

**SQUAXIN ISLAND TRIBE
2016-2017 ANNUAL HUNTING REGULATIONS**

BIG GAME AND MIGRATORY BIRD/UPLAND

This annual regulation regulates the hunting activities of those hunting under authority of the Squaxin Island Tribe and extends to all open and unclaimed lands, consistent with the reserved hunting and gathering rights of the Treaty of Medicine Creek, 10 Stat. 1132, and, on claimed lands by agreement with the affected parties, pursuant to the Squaxin Island Tribe's Natural Resource Management Code ("the Code").

The purpose of this annual regulation is to implement various tribal-state and tribal-county agreements, ensure effective management, maximize enforcement capability, hunter safety, minimize conflict, and provide meaningful access and opportunity to treaty resources. This regulation and its contents are not premised upon conservation or perpetuation of the hunting resource. To the extent that *United States v. Williams*, 898 F.2d 727 (9th Cir. 1990) or *State v. McCormack*, 117 Wn.2d 141, 812 P.2d 483 (1991), hold that these tribal regulations were promulgated for conservation purposes, the Squaxin Island Tribe specifically rebuts that presumption.

The requirements and prohibitions included in this Regulation are in addition to those included in the Code. Where there is a specific conflict between the provisions of the Code and this Regulation, this Regulation shall control. However, no conflict shall exist where the Code includes provisions in addition to or more extensive than those included in this Regulation.

The Tribe authorizes hunting on all open and unclaimed lands within the state of Washington. The Tribe opens various the Game Management Units (GMUs) by in-season regulation. GMUs are used solely for convenience and the ease of sharing management data with the state.

The Washington Department of Fish and Wildlife (WDFW) asserts that the Medicine Creek Treaty tribes can exercise its hunting right only within its ceded area, and any additional areas demonstrated to it to be traditional use areas. *State v. Buchanan*, 138 Wn.2d 186, 978 P.2d 1070 (1999).

Generally stated, the cession line in WAC 232-12-253 (the "Bjorgen-Uebelacher line") (Exhibit A) defines the extent of hunting to the east and to the south. Thus, only that portion of the GMU inside the Bjorgen-Uebelacher line will be opened by in-season regulation.

In addition, WDFW asserts that the Squaxin Island Tribe cannot exercise its hunting right on private lands that are fenced or signed and threatens enforcement action against members hunting on private lands. WDFW has taken enforcement actions against members on private lands.

Until the differences with the WDFW are satisfactorily resolved, all private lands, with the exception of those specifically described in these regulations, are closed. Hunting on private lands or using private lands to access hunting on public lands, other than those specifically described in these regulations, is prohibited.

In 2015 Squaxin Island Tribe and WDFW signed a co-management agreement.

PRIVATE LAND OPEN BY WRITTEN PERMISSION

On October 16, 2015 Squaxin Island Tribe entered a written agreement with Green Diamond Resources to access Green Diamond Resources land in “Kennedy Creek Area”. On January 26, 2016 Squaxin Island Tribe signed a written agreement to access Green Diamond Resources land in the “Elson Road Area” following Washington State extended Buck season in November through the end of Squaxin Island Tribe big game season February 28th.

A. Kennedy Creek private lands:

1. LANDS OPEN: See Map, Exhibit B
2. DATES OPEN: The agreement with Green Diamond permits year round access. For specific species open dates, see Squaxin Island Tribe species specific regulations.
3. REGULATIONS: All applicable Squaxin Island Tribe hunting regulations and code provisions. All applicable requirements of the Squaxin Island Tribe/WDFW co-management agreement.
4. QUESTIONS: Contact Joe Peters, jcpeters@squaxin.us

B. Elson Road

1. LANDS OPEN: See Map, Exhibit C
2. DATES OPEN: Close of Washington State extended buck season in November through the end of Squaxin Island Tribe big game season, February 28.
3. REGULATIONS: All applicable Squaxin Island Tribe hunting regulations and code provisions. All applicable requirements of the Squaxin Island Tribe/WDFW co-management agreement.
4. QUESTIONS: Contact Joe Peters, jcpeters@squaxin.us

MANAGEMENT SEASONS BY SPECIES:

Migratory Birds:	September 1, 2016 – January 15, 2017 Ducks, Coot, Common Snipe, Geese, Bryant & Band-tailed Pigeon
Birds:	August 1, 2016 – December 31, 2016 Grouse, Quail & Pheasant
Turkey:	April 1, 2017– May 31, 2017
Big Game:	August 1, 2016– February 28, 2017 Elk, Deer & Mt. Goat
Small Game:	August 1, 2016 – July 31, 2017 Black Bear, Bobcat, Cougar & Coyote:

DAY/TIMES: Seven days a week. Daily times: 30 minutes before sunrise until 30 minutes after sunset.

DESIGNATED HUNTERS: Designated hunters are not allowed for: elk, deer, black bear, bobcat, coyote, cougar and/or mountain goat.

METHOD OF HUNTING: Unless modified in the authorization for a predator hunt, black bear, bobcat, coyote, and/or cougar may be hunted using bait and/or dogs; provided however that from May 15 through July 15, dogs are not permitted.

PERMITS: Squaxin Island Tribal hunters must obtain a tribal hunting tag from the Tribal Natural Resources Departments, and shall carry such hunting tag together with their treaty enrollment and/or treaty hunting activities card. Tags must be filled out and securely attached to the animal before transporting. A hunter shall not be issued a tag for the 2016-2017 hunting season until the 2015/2016 harvest reports and/or tags have been returned.

NOTICE: It is unlawful under tribal law to:

1. Hunt on private lands, including agricultural, timber and open fields.
2. Remove, possess or damage any printed material (a sign for example) placed by authority of the Tribal Governments and/or the Washington State Wildlife Department or Commission; or
3. Place or leave litter on any land not owned by the hunter; or
4. Hunt while under the influence of any alcoholic beverages or a controlled substance; or
5. Transport any loaded firearms in their vehicles; or
6. Shoot at anything at or on an utility line or pole, it's cross-arm or insulator; or
7. Shoot a firearm within 1000 feet of dwelling or populated area; or
8. Shoot any firearm across, from or along the maintained part of any public highway.

FIREARMS: It is unlawful under this hunting regulation to use or possess any firearms while hunting unless described below:

1. Rifles: Big game except cougar must be hunted with a minimum of 24 caliber (6mm) center-fire rifle. Cougar may be hunted with 22 caliber center-fire rifle. Rim-fire rifles are not legal for big game.
2. Handguns: Big game, except cougar, may be hunted with handguns with a minimum barrel length of 4 inches per manufacturer's specification, and fire a minimum 24 caliber center-fire cartridge. Cougar may be hunted with 22 caliber center-fire rifle. Rim-fire rifles are not legal for big game.

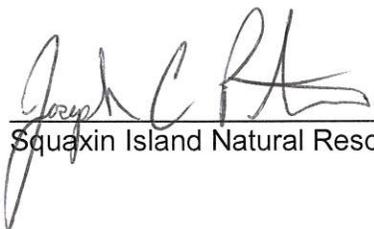
3. Shotguns: Deer, bear, and cougar may be hunted with 20 gauge to 10 gauge shotguns shooting slugs or #1 or larger buckshot. Other big game may be hunted with a 10 or 12 gauge shotgun using slugs. Hunters must use #4 shot or smaller (e.g. #6 shot is legal) to hunt turkey.
4. Archery. A bow that possesses less than 40 lbs. of pull – as measured at 28 inches or less, the arrow shall have a broad head tip that is no less than 7/8 inches wide. The broad head must be un-barbed and completely closed at the back-ends of the blade or blades by a smooth, unbroken surface – starting a maximum blade width, and forming a smooth line toward the feather end of the shaft; and such line shall not angle toward the point of the blade.
5. Muzzleloaders.
 - a. A muzzleloader is loaded from the muzzle and uses black powder or a black powder substitute as recommended by the manufacturer for use in muzzle-loading firearms. Has a single or double barrel of at least 20 inches, rifled or smoothbore. 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.
 - b. A muzzle-loading firearm used for deer must fire a single, non-jacketed lead projectile of nominal 40 caliber or larger except that buckshot size #1 or larger, may be used in a smoothbore of 60 caliber or larger.
 - c. A muzzle-loading firearm used for all other big game must fire a single, non-jacketed lead projectile of nominal 50 caliber or larger, or at least 170 grains.
 - d. Muzzleloader hunters may lawfully hunt game birds with a muzzleloader shotgun.
 - e. Only one barrel of a double barrel muzzleloader may be charged with a load at any one time while hunting in a muzzle-loading season. Muzzleloaders hunting in a firearm restriction area, outside of a muzzleloader season, may have both barrels charged.
6. In-line Muzzleloader: In-line muzzleloaders are legal only if ignition uses original style percussion caps that fit on the nipple and are exposed to the elements.

Violations of this regulation shall be subject to penalties no less than those provided in the Squaxin Island Hunting Code. In the absence of a penalty, the violation shall be deemed a Class C violation.

MODIFICATION: This regulation may be modified by the Squaxin Island Tribe in-season for conservation and/or management purposes. These modifications will take the form of an in-season or emergency regulation and will be filed with the appropriate agencies and affected parties at least 24 hours prior to any enacted change.



 Squaxin Island Tribal Council



 Squaxin Island Natural Resources Department

Exhibit A

Southern and Eastern Cession Boundary. The lands are bounded on the south and east as follows:

“...to the summit of the Cascade Mountains; thence southerly, along the summit of said range, to a point opposite the main source of the Skookum Chuck Creek; thence to and down said creek, ...” Article 1 Treaty of 1854 interpreted as follows:

1) From the main stem of the Skookumchuck River up a drainage divide to the central point of the drainage divide between Skookumchuck and the North Fork of the Tilton River (el. 3568). From this point south along the drainage divide to the point where Skookumchuck, Newaukum, and the North Fork of the Tilton rivers meet just north of Newaukum Lake; then southerly along the drainage divide to Rooster Rock (el. 3587); then along the top of Bremer Mountain to the confluence of the North Fork of the Tilton River with the Tilton River.

1-A) From the confluence of the North Fork of the Tilton River with the Tilton River south to the top of Peak (el. 2960). This call includes all the waters upstream of this confluence within the boundary of the Medicine Creek Treaty.

1-B) Then south along the drainage divide between the Cowlitz and the Tilton rivers and along the summit of the ridge known as Cotteral Rock and staying on the drainage divide to encompass all of Sand Creek. This point is exactly where the north line of TN 11 intersects the east line of Range 4.

1-C) From this point the boundary proceeds across the valley and up the northern drainage boundary of Landers Creek to Vanson Peak (el. 4935).

1-D) Vanson Peak lies on the drainage divide between the Cowlitz and the Green rivers and this divide forms the Medicine Creek boundary southerly along the eastern shore of Deadman Lake and the summit of Goat Mountain; then dropping through the pass along the drainage divide at Ryan Lake.

1-E) From Ryan Lake along the drainage divide between the Cispus and Green rivers, and Clearwater Creek of the Lewis River through point opposite; then along the drainage divide between the Cispus and Lewis river basins to Badger Peak.

1-F) From Badger Peak along the Cispus-Lewis drainage divide to the unnamed peak (el. 5295) located north of Dark Mountain at the divide between McKoy and Dark creeks in the Cispus River basin, and the headwaters of Quartz Creek (French Creek) in the Lewis River Basin.

1-G) From this unnamed peak (el. 5295) along the drainage divide between McKoy Creek and Dark Creek to Sunrise Peak.

1-H) From Sunrise Peak along the drainage divide to the top of Spud Hill. Down and across the Cispus River and up the face of Blue Lake Ridge to the drainage divide between Mouse Creek and Blue Lake tributaries; then along the divide between Timonium Creek and Cut Creek to Hamilton Buttes.

1-I) From Hamilton Buttes to Elk Peak along the drainage divide of the North Fork of the Cispus River from the Cispus River.

1-J) From Elk Peak the boundary continues along the drainage divide of the North Fork of the Cispus River from the Cispus River; then along the drainage divide of Johnson Creek and the Cispus River passing through Buckhorn Camp (el. 6240) and honoring the drainage divide between the Cowlitz River and the Cispus River basins to the summit of Old Snowy Mountain on the Cascade Crest.

1-K) From Old Snowy Mountain north along the Crest of the Cascades along the drainage divide of the Cowlitz River and the Yakima River basins to Naches Peak.

1-L) From Naches Peak west through Chinook Pass along the drainage divide of the Cowlitz River and the White River basins to the summit of Mount Rainier. Through Chinook Pass north of Tipsoo Lake; then along the drainage divide proximate to Cayuse pass and Sheepskull Gap; then along the divide to Governors Ridge and south to Barrier Peak; then west to the logical intersection with the Cowlitz Chimneys; then along the drainage divide on the top of the headwall of the Sarvant Glacier; then along the drainage divide to Little Tahoma; then west up the logical drainage divide to the summit of Mount Rainier.

Exhibit B: Kennedy Creek Green Diamond Permission Area

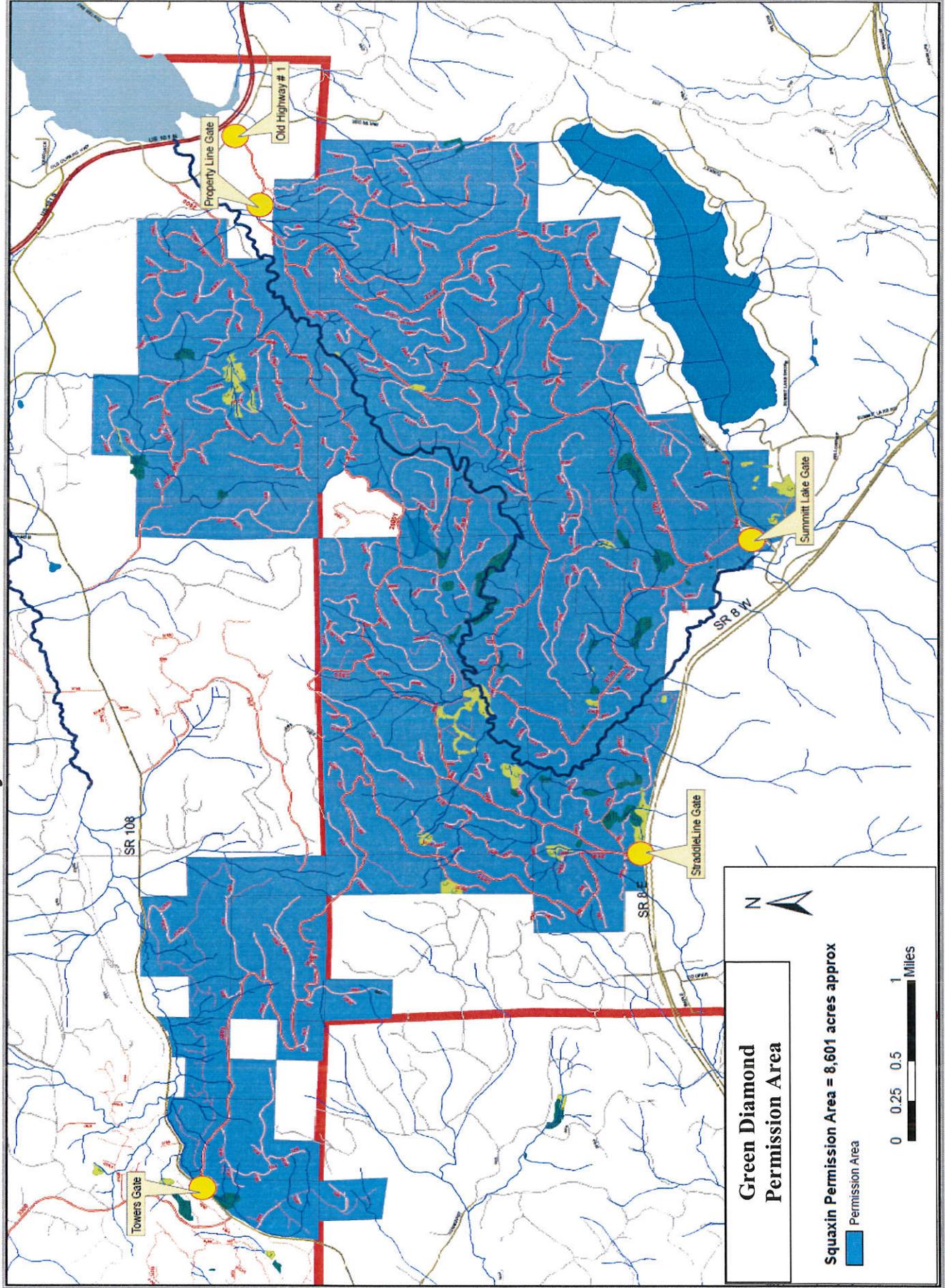


Exhibit C: Green Diamond Permission Area

Elson Road Green Diamond Permission Area

