

SQUAXIN ISLAND TRIBE

RESOLUTION NO. 90-45
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 Squaxin Island Tribal Council has been entrusted to provide for the social, health, and economic well-being of its members; and

WHEREAS, the Squaxin Island Tribal Council has the responsibility to protect the tribal hunting and game resource; and

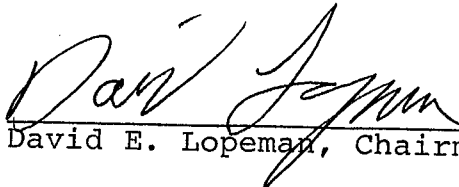
WHEREAS, the Squaxin Island Tribal Council has developed a Squaxin Island Hunting Code.

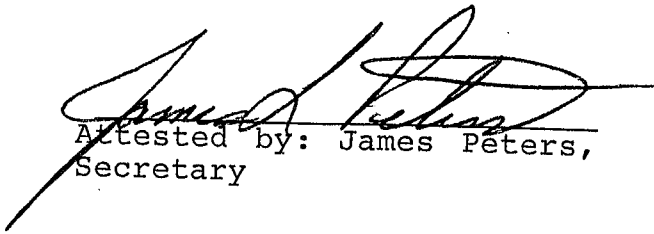
WHEREAS, the Squaxin Island Tribal Council, to best protect that resource finds it necessary and appropriate to amend or revise Codes for the purpose of sound management.


NOW THEREFORE BE IT RESOLVED, that the Squaxin Island Tribal Council hereby adopts and promulgates the attached Hunting Code for Squaxin Island Tribe.

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 regular meeting of the Squaxin Island Tribal Council, held on this 23rd day of August, 1990, at which time a quorum was present and was passed by a vote of 4 for, and 0 against, with 0 abstentions.


David E. Lopeman, Chairman


Attested by: James Peters,
Secretary


David W. Whitener, Vice Chairman

TITLE 4: SQUAXIN ISLAND HUNTING CODE

Chapter 4.01: General Provisions

4.01.010 Title. This Title shall be known as the Squaxin Island Hunting Code.

4.01.020 Statement of Policy and Purpose. It is the policy of the Squaxin Island Tribe of Indians to maximize the game resource of the Tribe for the subsistence needs of its members, and to secure to the Tribe the greatest possible return from this resource, in a manner which is consistent with the conservation of that resource. It is the purpose of this Code to further that policy, and to provide a mechanism for its accomplishment.

4.01.030 Jurisdiction.

- (a) The provisions of this Hunting Code apply only to enrolled members of the Squaxin Island Tribe.
- (b) This hunting Code applies to the full extent of the sovereign jurisdiction of the Squaxin Island Indian Tribe concerning off-Reservation hunting; and shall apply in conformity with all agreements or other cooperative arrangements entered into by the Squaxin Island Tribe which are designed to provide Tribal access to available game resources, to provide effective management and conservation of that resource; and to self-regulate the hunting activities of tribal members.
- (c) This Code applies to all property owned by or on behalf of the Squaxin Island Indian Tribe, the Squaxin Island Indian Reservation (excluding Squaxin Island), and all traditional hunting areas of the Tribe.

4.01.040 Authority of the Tribal Council.

- (a) The hunting rights reserved by the Squaxin Island Tribe of Indians by the Treaty of Medicine Creek were granted to the Tribe as a whole, and thus will be regulated by the Tribe as a whole through its representative and governing body -- the Tribal Council.
- (b) Except as may be otherwise provided by tribal law, all authority to regulate the hunting activities of tribal members, and to carry out and enforce the provisions of this Code and the regulation adopted hereunder, shall be vested in the Tribal Council; which may delegate its authority to a Hunting Commission.

Chapter 4.02: Hunting Commission

4.02.010 Hunting Commission. The hunting activities of the Squaxin Island Tribe shall be monitored and regulated by an advisory board known as the Hunting Commission.

4.02.020 Membership.

- (a) The Hunting Commission shall have seven (7) 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.
- (b) Terms will be on an alternating basis, with appointments of two or three people each year.
- (c) Any member may be appointed to serve for more than one term.
- (d) Alternates will be appointed by the Tribal Council for each of the seven positions.

4.02.030 Vacancies and Removal.

- (a) If at any time there exists a vacancy on the Hunting Commission, the Tribal Council shall appoint a person to fill that vacancy for the remainder of that position's term.
- (b) Any member may be removed from the Hunting Commission by the Tribal Council for malfeasance in office.

4.02.040 Conduct of Commission Business.

- (a) The officers of the Hunting Commission shall be the Chairperson, whose duty shall be to preside over the Commission meetings; the Vice-Chairperson, who shall preside over the Commission's meetings in the absence of the Chairperson; and the Secretary, who shall keep the minutes of the Commission.
- (b) The officers shall be elected from the Commission by a majority vote of all members of the Commission; and shall be elected within the first month of each new term. Emergency elections may be held to fill vacancies occurring at other times.

- (c) The Hunting Commission, acting in conjunction with the Tribal Council, shall devise a schedule for regular meetings of the Hunting Commission throughout the term. Emergency meetings may be called by the Chairperson, by the Fish and Wildlife Manager, by the Chief Law Enforcement officer, or by the Tribal Council.
- (d) The Commission may not propose regulations, nor make advisory recommendations, unless such regulations or recommendations are approved by a majority vote of a quorum of the Commission.
- (e) Any four members of the Commission shall constitute a quorum. The chairperson shall not vote unless there is a tie vote.

4.02.050 Powers and Functions. The powers and functions of the Hunting Commission shall be:

- (a) To gather information pertinent to the hunting activities of the Squaxin Island Tribe, and to make such information available to the Tribal Council;
- (b) To draft proposed regular and emergency regulations, for consideration by the Tribal Council, pertaining to the hunting activities of the Tribe;
- (c) To act as an advisory body to the Tribal Council on matters pertinent to the hunting activities of the Tribe;
- (d) For each Commission meeting, to prepare a written summary of the salient proceedings of the meeting, including minority as well as majority view-points, and to submit this summary to the Tribal Council within five (5) days after each meeting; and
- (e) To exercise such other powers, and to perform such other functions, as may be delegated to the Commission by the Tribal Council.

Chapter 4.03 Eligible Hunters

4.03.010 Eligible Hunters. Provided that each is in possession of his or her current and valid hunting permit, the following are eligible to exercise or assist in the exercise of tribal treaty hunting privileges:

- (a) Any tribal member at least eighteen (18) years of age;
- (b) A tribal member of the age from ten (10) to eighteen (18) years, provided that he or she has first completed a firearm safety course and received written parental permission; such people must be accompanied by an adult at all times while hunting.
- (c) A non-member spouse; provided that such person is being accompanied by his tribal member spouse or tribal member child of ten to eighteen (10-18) years of age.

4.03.020 Civil Violations. Any person who violates the above requirements shall have committed a Class B violation.

Chapter 4.04 Permits, Tags and Identification

4.04.010 Hunting Permits and Identification.

- (a) No member may exercise or assist in the exercise of tribal hunting privileges unless she or he has first obtained a valid and current tribal hunting permit from the Squaxin Island Hunting Commission. A violation of this subsection is a Class A violation.
- (b) No member may exercise or assist in the exercise of tribal hunting privileges unless she or he has on his or her person their current hunting permit, together with the member's treaty enrollment card and/or treaty fishing identification card. A violation of this subsection is a Class B violation.
- (c) A non-member spouse must have photo identification on his or her person. Such identification may include a tribal spouse fishing identification card. A violation of this subsection is a Class B violation.
- (d) A permit may be issued for a group of two to five (2-5) tribal members, but only if such permit is to obtain deer or elk for a ceremonial or subsistence program or activity. Such a permit shall specify the names of all tribal members in the hunting group, and the number of animals (not to exceed one per member) which may be taken. A violation of this subsection is a Class A violation.

- (e) The Hunting Commission may authorized a hunter to do something which is not authorized under this Code (such as, hunt for female deer or elk, use a spotlight); and any such special authorization shall be expressly noted on the tribal hunting permit before the hunter so acts. A violation of this subsection by a hunter is a Class B violation. The hunter may also be charged with violating the underlying provision as well (such as, hunting with a spotlight) if she or he did not have any authorization from the Hunting Commission to so act. The Tribal Council may also provide such variant authorization.

4.04.020 Hunting Tags.

- (a) Each authorized hunter may be issued hunting tags for two deer or elk, (or one for each) per family annually. No person may kill more animals than she or he has been issued tags for. Violation of this subsection is a class A violation.
- (b) Immediately before transporting a game animal or a game bird, or doing anything else with the animal or bird -- the hunter shall affix a tag to the carcass; the tag shall be filled out with information indicating the type of kill, date killed, area the animal or bird was taken, and signature of the tribal member who killed the animal or bird. The tag shall be returned to the Squaxin Island Tribe. Violation of any part of this subsection is a Class B violation.
- (c) No person shall transport any game animal or bird without the appropriate completed tag attached; the tag must remain with the animal/bird while the edible parts are retained. A violation of this subsection is a Class B violation.
- (d) No person shall possess or export the pelts of bobcat, Canadian lynx or river otter, or any part thereof, taken in Washington state without the applicable tag; pelts must be tagged within ten (10) days of the closing of the applicable season. Violation of this subsection is a Class B violation.
- (e) No new hunting tags shall be issued to a tribal member until that person has returned to the Tribal Hunting commission all prior expired tags.

4.04.030 Other Restrictions.

- (a) It is unlawful to transfer or loan to, or borrow from, another person any license, permit, tag or stamp. Violation of this is a Class B violation.
- (b) It is unlawful to buy, possess, or attempt to obtain any license, permit, or tag by using information which is known, or should have been known, to be false; or when one's hunting privilege has been revoked or suspended. Violation of this is a Class B violation.
- (c) It is unlawful to possess, purchase, or obtain more than one of each license, (except for spring bear), permit or stamp during the same year -- unless it is a duplicate of a document previously lost. Violation of this is a Class B violation.

4.04.040 Revocations. The Tribal Council and/or Hunting Commission shall immediately revoke without a prior hearing the hunting privileges of any person who intentionally or accidentally shoots another person or livestock. A hearing before the Council or Commission will soon thereafter be provided to review this action, giving the hunter a meaningful opportunity to be heard. The Council or Commission shall decide after such hearing whether to keep the privileges revoked for a definite period of time, or to reinstate such privileges to the hunter.

4.04.050 Producing Information to Enforcement Officers. It is a Class A violation to refuse (not merely fail) to show a hunting license, tag or permit, or refuse to display wildlife taken, when requested to do so by a tribal, state or federal wildlife agent or law enforcement officer.

Chapter 4.05 Hunting Restrictions

4.05.010 Closed Area. It is unlawful to hunt in any area for any species of animal or bird unless that area has been opened by a tribal hunting regulation for hunting of that species. Violation of this section is a Class A violation.

4.05.020 Endangered Species.

- (a) It is unlawful to hunt, kill or control any protected wildlife or endangered species, or parts thereof.

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- (b) It is specifically unlawful to hunt, kill or control the following: grizzly bear, caribou, sea otter, fisher, wolverine, wolf, gray squirrel, Douglas squirrel, red squirrel, flying squirrel, golden-mantled ground squirrel, fox squirrel, chipmunk, cony or pika, hoary marmot, pygmy rabbit, wild turtle, whale, porpoise, dolphin, seal, sea lion, and all birds not classified as game birds -- except starling, English sparrow, crow and magpie may be hunted.
- (c) If the Tribal Council or Hunting commission issues authorization, as noted in §4.05.130, for hunting of any protected or endangered wildlife, the hunter shall first obtain an applicable U.S. Fish & Wildlife permit for off-reservation hunting only.
- (d) Violation of this section is a Class A violation.

4.05.030 Nests and Eggs. It is unlawful to take, destroy or possess any egg(s) or nest(s) of game birds. Violation of this is a Class B violation.

4.05.040 Wasting. It is unlawful to needlessly waste any game animal or game bird. Violation of this is a Class B violation.

4.05.050 Artificial Light. It is unlawful to hunt with a spotlight or any other type of artificial illumination/light. Violation of this is a Class A violation.

4.05.060 Vehicle. It is unlawful to use a vehicle, boat or aircraft to concentrate or harass animals or birds. Violation of this is a Class B violation.

4.05.070 Dogs. It is unlawful to be accompanied by a dog while hunting deer or elk. Violation of this is a Class B violation.

4.05.080 Unauthorized Tagging. It is unlawful to allow a person to tag a game animal that one has killed; and to tag a game animal that one has not killed. Violation of this is a Class B violation.

4.05.090 Unauthorized Assistance. It is unlawful for anyone other than an eligible hunter to kill a game animal that they are authorized by permit to hunt. Violation of this is a Class B violation.

4.05.100 Unauthorized Possession. It is unlawful to possess wildlife taken/killed by another person without a written statement of the other person showing the name, address and signature of that hunter; as well as showing the license or tag number, date county and area where that wildlife was taken. Violation of this is a Class B violation.

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4.05.110 Heads. It is unlawful to possess any wildlife in the field or during transportation unless the feathered heads are left attached to all game birds, and each head accompanies the carcass of any big game animal. Violation of this is a Class B violation.

4.05.120 Failure to Produce Information. It is unlawful to fail to stop and produce wildlife in possession and appropriate stamps, licenses, permits, tags or punchcards at check stations established by the Squaxin Island Tribe and/or the Washington State Department of Wildlife. Violation of this is a Class B violation. (Compare this to §4.05.050 -- which is a Class A violation.)

4.05.130 Variant Authorization. As noted in §4.04.010(e), the Tribal Council and/or Hunting Commission may authorize a hunter to under conditions and for game that varies with the above restrictions; however, such variant authorization must be specifically noted on the hunter's permit prior to engaging in such conduct. Failure of a hunter to possess such a variant permit is a Class B violation. (In addition, the hunter may be charged with the applicable section violated if she or he did not have any such authorization at all from the Tribal Council or the commission.)

4.05.140 Commercial Hunting. It is unlawful to exercise or assist in the exercise of tribal hunting privileges for a commercial purpose. Violation of this section is a Class A violation.

4.05.150 Property. It is unlawful to:

- (a) Remove, possess or damage any printed material (for example, a sign) placed by authority of the Hunting Commission and/or the Washington State Wildlife Department/Commission; or
- (b) Place or leave litter on any private or public land not owned by the hunter; or
- (c) Hunt while under the influence of any alcoholic beverage or a controlled substance; or
- (d) Shoot at anything at or on an utility line or pole, its crossarm or insulator; or
- (e) Shoot a firearm within 1,000 feet of a dwelling or other populated area without permission of the landowner(s); the hunter must personally contact the owner(s) or other person(s) controlling the property, and receive express permission before hunting.
- (f) A violation of any part of this section is a Class B violation.

Chapter 4.06: Hunting Weapons

4.06.010 Unlawful Firearms. It is unlawful to use or possess any of the following firearms while hunting:

- (a) A fully automatic firearm.
- (b) A handgun; except only deer, bear and cougar may be hunted with:
 - (1) A .41 magnum, .44 magnum, .44 automatic magnum, or .45 Winchester magnum, provided such firearm:
 - (i) Has a minimum barrel length of four inches; and
 - (ii) Uses a center fire cartridge which is loaded with a mushrooming or expanding type bullet of 100 grains or heavier bullet weight (or, for deer only, 25 grains)
 - (iii) Anything below a 222.
 - (2) Any other handgun, provided it:
 - (i) Is .240 caliber or larger;
 - (ii) Has a minimum barrel length of six inches; and;
 - (iii) Uses a centerfire cartridge with a minimum overall length (including bullet) of at least two inches which is loaded with a mushrooming or expanding type bullet of 100 grains or heavier bullet weight.
 - (3) A rifle with a bore diameter of less than .240 of an inch (6mm), or with a barrel length of less than sixteen (16) inches.
 - (4) A rifle cartridge with a bullet weighing less than 85 grains, or that develops less than 900 foot-pounds of energy at 100 yards (or a minimum of 599 foot-pounds when hunting deer only).
 - (5) A rifle cartridge containing a bullet other than a mushrooming or expanding type designed for big game hunting.
 - (6) A shotgun, unless it is a 20 (twenty) gauge or larger shotgun that uses shells loaded with slugs or buckshot of size #1 or larger, and the shotgun is being used for hunting deer or bear only.

4.06.020 Game Bird Restrictions. It is unlawful to hunt game birds with the following weapons:

- (a) A shotgun capable of holding more than three (3) shells;
- (b) A shotgun larger than 10 (ten) gauge;
- (c) A rifle or pistol (except that such a weapon may be used when hunting blue, spruce, or ruffed grouse.

4.06.030 Bow and Arrow Restrictions. The following restrictions apply when hunting with a bow and arrow:

- (a) It is unlawful to hunt any big game animal with a bow that possesses less than 40 pounds of pull -- as measured at 28 inches or less.
- (b) It is unlawful to hunt big game animals with an arrow having a sharp broad-head blade or blades of less than seven-eighths (7/8) inch 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 at 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.
- (c) It is unlawful to shoot at wildlife with an arrow from a vehicle, across or along the maintained portion of a public highway, or at or near a public utility pole or line.
- (d) It is unlawful to use any device to secure, support or maintain the bow in a firing position.

4.06.040 Muzzleloading Firearm Restrictions.

- (a) During special primitive muzzleloading seasons, it is unlawful to carry, use or possess any weapon other than a muzzleloading firearm. However, a handgun designed for blackpowder use may be used; and people lawfully hunting game birds may use a shotgun only.
- (b) When using a muzzleloading firearm, only one barrel of a double-barrel may be loaded at one time.
- (c) It is unlawful to use a blackpowder substitute in a muzzleloading firearm.
- (d) Muzzleloading sights must be metal; telescopic or regular sights containing glass is prohibited.

4.06.050 Violations. A violation of any subsection of this Chapter 4.06 is a Class C violation; except, it is a Class A violation to shoot (intentionally or accidentally) actually or at any person or livestock.

Chapter 4.07 Penalty Schedule

4.07.010 Civil or Criminal Procedure. Violations under this Code may be either civil or criminal, as noted below -- depending upon the Class of the violation and whether it is the first, second or other violation. The violation shall be handled pursuant to either the Civil Rules of Procedure or Criminal Rules of Procedure -- depending on the nature of the violation, as noted below.

4.07.020 Prior Violations.

- (a) For purposes of determining whether a violation is the first violation for purposes of imposing an applicable penalty, the Court shall consider all hunting violations occurring within a four-year period under this Code.
- (b) The four-year period shall be determined from the date the current violation to be penalized occurred, and counting back four years.
- (c) Prior Class A, Class B and or Class C violations shall be considered as prior violations if the violation to be penalized is a Class C violation.
- (d) Prior Class A and/or Class B violations shall be counted as prior violations if the violation to be penalized is a Class B violation.
- (e) Only prior Class A violations may be counted as prior violations for penalizing a Class A violation.

4.07.030 Mandatory Penalties. Where below it is stated that a violation is subject to a mandatory penalty, the Tribal Court may not suspend nor reduce the penalty. However, the Tribal Court does have discretion where the penalty is "up to" or "not more than" a certain amount.

4.07.040 Class A Violations.

- (a) The first Class A violations shall be a civil violation; and shall be penalized by a civil fine of up to TWO HUNDRED AND FIFTY DOLLARS (\$250.00), and a mandatory loss of hunting privileges for one year.

- (b) The second Class A violation is a criminal offense; and shall be penalized by a mandatory fine of not less than TWO HUNDRED AND FIFTY (\$250.00) nor more than FIVE HUNDRED DOLLARS (\$500.00); and up to fifteen (15) days imprisonment and a mandatory loss of hunting privileges for two years.
- (c) The third and other Class A violations are each criminal offenses subject to a mandatory fine of FIVE HUNDRED DOLLARS (\$500.00), and up to thirty (30) days imprisonment; and a mandatory loss of hunting privileges for three years.

4.07.050 Class B Violations.

- (a) All Class B violations are civil violations.
- (b) The first Class B violation shall be penalized by a civil fine of up to ONE HUNDRED AND FIFTY DOLLARS (\$150.00); and/or a loss of hunting privileges for one year.
- (c) The second Class B violation shall be penalized by a mandatory fine of not less than ONE HUNDRED AND FIFTY DOLLARS (\$150.00) and up to TWO HUNDRED AND FIFTY DOLLARS (\$250.00); and/or a loss of hunting privileges for two years.
- (d) The third and other Class B violations shall be penalized by a mandatory fine of not less than TWO HUNDRED AND FIFTY DOLLARS (\$250.00) and not more than FIVE HUNDRED DOLLARS (\$500.00); and/or a loss of hunting privileges of three years.

4.07.060 Class C Violations.

- (a) All Class C violations are civil violations.
- (b) The first Class C violation shall be penalized by a civil fine of FIFTY DOLLARS (\$50.00) and/or loss of hunting privileges for one year.
- (c) The second Class C violation shall be penalized by a mandatory fine of TWO HUNDRED AND FIFTY DOLLARS (\$250.00) and/or loss of hunting privileges for three years.
- (e) For any violation where it is not otherwise listed as a Class A or Class B violation, it shall be considered a Class C violation.

4.07.070 Assisting a Violation. Any person who before, during or after the fact, assists another person to violate any provision of this code or a regulation promulgated hereunder, shall be considered to have violated the code provision or regulation just as equally as the person she or he assisted -- and shall be subject to the applicable penalties listed above for the underlying charge.

END OF TITLE 4.0

4.07.070 Assisting a Violation. Any person who before, during or after the fact, assists another person to violate any provision of this code or a regulation promulgated hereunder, shall be considered to have violated the code provision or regulation just as equally as the person she or he assisted -- and shall be subject to the applicable penalties listed above for the underlying charge.

END OF TITLE 4.0

Council Member

Council Member