



## SQUAXIN ISLAND TRIBE

WEST 81 HIGHWAY 108  
SHELTON, WASHINGTON 98584  
(206) 426-9781

RESOLUTION NO. **86-19**  
OF THE  
SQUAXIN ISLAND TRIBAL COUNCIL

WHEREAS, the Squaxin Island Tribal Council is the Governing Body of the Squaxin Island Tribe of Indians by the authority of the Constitution and By-laws of the Squaxin Island Tribe, as approved and adopted by the General body and the Secretary of the Interior on July 8, 1965; and,

WHEREAS, the clam resources of the Squaxin Island Tribe require management, conservation and regulation for protection; and,

WHEREAS, the Squaxin Island Tribal Council has the responsibility to manage, use and protect Tribal resources and trust property, Constitution Article III §1; and,

WHEREAS, an immediate need exists to protect the clam resource,

NOW THEREFORE BE IT RESOLVED, that the Tribal Council hereby adopts the attached Shellfish Ordinance, to take effect on May 8, 1986 and to continue in effect until further notice.

### CERTIFICATION

The Squaxin Island tribal Council does hereby certify that the above Resolution was adopted at a regular meeting of the Squaxin Island Tribal Council held on this 13<sup>th</sup> day of May, 1986, at which time a quorum was present and passed a vote of 3 for, 0 against.

  
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David W. Whitener, Chairman



  
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Evelyn Allen, Vice Chairman

ATTESTED BY: David Lopeman,  
Secretary

## SHELLFISH ORDINANCE

1. **Effective Date.** This Ordinance shall take effect May 8, 1986.
2. **Territory.** This Ordinance in conjunction with the Fishing Ordinance and the Law and Order Code governs the taking of clams **on** or **off** reservation. Clams are defined as any bivalve mollusk including, but not limited to, manila or steamer, butter, horse clams, geoduck and mussels. Site reservation guidelines are **not** in effect.
3. **Tribal Members Only.** Only Tribal members may take clams except for a spouse and children when the member is present. No others may assist in any way in the taking of clams. Tribal members are prohibited from using the help of any others in the taking of clams.
4. **Shellfish Committee.** The shellfish resource of the Squaxin Island Tribe shall be monitored by an advisory body know as the Shellfish Committee, whose membership, functions, and powers shall be as follows:
  - 4.1. **Membership**
    - 4.1.1. The Shellfish Committee shall have seven members, all of whom shall be appointed by the Tribal Council, for a three-year term to begin on the first day of the calendar year. Terms will be on an alternating basis with appointments of two or three persons per year. Any member may be appointed to serve for more than one term.
    - 4.1.2. If there at any time exists a vacancy on the Shellfish Committee, the Tribal Council shall appoint a person to fill that vacancy for the remainder of the term.
    - 4.1.3. Any member may be removed from the Shellfish Committee by the Tribal Council for malfeasance in office.
    - 4.1.4. Alternates will be appointed by the Tribal Council for each of the seven positions.
  - 4.2. **Conduct of Business**
    - 4.2.1. The officers of the Shellfish Committee shall be the Chairman, whose duty it shall be to preside over the Committee meetings, the Vice-Chairman, whose duty it shall be to preside over the Committee meetings in the absence of the Chairman, and the Secretary, whose duty it shall be to keep the minutes of the Committee. These officers shall be elected from the Committee by a majority vote of all the members of the Committee, and

shall be elected within the first month of each new term. Emergency elections may be held to fill vacancies occurring at other times.

- 4.2.2. The Shellfish Committee, acting in conjunction with the Tribal Council, shall devise a schedule for regular meetings of the Shellfish Committee throughout the term. Emergency meetings may be called by the Chairman, by the Fish and Wildlife Manager, by the Chief Enforcement Officer or by the Tribal Council.
- 4.2.3. The Committee may not propose regulations, or make advisory recommendations, unless such regulation or recommendation is approved by a majority vote of a quorum of the Committee. Any four members of the Committee shall constitute a quorum. The Chairman shall not vote unless the vote is tied.

#### 4.3 Powers and Function

The powers and functions of the Shellfish Committee shall be as follows:

- 4.3.1. To gather information pertinent to the regulation, conservation, and enhancement of the shellfish resource of the Squaxin Island Tribe, and to make such information available to the Tribal Council;
- 4.3.2. To draft proposed regulations, for consideration by the Tribal Council, pertaining to the shellfish resource of the Squaxin Island Tribe;
- 4.3.3. To draft proposed emergency regulations, for consideration by the Tribal Council, pertaining to the shellfish resource of the Squaxin Island Tribe;
- 4.3.4. To act as an advisory body to the Tribal Council on matters pertinent to the regulation, conservation, and enhancement of the shellfish resource of the Squaxin Island Tribe, and to promote the wise management of the Tribal shellfish resource in consistency with the purpose of this Ordinance;
- 4.3.5. For each Committee meeting, to prepare a written summary outlining the salient proceedings of said meeting, including minority view points, and to submit this summary to the Tribal Council within five (5) days after such meeting; and

- 4.3.6. To exercise such other powers and to perform such other functions, as may be delegated to the Committee by the Tribal Council in consistency with the purpose of this Ordinance.
5. Subsistence. Each Tribal member may take and/or possess for subsistence purposes, no more than one five-gallon bucket, or about 40 pounds, of clams when on or off the reservation.
6. Commercial. Commercial clamming is prohibited except pursuant to this section.
- 6.1. Permit Issuance. Any Tribal member wishing to dig clams commercially needs to apply for a permit at the Natural Resources Department. Each digger will pay a permit fee that will be set by the Shellfish Committee and approved by the Tribal Council.
- The Natural Resources Department shall have the discretion to issue permits if it finds that the proposed activity is in the best interests of the Tribe's shellfish resource. A permit shall be for a specified time period, and may restrict the holder to certain areas.
- 6.2. Techniques. No mechanized equipment shall be used, and one set of gear will be allowed for each permit. Other requirements may be set by the Department at its discretion, and these shall be set out in the permit. Gear is defined as clam forks or clam rakes that are hand held and operated.
- 6.3. Permits to be Filed and Carried. A copy of each permit shall be filed by the holder with the Law Enforcement Department. The permit holder shall always have a copy of the permit on his/her person while clamming.
- 6.4. Tax. A tax of 4% on the gross receipts of all sales is hereby levied, and shall be paid to the fish tax fund of the Tribe at least monthly.
- 6.5. Catch Reporting. The holder of a permit is responsible for having all sales properly recorded on Washington Department of Fisheries Treaty Indian Fish Receiving Tickets.
- 6.6. Non-compliance. Non-compliance with any part of this section shall be a violation of this Ordinance.
- 6.7. Definition of Commercial Clamming. A person is clamming commercially if he/she has in his/her possession or takes more than 40 pounds of clams, or sells or offers for sale clams taken.

7. Penalties.

7.1. Confiscation. Violation of any term of this Ordinance shall result in the confiscation of all clams in possession of the violator. Confiscated clams will be sold, and the proceeds turned over to the general fund of the Tribe.

7.2. Violations. In addition to confiscation, violations of any part of Section 5, including failure to follow the terms of a permit; that part of Section 3 prohibiting Tribal members from using others to help them clam; or Section 6, shall subject the violator upon conviction in civil trial in Tribal Court to civil penalties of:

7.2.1. For the first conviction, by a fine of **FIVE HUNDRED and no/100 (\$500.00) DOLLARS.**

7.2.2. For the second conviction, by a fine of **FIVE HUNDRED and no/100 (\$500.00) DOLLARS** and loss of shellfish privileges for one (1) calendar year from the date of conviction.

7.2.3. For the third or subsequent conviction, by a fine of **FIVE HUNDRED and no/100 (\$500.00) DOLLARS** and loss of shellfish privileges for two (2) calendar years from the date of conviction.

8. The Shellfish Ordinance is an addendum to the Squaxin Island Fishing Ordinance. The Fishing Ordinance, when not superseded or modified by this Shellfish Ordinance, is intended to govern treaty shellfish activities.

9. In conjunction with the Fishing and Shellfish Ordinances, the Squaxin Island Law and Order Code will govern the activities of Tribal members exercising treaty shellfish activities.