



RESOLUTION NO. 88-6  
of the  
SQUAXIN ISLAND TRIBAL COUNCIL

**SQUAXIN ISLAND TRIBE**

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

WHEREAS, the Squaxin Island Tribal Council is the governing body of the Squaxin Island Tribe of Indians by the authority of the Constitution and Bylaws 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 Tribe, in the Tribe's usual and accustomed areas, are endangered and require strict protection from abuse and;

WHEREAS, the Squaxin Island Tribal Council has the responsibility and authority to manage and protect Tribal resources and;

WHEREAS, an immediate need exists to protect the clam resource pending the adoption of a revised clam ordinance;

NOW THEREFORE BE IT RESOLVED, that the Tribal Council hereby adopts the following EMERGENCY SHELLFISH REGULATION to take effect immediately and to continue until superseded by a future resolution adopting the completed revised shellfish ordinance.

ALL OFF-RESERVATION, STATE RESERVE BEACHES ARE CLOSED TO HARVESTING EXCEPT:

Oakland Bay beaches numbered: SF-OR-281130  
SF-OR-281040  
SF-OR-281050  
SF-OR-281090 Status of the designated Senior beach does not change.

DAILY OPENINGS: Each week, Sunday 12:01 A.M. to Wednesday 11:59 P.M.  
Limited to the lowest daily tide.

1. Tribal Members Only. Only Tribal members may take clams, except for a spouse and children when the member is present. The tribal member and the non-Tribal member spouse and children may have in their possession only one digging tool and may take turns using it, but all cannot dig at the same time. No others may assist in any way in the taking of clams.
2. 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. When subsistence digging off-reservation, a daily SUBSISTENCE PERMIT is required. Commercially licensed diggers are not required to obtain subsistence permits.

3. Commercial. Commercial clamming is prohibited except pursuant to this section.

3.1 Permit Issuance. Any Tribal member wishing to dig clams commercially must 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 fee is set at this time, at \$100.00 for six months and \$200.00 for one year.

3.2 Techniques. No mechanized equipment shall be used, and one set of gear, one clam fork or one clam rake, will be allowed for each permit.

3.3 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.

3.4 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.

3.5 Definition of Commercial Clamming. A person is clamming commercially if they have in their possession or take more than 40 pounds of clams, or sells or offers for sale clams taken.

4. Penalties.

4.1 Confiscation. Violation of any section of this regulation may result in the confiscation of all clams and related equipment in the possession of the violator. Confiscated items will be sold, and the proceeds turned over to the general fund of the Tribe and used as designated by the Tribal Council.

4.2 In addition to confiscation, violation of any section, shall subject the violator, upon conviction in civil trial, in Tribal court, to civil penalties of:

4.2.1 For the first conviction, by a fine of FIVE HUNDRED AND NO/100 (\$500.00) DOLLARS, and forfeiture of all seized clams and equipment.

4.2.2 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, and forfeiture of all seized clams and equipment.

4.2.3 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, and forfeiture of all seized  
clams and equipment.

5. In conjunction with this EMERGENCY REGULATION, the Squaxin Island Law and Order Code will govern the behavior of Tribal members exercising treaty shellfish rights.

C E R T I F I C A T I O N

The Squaxin Island Tribal Council does hereby certify that the foregoing resolution was adopted at a special meeting of the Squaxin Tribal Council, held this 18th day of February, 1988, at which time a quorum was present and was passed by a vote of 3 for, and 0 against, with 0 abstentions.

David E. Lopeman for  
DAVID E. LOPEMAN, CHAIRMAN

Evie Allen  
EVIE ALLEN, VICE CHAIRPERSON

Lorna Lee Gowin for  
ATTESTED BY: JAMES L. PETERS

APPROVED:  
[Signature]  
SUPERINTENDENT, O. P. A.  
DATE: 2/18/88