I hereby submit this information for the purposes of:

Employment

Fireworks License

Hunting Permit

And understand the request is being made pursuant to Shoalwater Bay Employment and or Firework stand operation and or Hunting Permit Request. I grant the Shoalwater Bay Indian Tribe permission to conduct a background check on myself using the information submitted above. I certify the above information to be accurate.

Applicants Signature: _____ Date: _____

Please place in sealed envelope for Shoalwater Bay Police Dept.

