

RESOLUTION NO: 87-48

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 Squaxin Island Tribe manages reservation and Tribally owned terrestrial and aquatic lands and the associated waters in a manner intended to balance benefits to all Tribal members, including renewable resource production, environmental protection, and revenue production; and

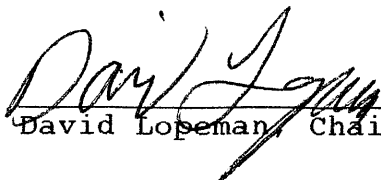
Whereas; aquaculture has demonstrated its economic viability as a beneficial renewable resource activity; and

Whereas; the regulations and ordinances as advanced by the Aquaculture Committee and reviewed by the Squaxin Island Tribal Council are composed with the intent to regulate private investment aquaculture in a manner beneficial to management of all Tribal resources and beneficial to all Tribal members;


It is hereby resolved that: the Squaxin Island Tribe endorses and ratifies the 1987 Aquaculture Regulations and Ordinances as proposed by the Aquaculture Committee.

CERTIFICATION

The Squaxin Island Tribal Council does hereby certify that the foregoing resolution was adopted at a regular meeting of the Squaxin Island Tribal Council, held on this 20th day of August, 1987, at which time a quorum was present and was passed by a vote of 3 for, and 0 against and 0 abstentions.


David Lopeman, Chairman

Attested by:


Jim Peters, Secretary


Evie Allen, Vice Chairperson



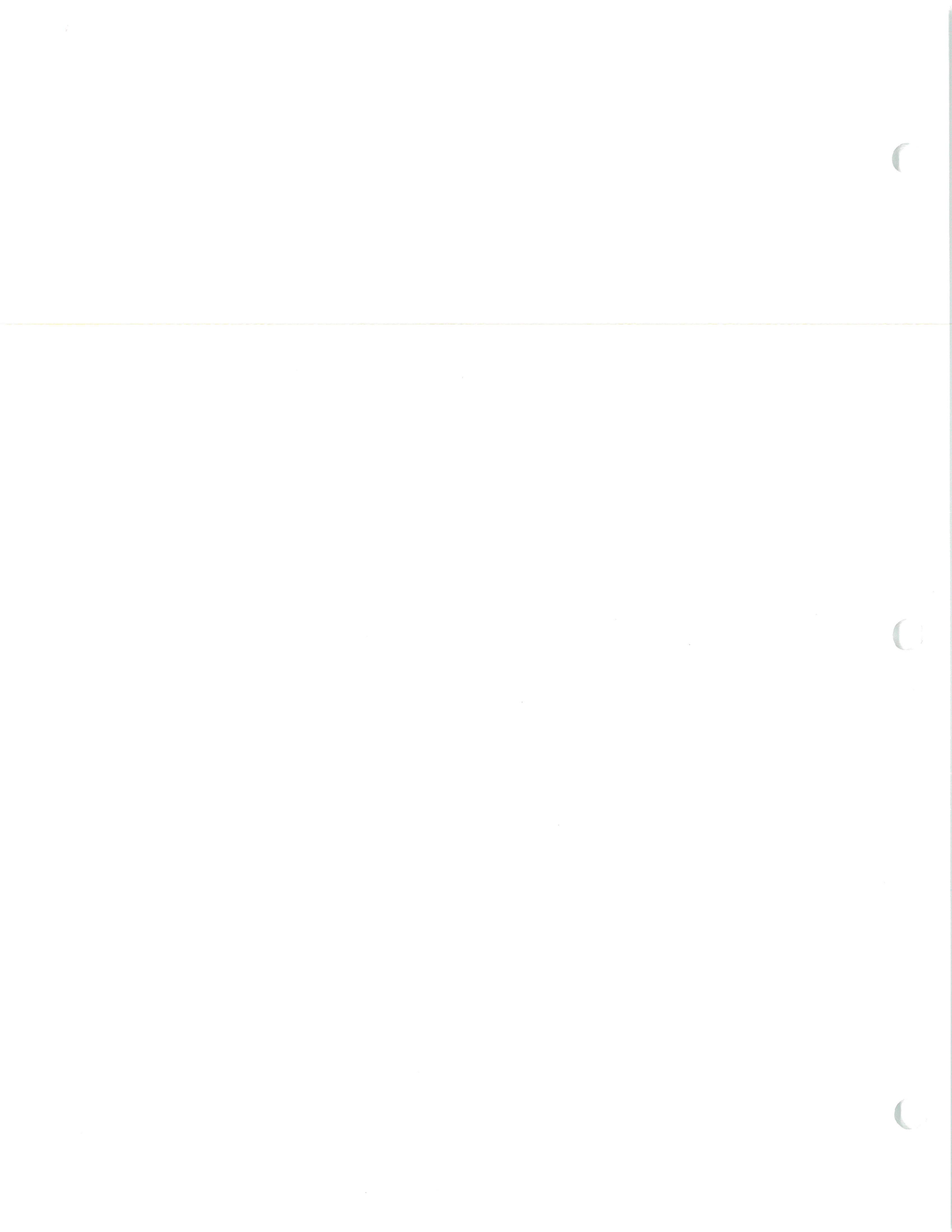
1988
COMMERCIAL AQUACULTURE REGULATIONS OF THE
SQUAXIN ISLAND TRIBE

ANNUAL REGULATION NO. 88-A1

PREFACE

The regulation governing the commercial aquaculture activities of the Squaxin Island Tribe, herein referred to as the Tribe is issued pursuant to the Aquaculture Ordinance of the Squaxin Island Tribe.

This regulation supercedes all previous aquaculture regulations issued by the Tribe and is promulgated solely for regulation of the **1988 Commercial Aquaculture Farming.**



SECTION I: Emergency Regulations

The Tribe reserves the right to modify the Annual Regulations by issuance of Emergency Regulations.

The **official** Emergency Regulations will be posted at the Squaxin Island Tribal Center. Emergency Regulations become effective one (1) day after posting. These posted official Emergency Regulations will contain all modifications from the Annual Regulations. Any detail not reported in the official Emergency Regulations will fall under the jurisdiction described and be within the Annual Regulations.

It is the Tribal member's responsibility to be informed of the official Emergency Regulations' content, which is posted at the Squaxin Island Tribal Center. Tribal Fisheries assumes no responsibility for infractions incurred by aquaculturists uninformed of Emergency Regulations.

SECTION II: Responsibilities of Tribal Aquaculturists

Before any enrolled member of the Squaxin Island Tribe shall be authorized to participate in aquaculture farming, the requirements stated herein must be met. Any farmer failing to meet the requirements and responsibilities outlined in this section shall be considered in violation of this regulation and subject to citation pursuant to the Squaxin Island Aquaculture Ordinance.

A. **Squaxin Island Tribe Hunting and Fishing Identification**

Prior to participating in any farming, Tribal aquaculturists must obtain a Squaxin Island Tribe identification card.

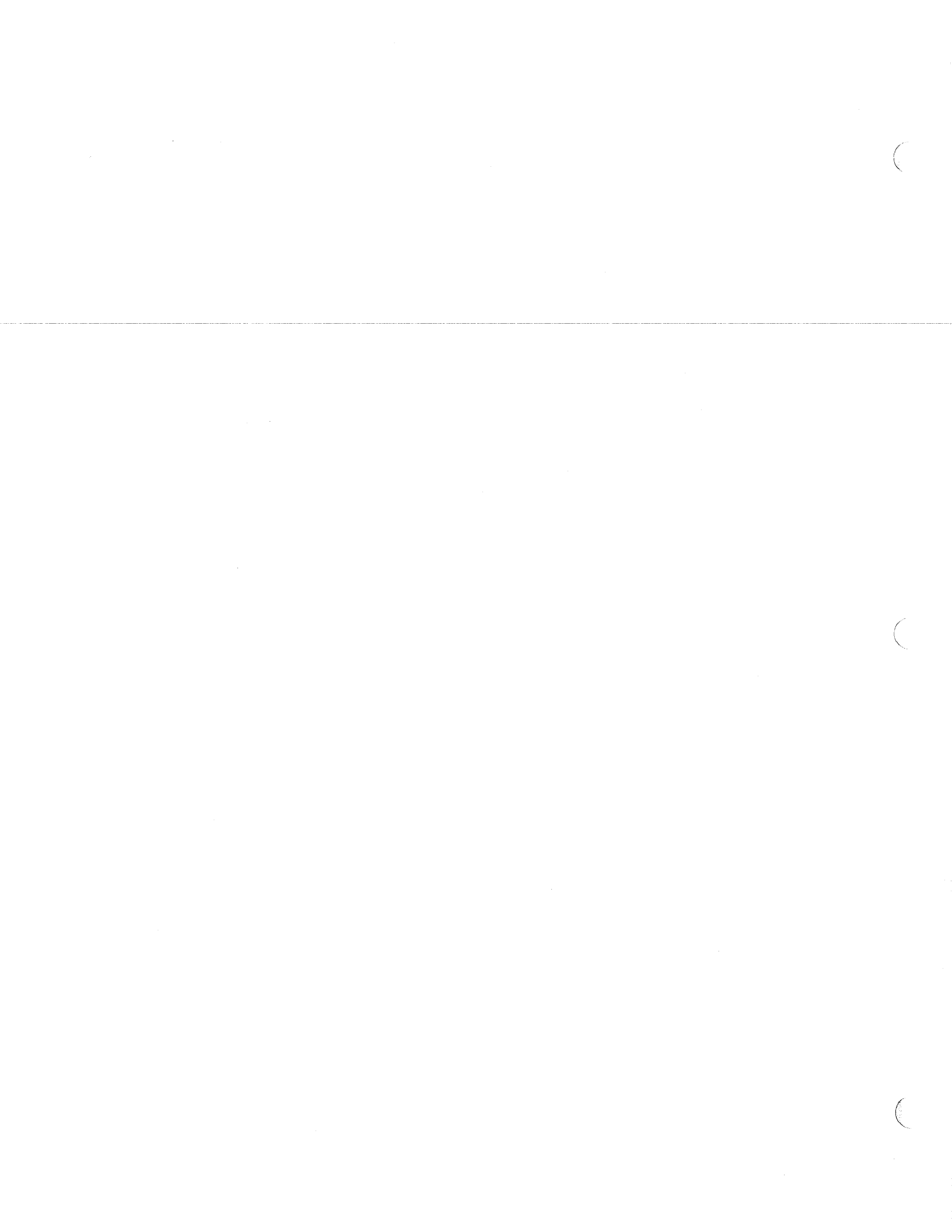
This card must be carried by an aquaculturist any time he is farming under Squaxin Island regulations and presented upon request to any authorized enforcement officer.

ANY MEMBER LOSING THEIR CARD will be responsible for its use until the loss is reported. The report must be made in person, or by phone, or in writing to the Fish and Wildlife Manager, Administrative Assistant, or Law Enforcement **IMMEDIATELY**.

B. **Spouse Identification Card**

A Squaxin Island Tribe spouse identification card will be issued to the spouse of a Tribal member for a fee of \$10.00. This card will allow the spouse of a Tribal member to accompany the Tribal member while exercising his or her farming rights.

Tribal members farming with their spouse will be responsible for his or her spouse's actions.



Prior to issuance of a spouse card, all non-Tribal spouses must agree in writing to abide by Tribal regulations and submit to Tribal jurisdiction. In the event that a non-Tribal spouse is cited and found guilty or fails to appear in Tribal Court, that individual will immediately lose all spouse privileges. Further, Tribal members will be held responsible for the activities of their spouse.

Any spouse losing their card will be responsible for its use until the loss is reported. The reports must be made in person, by phone, or in writing to the Fish and Wildlife Manager, Administrative Assistant, or Law Enforcement **IMMEDIATELY**.

C. Fish Tax

A four percent (4%) tax will be imposed upon all fish sold. This tax may **not** be deducted at time of sale by the fish buyer. It is the farmer's responsibility to forward 4% of the gross sale to the Tribal Accounting Department.

If payment for fish taxes owed is not received by the within thirty (30) days, the farmer is liable to be cited into Tribal Court and farming privileges will be revoked until the balance is paid.

Failure to pay the Tribal tax or delinquent loans will result in curtailment of farming rights until such time that payment has been made in full.

It is the responsibility of each aquaculturist to insure that their receipts are completely and accurately filled out by the buyer.

D. Net-pen Marking Requirements

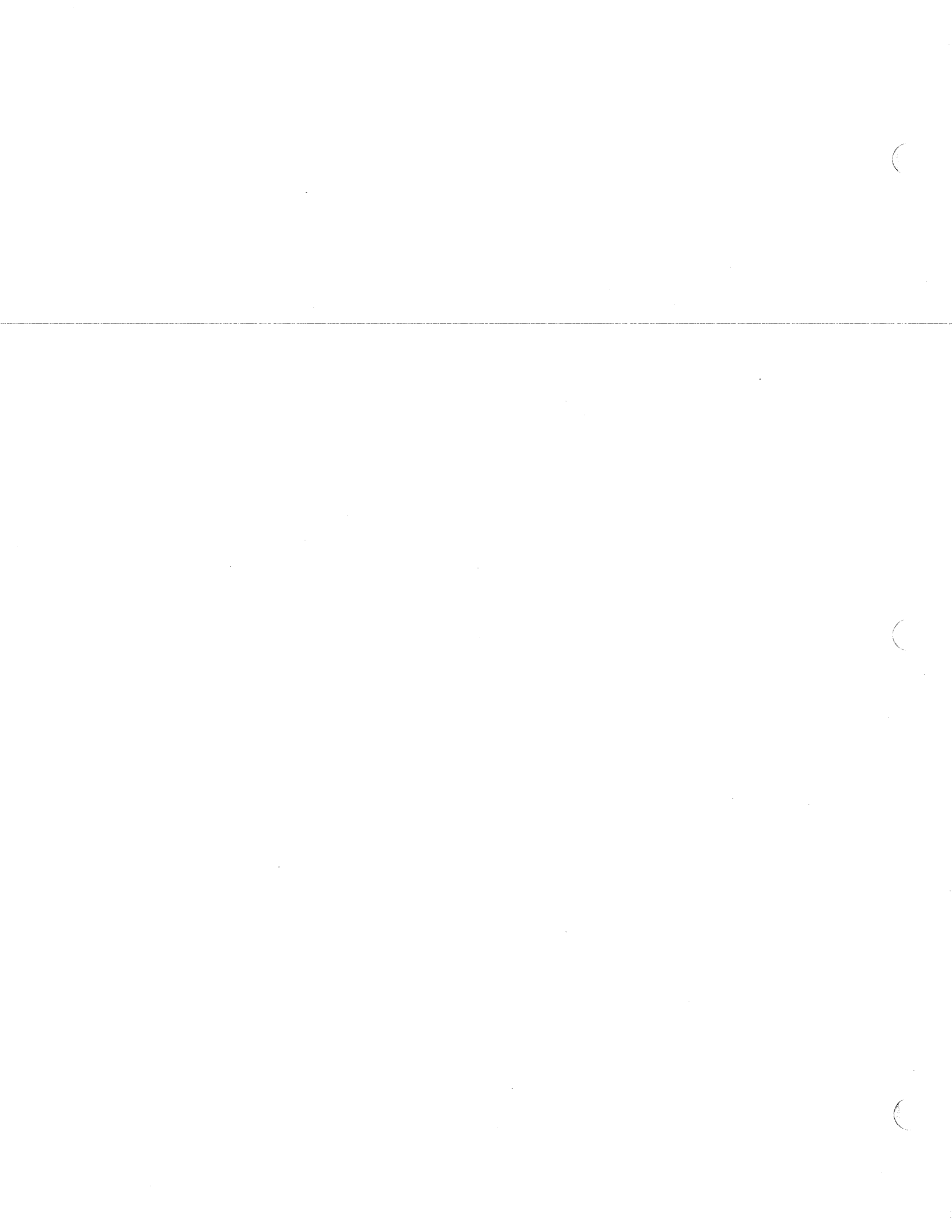
All gear must be marked with four (4) floating buoys, at least three (3) feet in diameter, off each corner of each net-pen complex.

E. Net Lighting

All nets shall be marked with one Coast Guard approved light at each end of the net-pen complex. All lights must be clearly visible from any marine angle of approach.

F. Production

Only salmon and trout may be reared in Tribal aquaculture pens. Sources for the required eggs and smolts **must** be domestic; no foreign (outside the continental U.S.) sources for eggs or smolts may be utilized.



G. Staffing

Investors, their spouses, and enrolled Tribal members who volunteer are allowed to work at pen complexes. No wages may be paid.

H. Respect Personal Property

Farmers are to respect personal property encountered while exercising aquaculture farming rights. Any Tribal member failing to respect said property while exercising aquaculture farming rights will be subject to citation by Tribal Law Enforcement officers.

SECTION III PEN COMPLEXES

A. Organization

Each net-pen will be part of a twenty (20) pen complex. Each complex shall be organized and recognized as a single entity, subject to the following stipulations:

1. Permit Application

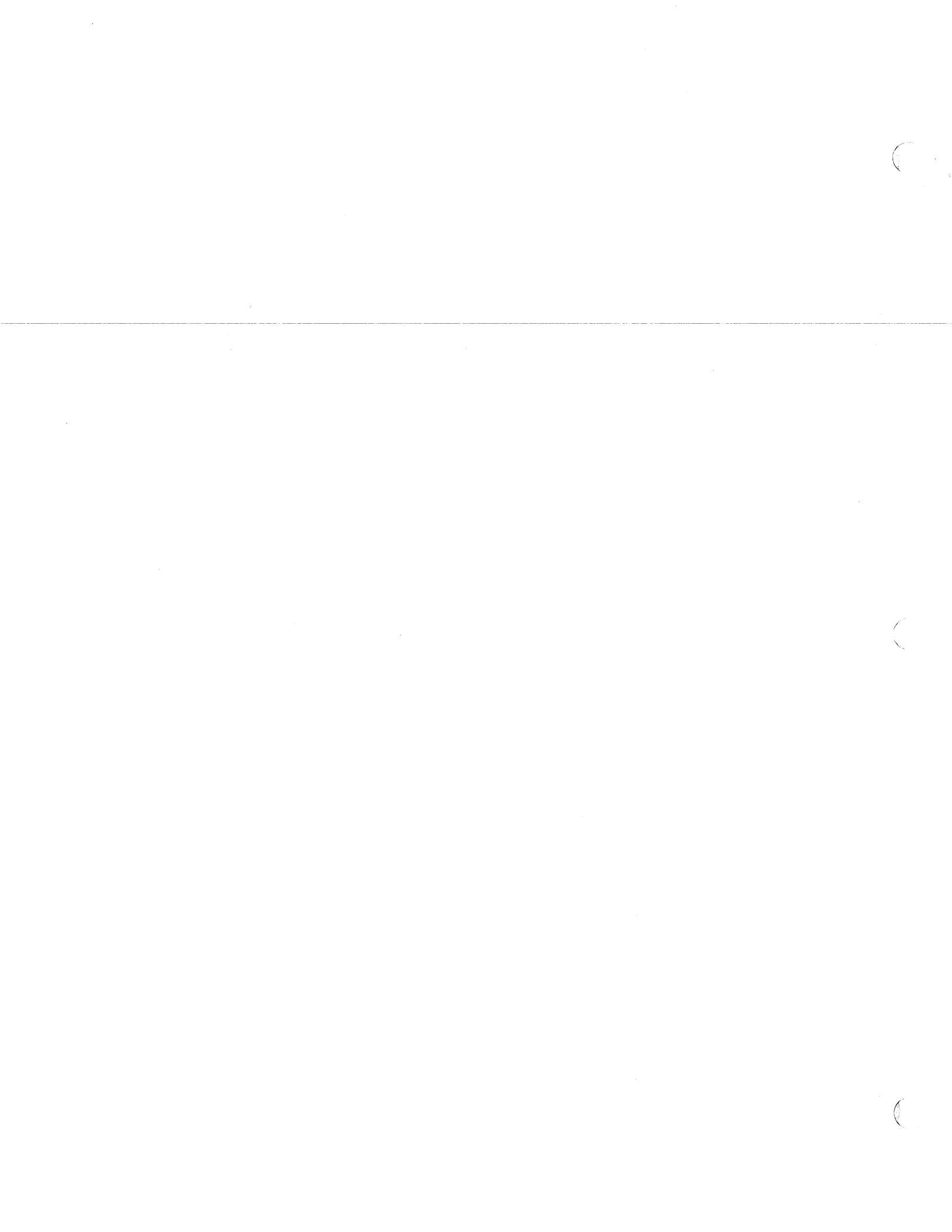
Each pen complex must request and obtain a permit allowing operation from the Squaxin Island Tribe. Pen complex permits require a payment of \$20.00 to the Squaxin Island Tribe. The Aquaculture Committee will consult the Management Biologist to determine the availability of specific sites for aquaculture operations and make recommendations to the Tribal Council. It is to be understood that the Tribal Council has the power to revoke the permit upon the recommendation of the Aquaculture Committee if the pen complex operates in violation of Tribal rules, regulations, and/or ordinances previously established.

2. Quarterly Reports

Pen complexes are required to give quarterly reports detailing their relevant business activities for the quarter. These activities include; staffing, quantities and breeds of fish stocked, price and quantity of all fish sold, and other relevant information.

SECTION III: OFFICIAL RECOGNITION

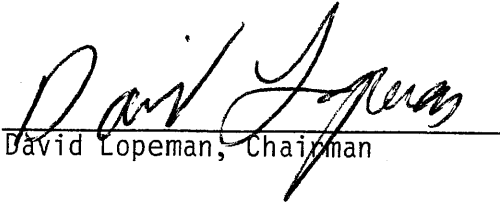
No Tribal member shall station any structure for the purpose of farming salmon within one-half (1/2) mile of Squaxin Island without prior approval from the Tribe. Structures stationed outside this one-half (1/2) mile limit will be considered non-Tribal ventures.



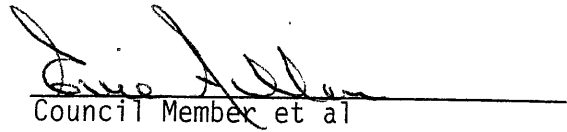
SECTION IV: SCOPE OF INDIVIDUAL OPERATIONS

Tribal members may invest in a maximum of four (4) standard (28' X 28') pens per calendar year.

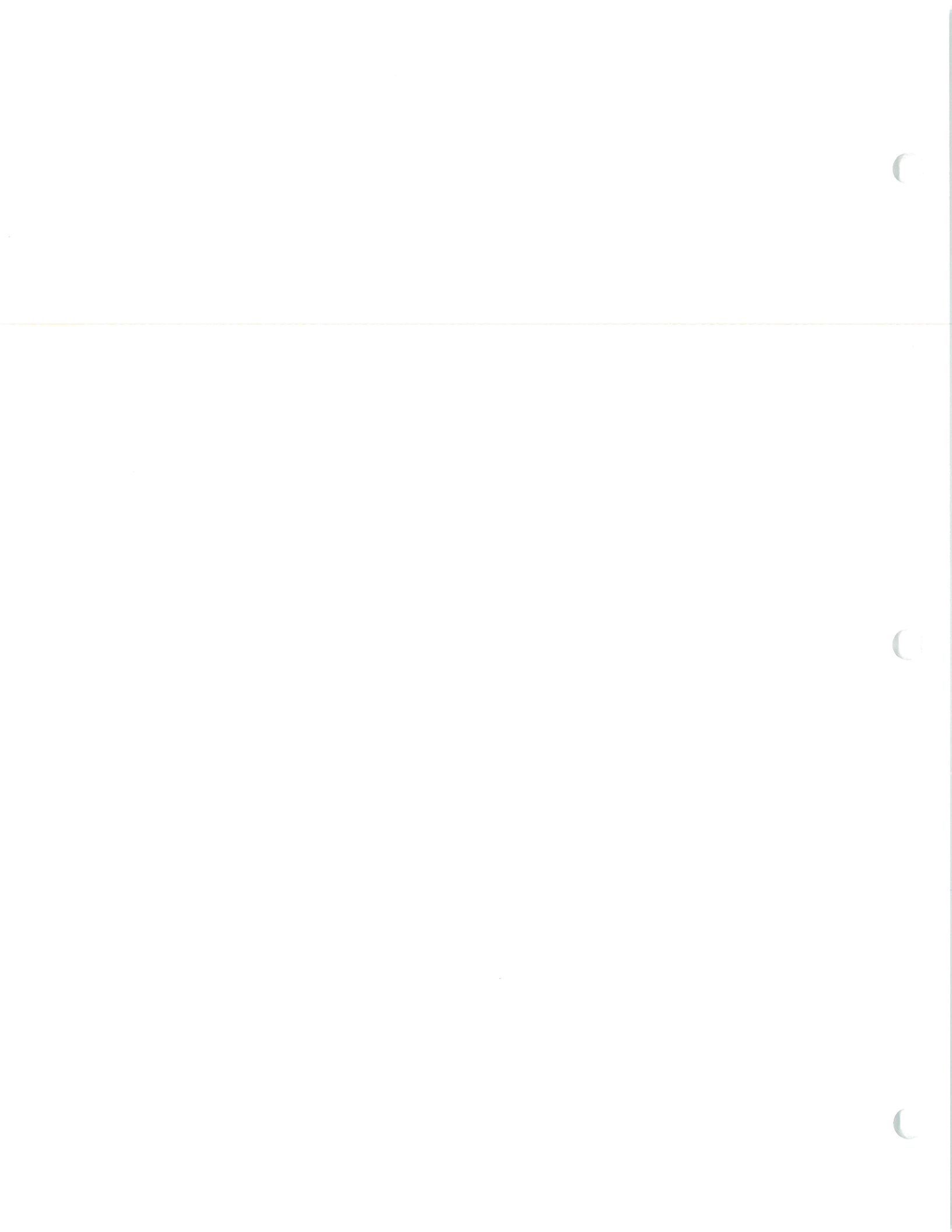
IN ACCORDANCE WITH THE SQUAXIN ISLAND AQUACULTURE ORDINANCE, THIS REGULATION IS HEREBY APPROVED.



David Lopeman, Chairman



Council Member et al



AQUACULTURE ORDINANCE

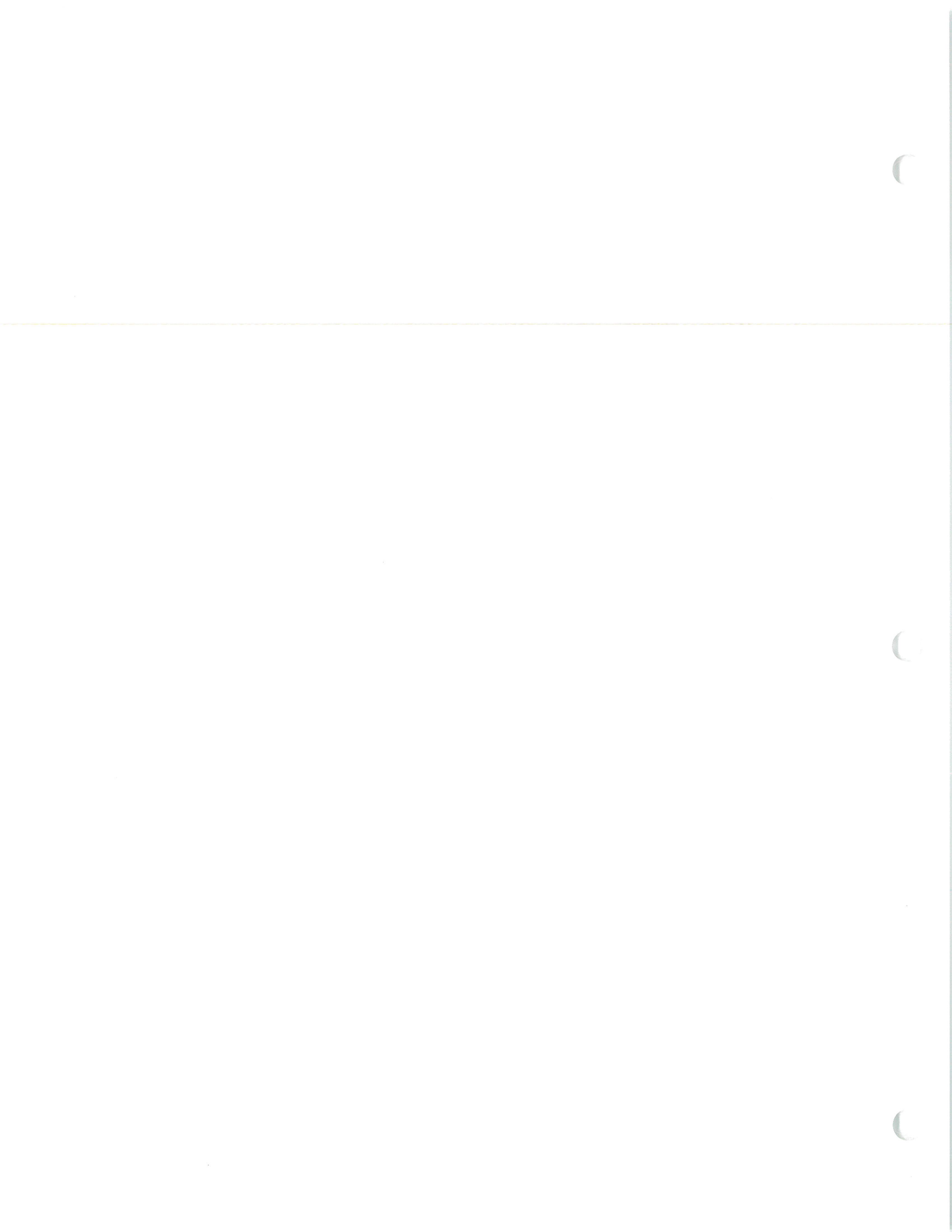
1. Effective Date. This Ordinance shall take effect January 1, 1988.
2. Territory. This Ordinance in conjunction with the Fishing Ordinance and the Law and Order Code governs the farming of finfish only. Finfish are defined for our purposes as any variety of salmon or trout.
3. Tribal Members Only. Only Tribal members 18 years of age and older may invest in the farming of finfish. No proxy investments may be made.
4. Aquaculture Committee. The finfish farming of the Squaxin Island Tribe shall be monitored by an advisory body known as the Aquaculture Committee, whose membership, functions, and powers shall be as follows:

4.1. Membership

- 4.1.1. The Aquaculture 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. Each net-pen complex board shall occupy one position on the Aquaculture Committee by default.
- 4.1.3. A minimum of four positions on the Aquaculture Committee will be occupied by current investors in the aquaculture program.
- 4.1.4. If there at any time exists a vacancy on the Aquaculture Committee, the Tribal Council shall appoint a person to fill that vacancy for the remainder of the term.
- 4.1.5. Any member may be removed from the Aquaculture Committee by the Tribal Council for malfeasance in office.
- 4.1.6. 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 Aquaculture Committee shall be the Chairman, whose duty it shall be to preside over the Committee meetings, the Vice-Chairman, whose duty it



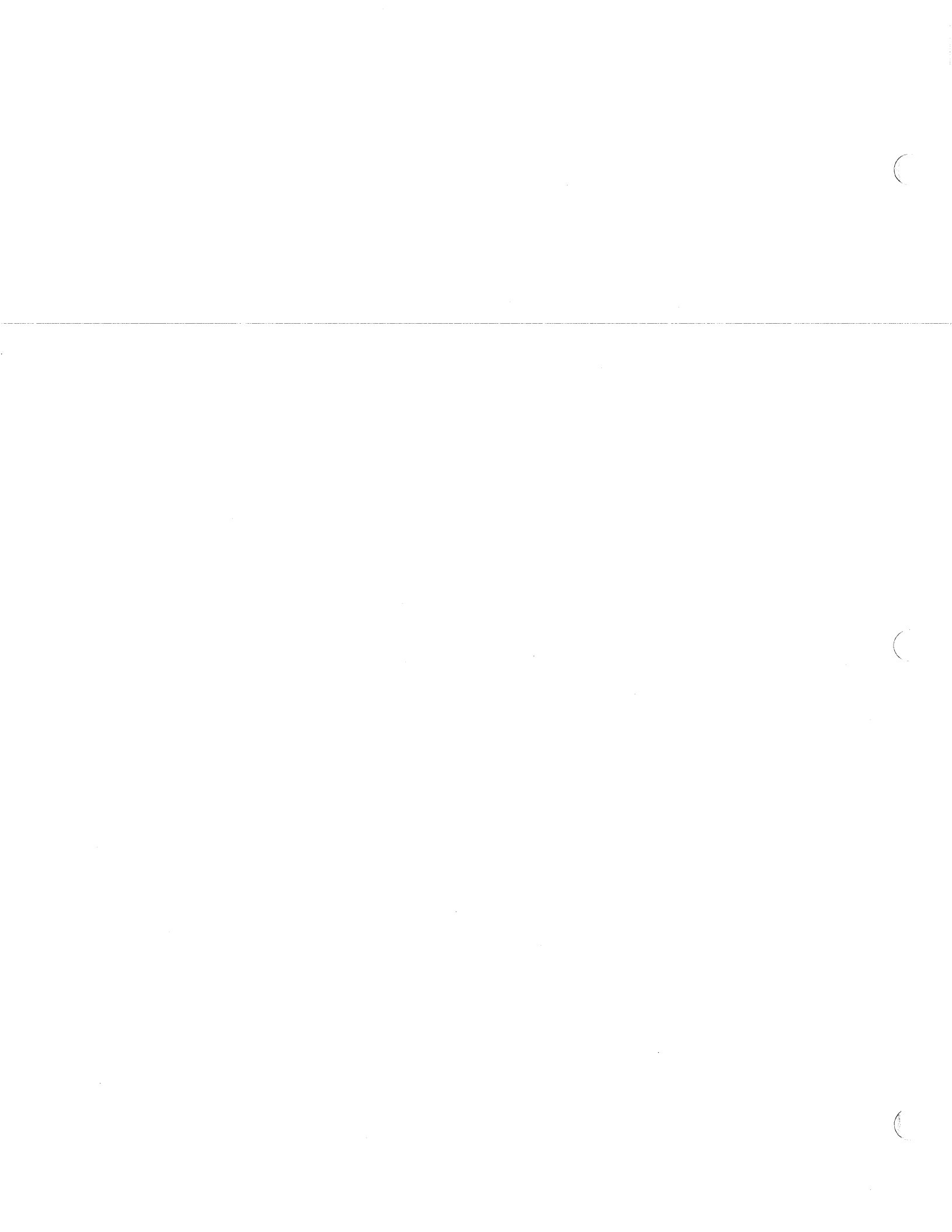
shall be to preside over the Committee meetings in the absence of the Chairman, and the Secretary, whose duty it shall be to keep the minutes of the Committee. These officers shall be elected from the Committee by a majority vote of all the members of the Committee, and shall be elected within the first month of each new term. Emergency elections may be held to fill vacancies occurring at other times.

- 4.2.2. The Aquaculture Committee, acting in conjunction with the Tribal Council, shall devise a schedule for regular meetings of the Aquaculture 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

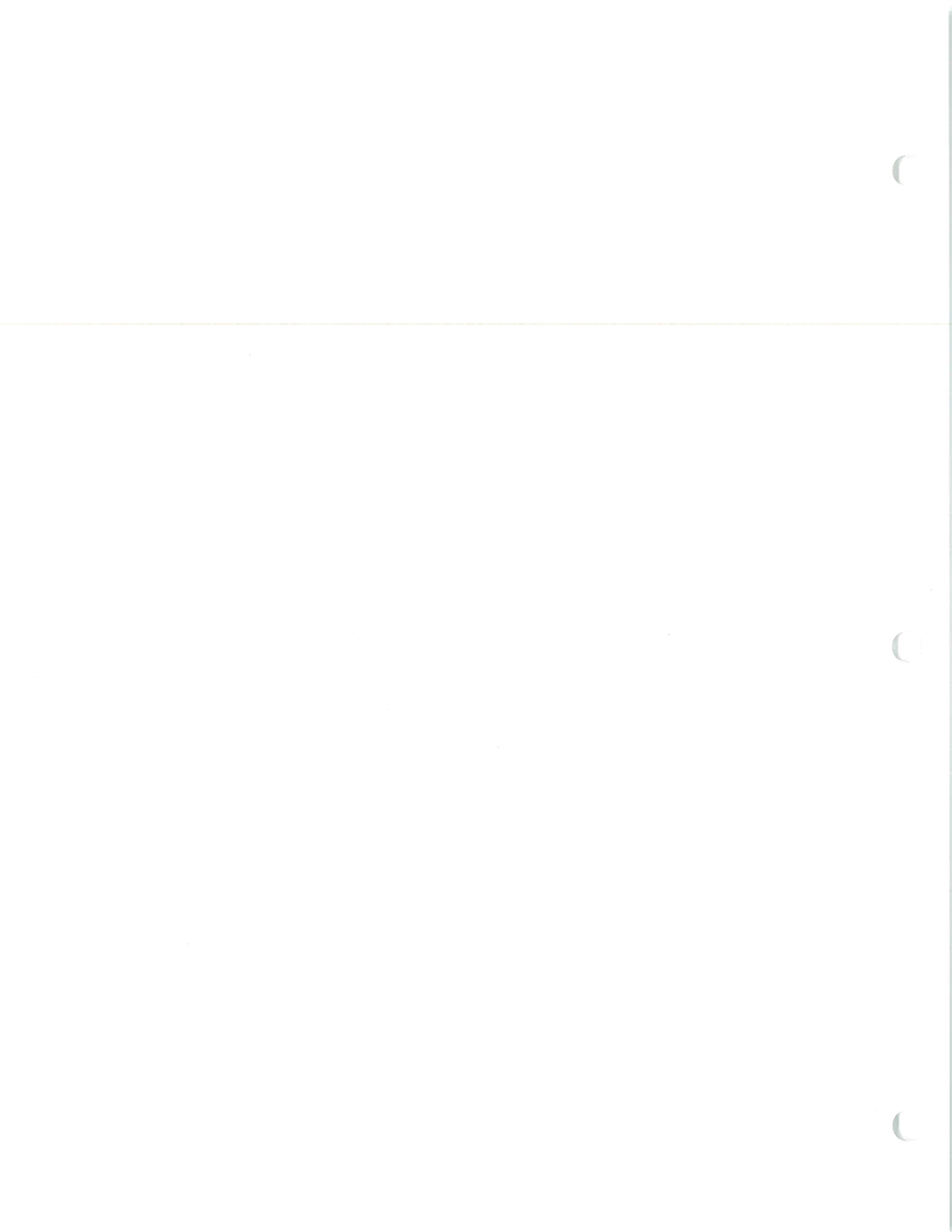
The powers and functions of the Aquaculture Committee shall be as follows:

- 4.3.1. To gather information pertinent to the regulation and enhancement of the finfish farming 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 finfish farming of the Squaxin Island Tribe;
- 4.3.3. To draft proposed emergency regulations, for consideration by the Tribal Council, pertaining to the finfish farming of the Squaxin Island Tribe;
- 4.3.4. To act as an advisory body to the Tribal Council on matters pertinent to the regulation and enhancement of the finfish farming of the Squaxin Island Tribe, and to promote the wise management of Tribal finfish farming 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. **Pen Complex Boards.** Each twenty (20) pen complex shall function as a corporation, and all investors in that complex shall have one vote in business decisions, regardless of the number of pens owned.
6. **Commercial.** Commercial farming is prohibited except pursuant to this section.
 - 6.1. **Tax.** A tax of 4% on the gross receipts of all sales is hereby levied. Taxes are due at least monthly.
 - 6.2. **Quarterly Reports.** Each pen complex board shall be responsible for reporting quarterly operations to the Aquaculture Committee. Reports will include staffing, quantities and breeds of fish stocked, price and quantity of all fish sold, and other relevant information. Unless otherwise specified, reports will be given on the second Sunday in the months of January, April, July, and October.
 - 6.3. **Non-compliance.** Non-compliance with any part of this section shall be a violation of this Ordinance.
 - 6.4. **Definition of Commercial Farming.** A person is farming commercially if he/she is officially listed as an investor in Tribal records, and/or in any way transports or maintains existing pen fish stocks.
7. **Penalties.**
 - 7.1. **Confiscation.** Violation of any term of this Ordinance shall result in the confiscation of all finfish in possession of the violator. Confiscated finfish will be sold, and the proceeds destination determined by the Tribal Court. Proceeds may be returned to the defendant, turned over to the defendant's investment partners, or 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 license 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 farming 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 farming privileges for two (2) calendar years from the date of conviction.
8. The Aquaculture Ordinance is an addendum to the Squaxin Island Fishing Ordinance. The Fishing Ordinance, when not superseded or modified by this Aquaculture Ordinance, is intended to govern aquaculture farming activities.
9. In conjunction with the Fishing and Aquaculture Ordinances, the Squaxin Island Law and Order Code will govern the activities of Tribal members exercising Tribal aquaculture activities.

