SQUAXIN ISLAND TRIBE

RESOLUTION NO. 91-58
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 is responsible for managing and protecting the tribal fishing resource; and

WHEREAS, the Squaxin Island Tribal Council has developed a Squaxin Island Fishing and Shellfish Code; and

WHEREAS, the Squaxin island Tribal Council, to best protect that resource finds it appropriate to revise Codes for the purpose of sound management.

NOW THEREFORE BE IT RESOLVED, that the Squaxin Island Tribal Council does hereby adopt and promulgate the attached revised Squaxin Island Fishing Code.

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

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 17th day of October, 1991 at which time a quorum was present and passed by a vote of 4 for 0 against and 0 abstentions.

David E, Lopeman, Chairman

B.J. Whitener, Treasurer

Lorna Gouin, Council Woman

SQUAXIN ISLAND TRIBE / S.E. 70 Squaxin Lane / Shelton, WA 98584 / Phone (206) 426-9781
Tribal Council (206) 426-9783 Natural Resources (206) 426-9783 Health Clinic (206) 427-9006

IN REPLY REFER TO:

Tribal Operations

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Olympic Peninsula Agency
715 Emerson, P.O. Box 120
Hoquiam, Washington 98550

Telephone Number
(206) 533-9140

January 28, 1992

Squaxin Island Tribal Council
Mr. David Lopeman, Chairman
S.E. 70 Squaxin Lane
Shelton, WA 98584-9200

Dear Mr. Lopeman:

This is to advise you that the Squaxin Island Revised Title and Fishing Code, along with Resolution No. 91-58, enacted October 17, 1991, has been reviewed and approved as of that date.

If you should have any questions, please contact the Branch of Tribal Operations at this Agency.

Sincerely,

Ray D Malkonado

Superintendent

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TITLE 3: SQUAXIN ISLAND FISHING CODE

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Chapter 3.01: General Provisions

3.01.010 Title. This Title shall be known as the Squaxin Island Fishing Code.

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

3.01.030 Jurisdiction

a. The provisions of this fishing Code shall be applicable to all enrolled members of the Squaxin Island Tribe; and to any other person or entity whenever such person or entity is either acting under authority of the Squaxin Island Tribe of Indians, or acting upon Tribal Property.

b. This Fishing Code shall apply to the full extent of the sovereign jurisdiction of the Squaxin Island Indian Tribe; 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 fisheries and to provide effective fisheries management.

c. Any person or entity acting under Tribal authority, or entering upon Tribal property shall be deemed thereby to have consented to the following:

(1) To be bound by the terms of this Code;

(2) To the exercise of jurisdiction by the Squaxin Island Tribal Court over said person or entity in legal actions arising pursuant to this code; and

(3) To arrest, service of summons and process, and constitutional search and seizure, in conjunction with legal actions arising pursuant to this code.

d. There is no criminal jurisdiction over non-Indians unless and until Congress so authorizes.

3.01.040 Authority of the Tribal Council.

a. The fishing rights retained by the Squaxin Island Tribe of Indians by the Treaty of Medicine Creek were retained by the Tribe as a whole, and thus will be regulated by the Tribe through its representative and governing body-the Tribal Council.

b. Except as may be otherwise provided by Tribal Code, all authority to regulate the Tribal fishery, and to carry out and enforce the provisions of this Code and any regulation adopted hereunder, shall be vested in the tribal Council to the extent deemed necessary by the Council to effectuate the purpose of this Code.

3.01.050 Definitions.

a. The following definitions apply to this Code:

(1) "Beach Seine" means fishing gear consisting of a lead line, cork line, auxiliary lines and a heavy mesh net webbing fashioned in such a manner that it can be used to encircle fish in waters adjacent to any beach, with the catch landed directly onto the beach.

(2) "Biological Personnel" means the biologists and technicians who are employed by the Tribe and whose duties include giving advice on the management and/or enhancement of the Tribal fishery.

(3) "Buyer" means a person who purchases fish from the fisher who caught the fish or who, for commercial purposes, smokes or otherwise processes and sells fish she or he has caught.

(4) "Ceremonial Fishery" means a fishery conducted by one or more Tribal members for the purpose of obtaining fish to be used solely for Tribal or personal ceremonial and/or religious purposes.

(5) "Closed Season" means for any species of fish, all of the time during the entire calendar year, excepting the "open season" for that species as specified by Tribal regulations.

(6) "Commercial fishing" means the taking of fish or other fishery resources with the intent to sell them or profit economically from them.

(7) "Depth of Net" means the total distance between cork and lead lines measured in meshes perpendicular to either cork or lead line.

(8) "Drift Net" means a gill net which is not staked, weighted, or anchored, but drifts freely.

(9) "Emergency Regulation" means a regulation promulgated to accomplish a limited purpose for a limited period of time.

(10) "Enrolled Person" means any person who is an enrolled member of the Squaxin Island Tribe.

(11) "Fishing" means to attempt to catch, trap, net or otherwise take any fish from its natural habitat by any means whatsoever; and/or having caught, or to possess, any fish on a fish site by any means previously described in this definition.

(12) "To Participate in Fishing" and its derivatives mean an effort to operate a vessel or fishing gear, or provide immediate supervision in the operation of a vessel or fishing gear, or otherwise assist in the fishing operation, or to claim possession of a share of the catch. All persons on board a vessel--whether floating or beached--which is engaged in fishing; or all persons at the end of a net that is controlled from a beach, shore or land; or in an immediate area of the net to assist in the control of such net or device, are deemed to be participating in fishing.

(13) "Fishing Gear" means all types and sizes of hooks, nets, spears, gaffs, lines, traps, appliances and other apparatus used to take fish.

(14) "Gill Net" is a net of single-web construction bound at the top by a float line and at the bottom by a weighted line.

(15) "Hand Dip Net" is a section of netting distended by a rigid frame, operated by a process commonly recognized as dipping. Such nets may be of any size.

(16) "Hook and Line" is a single line, attached to which are no more than two single-barbed hooks.

(17) "Management Period" is a time interval during which the majority of individuals of a fish species is accessible to capture. A management period is specific to a species, and a single species may have more than one management period during the course of a year, depending upon the life style of that species.

(18) "Non-enrolled Person" means any person, whether Indian or non-Indian, who is not an enrolled member of the Squaxin Island Indian Tribe.

(19) "Northwest Indian Fisheries Commission" is the confederation of tribes established for the purpose of consolidating management of Indian Fisheries in Western Washington.

(20) "Open Season" means, for any species of fish, the time period or periods designated by Tribal regulations during which it is lawful to fish for that species pursuant to this Code.

(21) "Person" Includes any individual, corporation, partnership, Indian tribe, or any other entity, whether public or private.

(22) "Set Net" is a gillnet which is weighted or anchored into a "set" position; it does not drift freely.

(23) "Site Reservation" is the right of a Tribal fisherman to fish in a designated fishing area to the exclusion of all other fishermen.

(24) "Spouse" is the person to whom a Tribal member has been married to for at least one full year and who also permanently resides in the Tribal member's household.

(25) "Stake Net" is a gillnet which is held in a stationary position by the use of poles.

(26) "State" is the government of Washington state.

(27) "Stretched Measure" is the distance between the inside of one knot to the outside of the opposite (vertical) knot on one mesh. Measurement shall be taken when the mesh is stretched vertically while wet, by using a tension of ten pounds on any three consecutive meshes, then measuring the middle mesh of the three while under tension.

(28) "Subsistence Fishery" is a fishery conducted by one or more Tribal members for the purpose of obtaining fish to be used solely for personal consumption

(29) "Test Fishery" is a fishery conducted on a limited basis for the purpose of obtaining biological or technical information necessary to further the purpose of this Code.

(30) "Tribal Chairperson" is the Chair of the Tribal Council of the Squaxin Island Tribe of Indians.

(31) "Tribal Council" is the Tribal Council of the Squaxin Island Tribe of Indians.

(32) "Tribal Enforcement Officer" means each person charged with the responsibility of enforcing this Code and regulations adopted pursuant thereto.

(33) "Tribal Fisher" (or "Authorized Tribal Fisher") means a tribal member who is authorized to fish pursuant to this Code.

(34) "Tribal Fishery" is fishing done in any Tribal fishing area pursuant to this Code.

(35) "Tribal Fishery Department" means the Natural Resources and Fisheries Enforcement Department of the Squaxin Island Tribe.

(36) "Tribal Fishing Areas" include all fishing areas with the Tribal Property, together with all usual and accustomed grounds and stations of the Squaxin Island Tribe of Indians.

(37) "Tribal Member" means an enrolled member of the Squaxin Island Tribe of Indians.

(38) "Tribal Property" includes the Squaxin Island Reservation; together with all other property owned by or held in trust by the Federal Government for the Squaxin Island Tribe of Indians; and any property leased by the Tribe.

(39) "Tribe" means the Squaxin Island Tribe of Indians.

3.01.06 Marine Fishing Areas. The following marine fishing areas are hereby defined by catch area number and common name:

a. 13A Carr Inlet: All marine waters north of a line from Penrose to Green Point and south of the Bridge connecting Wauna and Purdy.

1. Upper and Middle Carr Inlet are divided by a line from Allen Point to the southernmost point of land on the eastern shore of Glen Cove. Middle and Lower Carr Inlet are separated by a line running westerly 273 degrees true from the northernmost point of land on the south side of the entrance to Horsehead Bay to a marker on the Longbranch Peninsula.

b. 13C Inner Chambers Bay: All waters east of the railroad trestle at the mouth of Chambers Bay.

c. 13D Mixed stock area (Peale, Pickering, Dana, and Southern Case Inlet): All water of Peale, Pickering, Dana and Southern Case Inlet as an aggregate, legally described in the four following sections:

1. 13D3 Peale Passage: All waters south of a line connecting Salmon Point, on the northern tip of Squaxin Island, to the bulkhead on Hartstene Island approximately due East of Salmon Point, and all waters north of a line connecting Brisco Point Light on Hartstene Island with Unsal Point on Squaxin Island.

2. 13D2 Pickering Passage: All waters south of a line from Dougall Point on Hartstene Island to McLane Cove on the mainland, and north of a line projected northwest from Unsal Point on Squaxin Island, to the Hunter Point light on the Mainland. Pickering Passage is bounded on the west by lines projected across the mouths of Hammersly and Totten Inlets.

3. 13D1 Dana Passage: All waters west of a line from Johnson Point to Wilson Point on Hartstene Island, the western and southern boundaries are delineated by the previous lines across Henderson Inlet, Budd Inlet, Pickering Passage, and Peale Passage.

4. 13D4 Southern Case Inlet: All waters north of a line from Treble Point (Anderson Island) through the navigation marker (southwest of Treble Point) to the mainland and a line between Devils Head and Treble Point. Southern Case Inlet is closed to the west by previously described lines across Dana and Pickering Passages, and south of a line projected due east from the southern tip of Stretch Island to the Longbranch Peninsula.

d. 13E Henderson Inlet: All waters south of a line projected northeast from Dickerson Point to Johnson Point.

e. 13F Budd Inlet: All water south of a line projected from Cooper Point to the light at Dofflemeyer Point near Boston Harbor.

f. 13G Eld Inlet: All waters southwest of a line projected from Cooper Point to the southeastern shore of Sanderson Harbor.

g. 13H Totten Inlet: All waters southwest of a line projected south from the Arcadia green light to the northern tip of Steamboat Island, but does not include waters of Skookum Inlet (defined below).

h. 13I Skookum Inlet: All waters west of a line extending from the Tillicum Rock (on the Arcadia side) to the large rock on Kamilche Point.

i. 13J Hammersley Inlet: All waters lying westerly of a line projected south from the red light on

Hungerford Point south to Arcadia point light.

j. 13K Northern Case Inlet: All waters north of a line projected southeast from the southern tip of Stretch Island to the southernmost point of land on the west side of the mouth of Dutcher Cove on the Longbranch Peninsula and north of the Stretch Island Bridge.

k. 13-1 Nisqually Reach: all waters north of a line from Treble Point (Anderson Island through the navigation marker - southwest of Treble Point) to the mainland, and all waters south of a line running due east from Anderson Island to the northern tip of Ketron Island, and all waters south and west of a line projecting from the southern tip of Ketron Island to the buoy at the mouth of the Nisqually River and hence eastward to the jetty approximately 1/2 mile south of Sequalitchew Creek.

l. 13-2 Marine Pass: All waters north of a line from Devils Head to Treble Point south of a line running east-west through Pitt Island, north of a line running due east from Anderson Island across the northern tip of Ketron Island to the mainland, east of a continuous line from Hyde Point (McNeil Island) to Gibson Point (Fox Island) to Point Fosdick on the mainland, and south of the Tacoma Narrows Bridge.

m. 13-3 Lower Carr Inlet: All waters encircled by lines projected from Longbranch Peninsula through Pitt Island to McNeil Island from Hyde Point (McNeil Island) to Gibson Point (Fox Island) to Point Fosdick on the mainland and from Green Point to Penrose point (northern boundary).

n. 13-4 Fox Island: All water of Hale Passage and Wollochet Bay inside and northerly of the southern cable crossing line (as marked by "cable crossing" signs on the shore near the southern entrance to Wollochet Bay and on Fox Island south of the old ferry dock) and southerly of the Fox Island Bridge.

o. 13-5 Sequalitchew: All waters bounded on the west by a line projecting from the southern tip of Ketron Island to the buoy at the mouth of the Nisqually River, bounded on the south by a line projecting eastward from the Nisqually River buoy to the jetty approximately 1/2 mile south of Sequalitchew Creek.

This includes Cormorant Passage, the northern boundary of which is a line from the northern tip of Ketron Island to Gordon Point.

3.01.070 Other Ordinances Apply. All provisions of applicable Squaxin Island Tribal Court Ordinances and codes shall apply to the prosecution of violations under this Code, where consistent. This shall include applicable Rules of Criminal Procedure. The entire Law and Order Code also applies to all on and off reservation fishing related conduct, and thus must be complied with by all fishers.

3.01.080 Interpretation. This code shall be liberally construed to effectuate its purpose.

3.01.090 Saving Clause. If any provisions of this code, or its application to any person or circumstance, is held invalid or unconstitutional, the remainder of the Code, or the application of the provisions to other persons or circumstances, shall not be affected.

Chapter 3.02: Fish Committee

3.02.010 Fish Committee. The fisheries resource of the Squaxin Island Tribe shall be monitored by an advisory body known as the Fish Committee.

3.02.020 Membership.

a. The Fish 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.

b. Terms will be on an alternating basis with appointments of two or three persons per year.

c. Any member may be appointed by the Tribal Council for each of the seven positions.

3.02.030 Vacancies and Removals.

a. If at any time there exists a vacancy on the fish Committee, the Tribal Council shall appoint a person to fill that vacancy for the remainder of the term.

b. Any member may be removed from the Fish Committee by the Tribal Council for malfeasance in office.

3.02.040 Conduct of Committee Business

a. The officers of the fish committee shall be the Chairperson, whose duty it shall be to preside over the Committee meetings; the Vice-Chairperson, whose duty it shall be to preside over the committee meetings in the absence of the Chairperson; and the Secretary, whose duty it shall be to keep the minutes of the Committee.

b. The 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.

c. The Fish Committee, acting in conjunction with the Tribal Council, shall devise a schedule for regular meetings of the Fish Committee throughout the term. Emergency meetings may be called by the Chairperson, by the Natural Resources Director, by the Chief Enforcement officer, or by the Tribal Council.

d. The Committee may not propose regulations, or make advisory recommendations, unless such regulations or recommendations are approved by a majority vote of a quorum of the Committee.

e. Any four members of the Committee shall constitute a quorum. The Chairperson shall not vote unless the vote is tied.

3.02.050 Powers and Functions. The powers and functions of the Fish Committee shall be as follows:

a. To gather information pertinent to the regulation, conservation, and enhancement of the fishery of the Squaxin Island Tribe, and to make such information available to the Tribal Council;

b. To draft proposed regulations, for consideration by the Tribal Council, pertaining to the fishery of the Squaxin Island Tribe;

c. To draft proposed emergency regulations, for consideration by the Tribal Council, pertaining to the fishery of the Squaxin Island Tribe;

d. To act as an advisory body to the Tribal Council on matters pertinent to the regulation, conservation, and enhancement of the fishery of the Squaxin Island Tribe, and to promote the wise management of the Tribal fisheries resource consistent with the purpose of this Code;

e. For each Committee meeting, to prepare a written summary outlining the salient proceedings of said meeting, including minority as well as majority view points, and to submit this summary to the Tribal Council within five (5) days after such meeting; and

f. To exercise such other powers, and to perform such other functions, as may be delegated to the committee by the Tribal council consistent with the purpose of this Code.

Chapter 3.03: Natural Resources Director

3.03.010 Qualifications.

a. As the needs of the Tribe may dictate, the Tribal Council may employ a person to serve as the Natural Resources Director for the Tribe.

b. This person shall be a fisheries biologist with at least a bachelor's degree in fisheries science, or with sufficient education and experience to perform the duties of the Natural Resources Director as set for herein.

3.03.020 Duties. The duties of the Natural Resources Director shall be as follows:

a. In accordance with the dictates of the Tribal Council, and consistent with the purpose of this Code, to be responsible for carrying out the practical application of the harvest management, resource enhancement, and resource survey programs pertaining to the fishery and fisheries resource of the Tribe.

b. To insure that the Tribal Council, the Fish Committee and Law Enforcement are duly informed regarding the fisheries resource of the Tribe, and to attend meetings of the Fish Committee; and

c. To make recommendations to the Tribal Council regarding the fisheries resource of the Tribe.

Chapter 3.04: Tribal Enforcement Officers

3.04.010 Employment.

a. In the exercise of its authority to enforce this Code, and the regulations adopted hereunder, the Tribal Council shall employ persons to serve as Tribal Enforcement Officers.

b. One of these officers shall be designated by the Council as the Chief Enforcement Officer, who shall have the responsibility of coordinating and regulating the activities of the Tribal Enforcement Officers in a manner consistent with the dictates of the Tribal Council and with this Code, and to attend meetings of the Fish Committee.

3.04.020 Qualifications.

a. In hiring of Tribal Enforcement officers, the Tribal Council shall give preference to Tribal members over persons who are not Tribal members.

b. Enforcement Officers from other Tribes or government entities may serve as Enforcement officers for the Tribe is authorization to do so is intended by the Tribal Council.

c. No person shall be employed as a Chief Enforcement Officer or Tribal Enforcement Officer unless they have either:

1. Successfully completed a law enforcement training program, or

2. Agreed to successfully complete such a program within one year after his initial appointment as a Tribal Enforcement Officer.

d. No person who fails to successfully complete such a training program shall be employed as a Tribal Enforcement Officer for more than one year, provided, however, that if the Tribal Council reasonably and justifiably determines that the attendance of such a program by a particular Tribal Enforcement Officer prior to the expiration of this first year of employment with the Tribe will create an undue financial hardship for the Tribe, or will render it impractical for the Tribe to properly enforce Tribal codes and regulations, the Tribal Council may allow that officer to remain in the Tribal

employ in his present position. Provided further, however, that the officer must successfully complete such a program as soon thereafter as it becomes practical to do so.

3.04.030 General Powers.

a. In accordance with the dictates of the Tribal Council, the Tribal Enforcement Officers shall institute a field enforcement program designed to secure compliance with this Code and the regulations adopted hereunder.

b. Tribal Enforcement Officers shall be authorized to effectuate the arrest of any person when they have probable cause to believe that such person has violated one or more provisions of this Code or of the regulations adopted hereunder.

Chapter 3.05: Tribal Fishing Regulations

3.05.010 Generally.

a. All Tribal fishing areas shall be closed to fishing by Tribal members, or by persons or entities acting under Tribal authority or upon Tribal property, unless specifically opened for such purpose by duly-adopted regulations of the Squaxin Island Tribe.

b. The power to promulgate such regulations shall be vested exclusively in the Tribal Council, although such power may be delegated by the Council in accordance with this Code.

c. No such regulation, except emergency regulations as set forth herein, shall become effective unless ratified by Tribal resolution.

3.05.020 Annual Fishing Regulations.

a. Prior to the opening of Tribal fishing season for any species of fish, the Tribal Council shall, consistent with the terms of this Code, promulgate annual regulations governing the conduct of the Tribal Fishery with regard to that species.

b. Such annual regulations shall include the following:

1. A delineation of all types of fishing gear which may be legally used to fish for the particular species;

2. If necessary, a delineation of specific types of gear which may not be legally used;

3. Specific requirements regarding daily telephone reports of fish catches when necessary;

4. A designation of all fishing areas which will be open for the taking of the particular species, and the particular times at which these areas will be open;

5. A specific designation of the duration of the fishing season; and

6. Such other provisions as may be necessary to further the purpose of this Code, or as the Council may deem necessary to meet the requirements set forth by the United States District Court for the Western District of Washington in United States vs. Washington, Civil Cause #9213, and all subsequent proceedings under said cause number.

3.05.030 Emergency Regulations.

a. The Tribal Council may from time to time promulgate such emergency regulations as may be necessary to effectuate the purposes of this Code.

b. The Tribal Chairperson and Vice-Chairperson; or, in the absence of the Tribal Chairperson, the Tribal Vice-Chairperson and one other Tribal Council Member; or, in the absence of the Tribal Vice-Chairperson, the Tribal Chairperson and one other Tribal Council Member, may from time to time promulgate such emergency regulations as may be deemed necessary to effectuate the purpose of this Code.

c. Upon promulgation of a resolution by the Tribal Council granting she or he authority to do so, the Fish and Wildlife Manager, or his or her designee may, as evidence necessitates, from time to time promulgate emergency regulations requiring the opening or the closure of one or more fishing areas and/or reduction or termination of one or more fishing seasons.

d. An emergency regulation promulgated pursuant to this section may be terminated at any time by the Tribal Council.

e. Regulations shall be in effect upon the signature of the Fish and Wildlife Manager or his or her designee, given in writing to the tribal Council, and must be signed by within twenty four (24) hours by one Council Member. All emergency regulations will be reviewed by Tribal Council at the next regularly scheduled Council Meeting for approval or disapproval.

f. Such emergency regulations may modify existing regulations and/or create new regulatory law, and shall have the same force and effect as if they had been promulgated by the Tribal Council.

3.05.040 Additional Regulations.

a. The Tribal Council may enact regulations to limit participation in any specific fishery in order to maintain economic viability of the Tribal Fishers.

b. The Tribal Council shall, consistent with the terms of this Code, from time to time promulgate such additional regulations as may be necessary to effectuate the purpose of this Code.

3.05.050 Notice Requirements.

a. No regulation adopted pursuant to this Code shall become effective until notice of such regulation is supplied to persons authorized to fish pursuant to this Code.

b. For the purpose of this section, notice of any regulation shall be deemed to have been supplied to persons authorized to fish pursuant to this Code twenty-four (24) hours after a copy of the regulation has been:

1. Mailed to all such persons at their last known mailing address; or

2. Conspicuously posted at the Tribal Center and allowed to remain there posted.

c. Notwithstanding provision (b) above, any person shall be deemed to have been given notice of any regulation if said person has received a copy of that regulation.

d. Any persons shall be deemed to have been personally notified if the regulation is verbally given to them by

an Enforcement Officer or official representative of the Tribe and given time to remove gear from water or otherwise comply with that regulation.

e. Regulations will be filed in accordance with specific requirements of U.S. vs. Washington #9213 Phase I order re: Notification and Effective Date of Emergency Regulations (TWX order).

Chapter 3.06: Authorized Fishers and Identification

3.06.010 Off-Reservation Fishery.

a. Only enrolled members of the Squaxin Island Tribe, sixteen (16) years of age and older, are authorized to exercise Tribal fishing rights pursuant to this Code.

b. A Tribal member may secure the assistance of other Indian fishermen with off-reservation treaty fishing right in the same usual and accustomed grounds and stations whether or not such fishermen are members of the Squaxin Island Tribe; and may also be assisted by his or her spouse, and by Tribal members who are younger than sixteen (16) years of age, in accordance with 3.06.040 and 3.06.050.

c. A Tribal fisher may apply to the Tribal Council for authorization to receive on-site technical assistance from a person who is not an authorized Tribal fisher. The Tribal Council shall grant the application for such assistance if it finds that the requested technical assistance will be limited to instruction (including demonstrative instruction) in one or more aspects of commercial fishing, that the proposed technical assistant is qualified to provide such instruction, and that such instruction will be necessary to enhance the fishing skills of the Tribal fisherman in a manner which will render him more able to effectively exercise his treaty fishing rights. In approving the application, the Tribal Council shall specify:

1. Those aspects of commercial fishing for which technical assistance may be provided;

2. The name of the person authorized to provide such assistance; and

3. The length of time for which such assistance may be provided.

d. Upon such approval by the Tribal Council, the right of a Tribal fisher to receive on-site technical assistance shall be subject to the following conditions:

1. That participation by the technical assistant in the Tribal fishery be limited to instruction, including demonstrative instruction, in one or more aspects of commercial fishing;

2. That the compensation provided to the technical assistant for rendering such assistance not take the form of a share or percentage of the fishers catch; and

3. That the Tribal fisher receive on-site technical assistance from no more than two persons at any one time.

e. The technical assistant shall be authorized to participate in the Tribal fishery only in accordance with the specifications and conditions set forth herein.

f. A person authorized to assist in the Tribal Fishery may do so only when he or she is in the company of an authorized Tribal fisherman. (See 3.06.040)

3.06.020 <u>On-Reservation Fishery</u>.

a. Any person authorized to engage in the Tribal off-reservation fishery pursuant to his Code shall be authorized to engage in the Tribal on-reservation fishery under the same terms and conditions applicable to his or her assistance in the Tribal off-reservation fishery.

3.06.030 <u>Tribal Identification</u>.

a. Prior to exercising the right to engage in the Tribal fishery pursuant to the terms of this Code, a Tribal member must first obtain a Tribal Fishing Identification

Card. This identification card shall be certified by the Tribal chairperson and shall include the name, Tribal affiliation and assigned number of the holder, together with a photograph of the holder. This card shall be the property of the Tribe. The Tribal Council may authorize the use of temporary identification pending the issuance of the Tribal fishing identification card.

b. The card must be on the holder's person, or within the immediate control of the holder, during all times he or she is exercising his or her right to fish pursuant to this Code, or pursuant to the regulations adopted hereunder; and must be presented to any authorized Enforcement Officer upon request. It shall be unlawful for the holder of a Tribal fishing identification card to transfer that card to another person for use by that person.

c. A Tribal fisher must present his Tribal fishing identification card to the buyer in the sale of any fish caught, trapped, or otherwise taken pursuant to this Code.

d. If a Tribal fishing identification card is lost, the holder must report this loss to the Tribe within forty-eight hours from the time of loss. Upon the loss of a card, the holder shall be responsible for the payment of the Tribal fish tax on the proceeds from the sale of any fish sold pursuant to that card prior to the reporting of the loss.

3.06.040 <u>Assistant Identification Requirements</u>.

a. Prior to exercising the right to assist a Tribal fisher in the Tribal fishery pursuant to this Code, other than a person granted such right under this Code, other than a Tribal fisher with off-reservation treaty fishing rights in the same usual and accustomed grounds and stations, must first obtain a Tribal fishing assistant identification card.

b. This identification card shall be certified by the Tribal

Chairperson and shall include the name and if applicable, Tribal affiliation and enrollment number of the holder, together with a photograph of the holder.

c. Any person issued a Tribal fishing assistant identification card shall be deemed to have consented to be bound by the terms of this Code and regulations adopted hereunder, and the card shall so state. All assistants must read and comply with all fishing laws and regulations.

d. The card shall indicate the status of the assistant -- whether spouse, minor, or technical assistant.

e. The card must be on the holder's person, or within the immediate control of the holder, during all such times as he or she is exercising his or her right to assist a Tribal fisher in the Tribal fishery pursuant to this Code, or pursuant to the regulations adopted hereunder; and must be presented to any authorized Enforcement Officer upon request.

f. It shall be unlawful for the holder of a Tribal fishing assistant identification card to transfer that card to another person for use by that person.

g. If a Tribal fishing assistant identification card is lost, the holder must report this loss to the Tribe within forty-eight (48) hours from the time of loss.

h. All assistants engaging in fishing-related conduct must be in the immediate presence of the fisherman he or she is authorized to assist; and the authorized fisherman must also ensure that the assistant is so accompanied.

3.06.050 <u>Non-Member Spouse Assistance</u>.

a. A Tribal fishing identification card will be issued to a non-member spouse of a Tribal member only upon payment of a licensing fee. The amount of said fee shall be determined on an annual basis by the Tribal Council.

b. The Tribal member spouse must accompany the non-Tribal member spouse while he or she is fishing under the

authority of the card and the Squaxin Island Tribe.

c. Tribal members will be responsible for the actions of their non-member spouses taken pursuant to this section, including fishing without a properly issued identification card and fishing without being accompanied by the Tribal member spouse.

d. Prior to the issuance of a spousal Tribal fishing identification card, all non-Tribal spouses must agree in writing to abide by Tribal regulations and submit to Tribal jurisdiction.

e. 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 fishing privileges.

f. The provisions of 3.06.04 also apply to non-member spouse assistance.

3.06.060 Annual License Fee.

a. No person may engage or assist in a Tribal fishery in any Tribal fishing area prior to paying the applicable annual licensing fee to the Tribe.

b. The amount of said fee shall be determined on an annual basis by the Tribal Council, and may be increased or decreased from year to year by Tribal resolution as the Council deems necessary.

c. No Tribal fisher shall be issued a Tribal fishing identification card prior to the payment of the applicable licensing fee by the fisher.

d. No person authorized to assist a Tribal fisher in the Tribal fishery shall be issued a Tribal fishing assistant identification card prior to the payment of the applicable licensing fee by that person.

e. No Tribal fisher shall be issued a Tribal fishing identification card prior to fulfillment of any and all overdue obligations by that fisher to the Squaxin Island Tribal Court.

Chapter 3.07: Fish Tickets and Other Required Information

3.07.010 Fish Tickets.

a. The Tribal Council shall provide for the use of authorized fish tickets.

b. Each fisher must insure such fish tickets are filled out accurately and completely regarding catch area, gear type, number of nets and all other required information. Fishers shall also comply with the fish ticket requirements of Chapter 3.08 Sale of Fish.

3.07.020 Other Required Information.

a. To effectuate the purpose of the Code, the Tribal Council may request Tribal members to provide statistical information pertinent to their role in the tribal fishery. Such request shall be promulgated only through Tribal resolution.

b. Tribal members are required to fill out and turn in the NOAA Marine Mammal Interaction Log Books to the Squaxin Island Natural Resources Office.

c. If a Tribal member fails to provide such information to the Tribal Council as requested, that member shall be forbidden from participating in the Tribal fishery until the information is provided, and until then shall not be deemed an authorized Tribal fisher.

Chapter 3.08: Sale of Fish

3.08.010 Sale or buying by Authorized Fishers or Tribal Council.

a. The original sale to a bona fide wholesale or retail buyer of any fish taken in the Tribal fishery must be by, or on behalf of , the Tribal fisher catching the fish, or by the Tribal Council. Such sale may be made only by an authorized Tribal fisher.

b. The Tribal Council shall have the right, upon just cause, to forbid Tribal fishermen from selling fish to designated buyers.

c. The Tribal Council is authorized to provide Tribal fish buyers as a Tribal Enterprise, and to impose a tax on such enterprises.

d. All authorized Tribal Buyers are required to fill out Washington Department of Fisheries Treaty Indian Fish

Receiving Tickets and return them to the Squaxin Island Natural Resources Department within four (4) working days after the date of purchase.

e. All persons exercising the treaty fishing rights of the Squaxin Island Tribe shall -- upon delivery and sale of any fish obtained by any means in a treaty protected fishery on or off the Squaxin island Indian Reservation to any purchaser -- fill out a Washington Department of Fisheries Treaty Indian Fish Receiving Ticket, whose form shall be prescribed by the Squaxin Island Tribe or other lawful authority.

f. Failure to fill out the prescribed fish ticket shall be a violation of this title.

g. It shall be conclusively presumed that the individual knows and has read the contents of the completed ticket and certifies and acknowledges that the statements on the ticket are true.

h. The information required for use on the prescribed fish ticket will be embossed on the Tribal ID card.

3.08.020 Fish Tax.

a. There is hereby imposed a tax upon the proceeds from the sale by, or on behalf of, a Tribal fisher of any fish sold pursuant to 3.08.010 (a) above.

b. For each species of fish, the rate of the tax imposed upon the proceeds from the sale of sid species shall be determined by Tribal resolution at least sixty (60) days prior to the first day of the Tribal open commercial fishing season for that species.

c. Said tax shall not be modified at any time during the Tribal open commercial fishing season, but may be modified at other times as the Tribal Council may deem necessary. Provided, however, that no Tribal fish tax may be modified within sixty (60) days prior to the first day of the Tribal open commercial fishing season for that species to which that tax pertains.

d. It shall be the duty of a Tribal fisher who sells such fish to insure that the required tax is paid to the Tribal Natural Resources Director within the time period specified in the applicable annual regulation. Together with said tax, the Tribal fishers shall provide the Fish

and Wildlife Manager with a fish ticket indicating the number, species, and weight of the fish sold during said period, the amounts received from the sale of said fish, the name and address of the person(s) or company(ies) to whom the fish were sold, and the Tribal fishing identification card number of the fisher catching said fish.

Chapter 3.09: Subsistence Fishery

3.09.010 Subsistence Fishery Generally.

a. It is the policy of the Squaxin Island Tribe to insure that each Tribal member is provided ample opportunity to obtain from the Tribal fishery all fish needed for his or her personal subsistence consumption.

b. If a Tribal member is legitimately unable for physical or mental reasons to actively engage in the Tribal fishery, it shall be the duty of the Tribe to insure that such person is provided fish from the Tribal fishery in a quantity sufficient to meet his or her personal subsistence needs.

3.09.020 Open and Closed Seasons.

a. Any enrolled member of the Squaxin Island Tribe who is otherwise authorized to engage in the Tribal fishery pursuant to this Code may conduct a subsistence fishery upon any species of fish during the Tribal open commercial season for that species.

b. Authorized Tribal fishermen may conduct a subsistence fishery during the closed season, or during the closed periods of the Tribal commercial fishing season, only

upon the issuance of an emergency regulation authorizing such fishery. Provided, however, that the Tribal Council shall encourage Tribal fishers to conduct their subsistence fisheries during the Tribal open commercial fishing season, and shall allow subsistence fisheries during the closed season, or during closed

periods of the Tribal commercial fishing season, only on a very limited basis and with expressed written permission by said Council.

c. In conducting a subsistence fishery during a closed period, Tribal members may be assisted only by their spouses, and by Tribal members who are younger than sixteen (16) years of age.

3.09.030 Reports. Within twenty-four (24) hours after engaging in a subsistence fishery, a Tribal fisher must submit a report to the Tribal Center detailing the number and species of fish taken from each fishing area during the subsistence fishery. Such information will be made to the proper agencies upon their request.

3.09.040 Non-subsistence Use of Fish. It shall be unlawful to utilize fish taken during any Tribal subsistence fishery for the purpose other than for personal consumption

Chapter 3.10: Ceremonial Fishery

3.10.010 Authorization.

a. Any enrolled member of the Squaxin Island Tribe who is otherwise authorized to engage in the Tribal fishery pursuant to this Code may conduct a ceremonial fishery upon any species of fish during the Tribal open commercial season for that species.

b. Authorized Tribal fishers may conduct a ceremonial fishery during the closed season, or during closed periods of the Tribal commercial fishing season, only upon the issuance of an emergency regulation authorizing such fishery.

3.10.020 Assistance. In conducting a ceremonial fishery, Tribal members may be assisted only by their spouses, and by Tribal members who are younger than sixteen (16) years of age.

3.10.030 Reports. Within twenty-four (24) hours after engaging in a ceremonial fishery, a Tribal fisher must submit a report to the Tribal Center detailing the number and species of fish taken from each fishing area during the ceremonial fishery. Such information shall be made available to the proper agencies upon their request.

3.10.040 Non-ceremonial Use of Fish. It shall be unlawful to utilize fish taken during a ceremonial fishery for any purpose other than ceremonial purposes.

Chapter 3.11: Test Fishery

3.11.010 Authorization.

a. The Tribal Council, or the Natural Resources Director when so authorized by the Tribal Council, may contract with one or more Tribal fishers for the performance of a test fishery. Choice of fishers contracted to conduct test fisheries shall be made by the Tribal Council or the Natural Resources Director when so authorized.

b. The selection shall be based upon type of gear utilized by the fisher and the consistency of participation in commercial fishery openings by the fisher.

c. The contracting of Tribal fishers to conduct test fisheries in each specific fishing area may be accomplished before the fishing season commences to insure adequate performance of test fisheries through long standing notification of participation.

d. Alternate test fishers may also be chosen before the fishing season to participate in test fisheries in the event that primary test fishermen chosen are unable to perform a specific test fishery.

e. Test fisheries may be conducted only on a limited basis, and only upon the existence of technical or biological evidence which reasonably indicates that such a fishery will be necessary to effectuate the purpose of this Code.

f. Upon compilation of the results of the test fishery, information regarding said results shall be made available to the proper agencies upon their request.

g. Fishers who contract with the Tribe to conduct a test fishery shall be compensated for their commitment of time, labor and equipment according to an established scale to be set by the Tribal Council.

3.11.020 Closed Season. A test fishery may be conducted during the closed season, or during closed periods of the Tribal commercial fishing season, only upon the passage of an emergency

regulation authorizing such fishery.

3.11.030 Non-test Fishery Use of Fish. No fish taken during a test fishery may be sold by any individual fisher, or any group of fishers, for personal profit.

Chapter 3.12: Site Reservations

3.12.010 Establishment of Site Reservations.

a. Upon the opening of the fishing season for any species of anadromous fish, any authorized and licensed Tribal fisher may establish an exclusive right to fish for that species in a particular site by:

1. Locating a fishing site within a Tribal fishing area which is either:

(a) Not a usual and accustomed fishing ground and station of another Tribe; or

(b) By agreement, not fished by any other Tribe, and at which no authorized and licensed Tribal fisher has fished during the preceding two fishing days; and

2. Being the first authorized and licensed Tribal fisher to fish the site after the expiration of said two fishing days.

b. As among Tribal fishers and others fishing pursuant to this Code, a Tribal fisher who so establishes a site reservation shall have the exclusive right to fish said site while he or she is fishing that site.

3.12.020 Expiration of Site Reservation.

a. Once a fisher has established a site reservation, the reservation shall be deemed to have expired if the fisher leaves the site for more than two fishing days.

b. All site reservations for a particular species shall expire upon the expiration of the annual open fishing season for that species.

3.12.030 Size. for the purposes of this section, a fishing site may be no larger than as may be necessary to accommodate the authorized gear used by the fisher in establishing the site reservation on that site.

3.12.040 Disputes. In the instance when two or more authorized fishers try to establish a site reservation at the same time and same location and are unable to resolve the dispute, the dispute shall be presented to Law Enforcement personnel for settlement. The settlement shall be by lottery.

3.12.050 Distance Between Site Reservations. All sites must be one maximum net length from other established sites unless otherwise agreed to by the affected fishers.

Chapter 3.13: Gear Requirements

3.13.010 Gear Identification Requirements.

a. No boat, ship, or other nautical vessel may be utilized in the Tribal fishery unless an authorized boat identification tag (or plaque) is conspicuously displayed on the left side of the vessel. Such an identification tag may be obtained from the Tribal Center and is non-transferable to another vessel.

b. No fishing gear utilized in the Tribal fishery may be left unattended unless said gear is marked with a floating buoy. Said buoy shall be approximately twenty (20) inches in diameter, and shall be clearly marked with the owner's name, Tribal affiliation, and BIA number.

3.13.020 Net Lighting Requirements.

a. No fishing net may be utilized in the Tribal fishery unless it is marked with one light at each end of the net.

Provided, however, that when one end of the net is anchored to shore, a light shall be required on the channel-ward side only.

b. All such lights must be clearly visible for three hundred (300) feet from any angle of nautical approach.

3.13.030 Ownership of Fishing Gear.

a. It shall be unlawful for any Tribal member to work for any person not having Treaty rights within the Squaxin Island Tribe's usual and accustomed areas (exclusive or shared), or as the operator of any non-Indian owned fishing gear or equipment, in order to take fish pursuant to this Code for the primary economic gain of such non-Indian Person.

b. It shall further be unlawful for any Tribal member to participate in any shared-catch or percentage of catch agreement with a non-Indian person in exchange for the use of any fishing gear or equipment in the Tribal fishery.

c. This section shall not prohibit any credit purchase contract for the acquisition of ownership of fishing gear and equipment by Tribal members. Provided, however, that without the prior approval of the Tribal Council, no Tribal member shall utilize any boat, gear or equipment in the Tribal fishery unless he or she owns the controlling interest in such boat, gear or equipment in the Tribal fishery unless he or she owns the controlling interest in such boat, gear or equipment, or has entered into a valid written contract to purchase said controlling interest.

d. Additionally, if after such prior approval from the Squaxin Island Tribal Council is achieved, a copy of the said contract, duly signed and notarized, must be on file in the office of Chairman of the Squaxin Island Tribe.

e. Further, the conditions of the contract must include a statement awarding the Squaxin Island Tribal Council the right of first refusal in the event of a default on the part of the fisher.

Chapter 3.14: Violations and Penalties

3.14.010 Fishing in Violation of Code or Regulation Unlawful.

a. It shall be unlawful for any Tribal member, or any other person fishing under Tribal authority or upon Tribal property, to fish within any Tribal fishing area except as provided herein and as provided in the regulations adopted pursuant to this Code.

b. It shall be unlawful for any person to fish within or upon Tribal Property except as provided herein and as provided in the regulations adopted pursuant to this Code.

c. It shall further be unlawful to fail to comply with any provision of this Code, or any regulation promulgated hereunder, that is worded with "shall", "must", "required", "may not", or their derivatives.

d. It shall further be unlawful for any Tribal member, or any other person authorized to participate in the Tribal fishery pursuant to this Code, to commit any of the acts designated herein as Class (A) gross misdemeanors, gross misdemeanors, or misdemeanors.

e. Citations and criminal complaints may refer to the applicable section or regulation allegedly violated, and need not refer to the provisions under this section.

f. Any such person convicted of committing any of the above acts shall be subject to the following mandatory sanctions.

3.14.020 Class (A) Gross Misdemeanors and Penalties.

a. Class (A) gross misdemeanors shall be punishable:

1. For the first conviction, by a fine of ONE THOUSAND and No/100 ($1000.00) DOLLARS and loss of fishing privileges for one (1) calendar year from the date of conviction;

2. For the second conviction, by a fine of THREE THOUSAND and no/100 ($3000.00) DOLLARS, and loss of fishing privileges for two (2) calendar years from the date of conviction, and up to six (6) months imprisonments;

3. For the third or subsequent conviction by a fine of FIVE THOUSAND and no\100 ($5,000) DOLLARS, loss of

fishing privileges for three (3) calendar years from the date of conviction, and up to one (1) year imprisonment.

b. The following acts shall be deemed as Class (A) gross misdemeanors:

1. For any species of fish, fishing for that species without prior Council authorization in a Tribal fishing area during a time designated by Tribal regulation as a closed season for that species; except violations of daily hourly closures covered in 3.14.030 (b)(8).

2. For any species of fish, fishing for that species without prior Council authorization in a Tribal fishing area which has been closed for that species by Tribal regulation;

3. Fishing in a Tribal fishing area without having first been issued a current Tribal fishing identification card;

4. Participation in the sale of any fish designated as a subsistence fish;

5. Participation in the sale of any fish designated as ceremonial fish;

6. Participation in the sale for personal profit of any fish caught during a test fishery.

7. Resisting arrest or citation by a Tribal officer for any violation of this code or regulations promulgated hereunder, by flight or direct or indirect use of force against the officer or others or property; and

8. Participation in any Tribal limited entry (moratorium) fishery without Tribal Council authorization.

9. Participating in a tribal fishery while utilizing a boat, gear or equipment in violation of 3.13.030 of this Code.

10. Participating in the Tribal fishery while allowing an unauthorized person to assist in the fishery, or to be on board the fishing boat whose presence

thereon is not authorized by this Code.

3.14.030 Gross Misdemeanors and Penalties.

a. Except as is otherwise specifically provided herein, gross misdemeanors shall be punishable:

1. For the first conviction, by a fine of ONE HUNDRED FIFTY and no/100 ($150.00) DOLLARS, and by loss of Tribal fishing privileges for seven (7) full days of the Tribal open fishing season;

2. For the second conviction, by a fine of TWO HUNDRED FIFTY and no/100 ($250.00) DOLLARS, and by loss of Tribal fishing privileges for seven (7) full days of the Tribal open fishing season;

3. For the third or subsequent conviction, by a fine of FIVE HUNDRED and no/100 ($500.00) DOLLARS, and by loss of Tribal fishing privileges for fifteen (15) full days of the Tribal open fishing season.

b. The following acts shall be deemed gross misdemeanors:

1. Assisting in the Tribal fishery without having first been issued a current Tribal fishing assistant identification card;

2. Failure to report the loss of one's Tribal fishing identification card in the manner prescribed in this Code within forty-eight (48) hours from the time of said loss;

3. Failure to adhere to daily call-in requirements, as specified in Tribal regulation, regarding one's fish catch number;

4. Selling fish to any person or organization which the Tribal Council has forbidden;

5. Transferring a boat plaque to a vessel not registered in the records of the Natural Resources office.

6. Participation in the Tribal fishery while using fishing gear which has not been authorized by Tribal Regulation;

7. Knowingly falsifying a fish ticket in connection with the sale of any fish caught in the Tribal

fishery;

8. Failure to remove gear or cease fishing during a daily hourly closure in an open area during an open season for that species;

9. Wantonly wasting or destroying food fish or shellfish;

10. Operating a fishing vessel while intoxicated by alcohol or drugs.

c. It shall be a gross misdemeanor for any person who sells any fish caught in the Tribal Fishery to fail to pay any duly accrued Tribal fish tax by the date specified by Tribal regulation. Any person found to have committed said act shall be required to pay the Tribe any and all Tribal fish tax which said person owes to the Tribe, and shall further be punished;

1. For the first conviction, by a fine of ONE HUNDRED and no/100 ($100.00) DOLLARS;

2. For the second conviction, by a fine of TWO HUNDRED FIFTY ($250.00) and no/100 DOLLARS,

3. For the third or subsequent conviction, by a fine of FIVE HUNDRED ($500.00) and no/100 DOLLARS, and by loss of Tribal fishing privileges for a period not to exceed the period until the outstanding tax is paid.

d. It shall be a gross misdemeanor for any person participating in the Tribal fishery pursuant to this Code to knowingly fail to yield to a legitimate site reservation established by a Tribal fisher. Any such person found to have committed said act shall be subject to the penalty schedule for gross misdemeanors set forth in paragraph (a) herein.

e. Further, if such person has caught any fish while unlawfully fishing in said site, he shall be required to pay the holder of said site reservation all or a portion of the proceeds from the sale of said fish, in such an amount as the court may deem just and equitable under the circumstances.

3.14.040 <u>Misdemeanors and Penalties.</u>

a. Misdemeanors shall be punishable:

1. "Shellfish" includes, but is not limited to, manila, steamer, butter, horse, and geoduck clams and mussels.

2. "Commercial shellfishing" means to exercise tribal shellfish rights for the purpose of selling or bartering shellfish; or to be in possession of more than the subsistence limit of shellfish.

3. "Exercise of shellfish rights" includes, but is not limited to harvesting any shellfish for personal or commercial use, transporting any shellfish, offering for sale or barter any shellfish, and traveling to and from such activities -- purportedly pursuant to tribal treaty shellfish-harvesting rights.

4. "Subsistence shellfishing" means to exercise tribal shellfishing rights for the purpose of personal consumption.

5. "Wet Digging" means to use a wet fork in the water at least a wet fork length from the receding tide.

6. "Dry digging" means to use a dry fork on beach uncovered by the receding tide.

b. Where consistent, the definitions of 3.01.050 also apply to this chapter.

3.16.030 <u>Shellfish Committee</u>.

a. The shellfish resource of the Squaxin Island Tribe shall be monitored by an advisory body known as the Shellfish Committee -- which shall be composed of seven members and their alternates.

b. The Tribal Council shall appoint each of the seven members and seven alternates.

c. Each member and alternate shall be appointed to a three year term. Terms shall be staggered, with appointments of two to three members each year. A member may serve more than one term.

d. The Tribal Council shall appoint a person to fill any vacancy on the Shellfish Committee for the remainder of that position's term. Any Committee member may be removed by the Tribal Council for malfeasance in office.