



Quinault Indian Nation

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QUINAULT BUSINESS COMMITTEE

RESOLUTION NO. 25-239-103

WHEREAS, the Quinault Business Committee is the recognized governing body of the Quinault Indian Nation under the authority of the Quinault Indian Nation's Constitution adopted by the Quinault General Council on March 22nd, 1975; and

WHEREAS, Article V, Sections 3(f) and (k) of the Constitution of the Quinault Indian Nation specifically grant the Business Committee the power to manage tribally owned assets, including fishing stations, hunting grounds, and fish and wildlife resources, and to manage, protect and preserve the wildlife and natural resources of the Nation and to regulate hunting, fishing, and trapping within the jurisdiction of the Nation; and

WHEREAS, Article V, Section 3(o) of the Constitution of the Quinault Indian Nation specifically grants the Business Committee the power to exact all laws which shall be necessary and proper for carrying into execution and power delegated to the Business Committee; and

WHEREAS, around 2010, work began on revisions to Title 51 – Fishing, Hunting, Gathering, and many drafts have been considered by the Business Committee, the Office of the Attorney General, and the Policy/Technical/Legal team over the last 15 years; and

WHEREAS, Quinault fishers have been included in the process, beginning with meetings with the Fish Committees in 2014 and then meetings with all fishers in September 2022, September 2023, January 2024, and April 2024; and

WHEREAS, public hearings were held at Taholah on February 12, 2024, and at Queets on March 11, 2024; and

WHEREAS, the Business Committee has carefully considered all comments submitted by the public and have incorporated those it finds in the best interest of the Nation into the final document,

NOW, THEREFORE, BE IT RESOLVED, that the Quinault Business Committee **approves** the attached amendments to Title 51, now titled Fishing-Hunting-Trapping-Gathering, effective as of the date of this resolution.



Guy L. Capoeman, President
Quinault Indian Nation

CERTIFICATION

As Secretary of the Quinault Business Committee, I hereby certify that the foregoing resolution was duly enacted by the Quinault Business Committee in Taholah, WA, at a regular meeting held on August 25, 2025 by a vote of 9 for, 0 against, 1 abstaining.



Mandy Hudson-Howard, Secretary
Quinault Business Committee



TITLE 51

Chapters 01 - 15 FISHING/HUNTING/TRAPPING/GATHERING

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TITLE 51

Chapters 01 - 15

FISHING/HUNTING/TRAPPING/GATHERING

51.01 FINDINGS/PURPOSE AND DEFINITIONS

51.01.010 Findings and Purpose

(a) Findings.

(1) From time immemorial, the Nation has conserved and protected the invaluable wildlife and natural resources of its traditional hunting, gathering, and trapping areas and usual and accustomed fishing areas from waste and excessive exploitation to ensure harvest opportunities for future generations.

(2) The Quinault Indian Nation has regulated ceremonial, subsistence, commercial, and recreational hunting, gathering and fishing on the Quinault Reservation and its usual and accustomed fishing and hunting areas both prior and subsequent to the formation of Washington Territory and Washington State. It is the policy of the Quinault Indian Nation to continue to regulate all on-Reservation and off-Reservation hunting, gathering and fishing without interference or intervention by the State of Washington.

(3) The Quinault Indian Nation has the inherent authority and obligation to maintain the natural beauty of the lands and water of the Quinault Reservation and to protect the wildlife and natural resources under its jurisdiction for the use and enjoyment of present and future generations.

(b) Purpose. The purpose of this Title is to protect the fish, wildlife, and other natural resources under the jurisdiction of the Quinault Indian Nation and the beauty of the Quinault Reservation, and the Nation's sovereignty and self-regulatory status, by providing guidelines for regulating the use and enjoyment of these resources and by providing both criminal and civil sanctions for violations of this Title and the regulations promulgated under this Title.

51.01.020 Definitions

(a) Adult shall mean any person 18 (eighteen) years of age or older who is subject to the jurisdiction of the Nation.

(b) Animals shall mean any wild or artificially propagated vertebrate or invertebrate animals, including but not limited to mammals, birds, shellfish, or fish, but shall not include domesticated animals, birds, or fish.

(c) Antique Firearm shall have the meaning as defined in 18 U.S.C. § 921 as enacted

or hereafter amended and includes any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898, and any replica thereof.

(d) Aquatic Animal shall mean any vertebrate or invertebrate animal that lives in an aquatic environment, including, but not limited to, seals, whales, or otters or the parts of any such animal.

(e) Authorized Agents of the Business Committee shall include the Chief Operating Officer, the Director, the Attorney General and Enforcement.

(f) Authorized Assistant shall mean any person authorized by Nation law and applicable federal law to assist a duly authorized Quinault Tribal Member in the exercise of Treaty fishing, hunting, trapping, and gathering rights. The term Authorized Assistant shall be deemed to include hired fishermen, deckhands, helpers, and any other person authorized to assist a duly authorized Quinault Nation Member in the exercise of Treaty rights as may be provided for in the regulations adopted by the Overall Commission or Committees established pursuant to this Title.

(g) Bag Limit shall mean the maximum quantity (number or weight) of animals, birds, fish, or plants that may be taken, caught, killed or possessed by any person, specified by law or regulation for any particular location and period of time, and may include limits on size, sex, age, species, or other external characteristics (e.g., marked).

(h) Business Committee shall mean the Business Committee of the Nation, as defined in the Constitution of the Nation.

(i) Ceremonial Fishing, Gathering, Hunting, or Harvesting shall mean fishing, hunting, harvesting, gathering or trapping to provide animals or plants for consumption at or support of a community, Tribal or family religious event or ceremony and not for sale or trade.

(j) Enforcement shall mean the persons responsible for the Nation's resource law enforcement.

(k) Closed Area shall mean all places or locations excepting those places or locations specified as "open" by regulation.

(l) Closed Season shall mean all times during the entire year excepting those times specified as "open" by regulation.

(m) Commercial Fishing, Hunting, Harvesting, or Gathering shall mean fishing, hunting, harvesting, gathering or trapping animals or plants for sale, barter, or trade.

(n) Commission shall mean the Overall Commission of the Nation as constituted by this Title.

(o) Committee shall mean any of the Quinault River Committee, Queets River Committee, Off-Reservation River Committee, or Ocean Fishing Committee as may be

established under this Title.

(p) Cultural Resources shall mean an aspect of the environment that is valued by or significantly representative of the Nation's culture, including ethnographic resources such as animals, plants, and their habitats.

(q) Derelict Fishing Gear shall mean lost or abandoned fishing nets, fishing lines, shellfish pots, and other fishing equipment not properly marked or retrieved at the close of a harvest season. It does not include lost or abandoned fishing boats.

(r) Director shall mean Director of the Quinault Division of Natural Resources or its successor agency, or the Director's designee when designated.

(s) Division shall mean the Quinault Division of Natural Resources or its successor agency.

(t) Drone shall mean Unmanned Aerial Vehicles (*see* UAV below).

(u) Enforcement Officer shall mean any person holding a commission from the Nation, the Bureau of Indian Affairs, or other agency entitled to grant commissions to keep the peace and enforce the laws of the Nation.

(v) Executive Committee shall mean the President, Vice-President, Secretary, and Treasurer of the Business Committee.

(w) Firearm shall mean (1) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (2) the frame or receiver of any such weapon; (3) any firearm muffler or firearm silencer; or (4) any destructive device. Firearm includes an Antique Firearm.

(x) Fish, when used as a verb, and its derivatives, "fishing," "fished," etc., shall mean any effort made to possess, kill, injure, capture or disturb any fish. Fish, when used as a noun shall mean any wild or artificially propagated aquatic animal at any life stage, including, but not limited to, finfish, shellfish, and aquatic animals.

(y) Fisheries Policy Spokesperson shall mean that person, or person's designee, authorized by the Business Committee to recommend and oversee the Nation's fishery policies and acts as the official fishery representative for the Nation as described in this Title.

(z) Game shall mean any wild or artificially propagated animal that is harvested by hunting or trapping.

(aa) Gather, when used as a verb, and its derivatives "gathering," "gathered," etc., shall mean to collect, pick, or harvest any animal or plant from its place of growth or formation.

(bb) General Council shall mean the General Council of the Nation, as defined by the Nation's Constitution.

(cc) Guide when used as a verb and its derivatives, “guiding,” “guided,” etc., shall mean the taking of persons upon or over the land or waters of the Reservation or under the jurisdiction of the Nation for the purpose of sightseeing or showing said persons how or where to fish, hunt, trap or harvest, in return for a fee in money, goods, services, or any other kind of compensation or consideration; when used as a noun, “Guide” shall mean a Member who takes persons upon or over the land or waters of the Reservation or under the jurisdiction of the Nation for the purpose of sightseeing or showing said persons how or where to fish, hunt, trap or harvest, in return for a fee in money, goods, services or any other kind of compensation or consideration. Guiding does not include being accompanied by a non-enrolled guest while exercising Treaty rights.

(dd) Habitat shall mean an ecological or environmental area where a particular species of animal or plant finds food, shelter, protection, or reproduces.

(ee) Harm shall mean to kill, injure, or disturb any animal or plant or significantly modify, impair, or degrade its habitat or behavioral patterns except as provided by this Title for hunting, fishing, gathering, trapping, or otherwise authorized by the Nation.

(ff) Harvest, when used as a verb, and its derivatives, “harvesting,” “harvested,” etc., shall mean to possess, kill, capture, or remove any animal or plant by fishing, hunting, trapping, digging, collecting, or gathering.

(gg) Hunt/Trap, when used as a verb and its derivatives, “hunting,” “hunted,” etc. and “trap,” when used as a verb, and its derivatives, “trapping,” “trapped,” etc., shall mean any effort to possess, kill, injure, capture, or disturb any animal.

(hh) Loaded shall mean: (1) there is a round or cartridge in the chamber of the firearm; (2) there is one or more cartridges in a magazine that is locked in place in the firearm; (3) there is a cartridge in the cylinder of the firearm, if the firearm is a revolver; (4) there is a cartridge in the tube or magazine that is inserted in the action; or (5) there is a ball in the barrel and the firearm is capped or primed if the firearm is a muzzle loader.

(ii) Member See Quinault Tribal Member/Member below.

(jj) Motor Vehicle shall mean any vehicle, including, but not limited to, a car, truck, all-terrain vehicle, motorcycle, bus, watercraft, or aircraft which is powered by an internal combustion engine or an electric motor.

(kk) Nation shall mean the Quinault Indian Nation.

(ll) Non-Member, for the purpose of this Title only, shall mean any person who is not an enrolled Member of the Nation.

(mm) Ocean Committee shall mean the fish committee having jurisdiction over fishing grounds and stations located in the Pacific Ocean.

(nn) Off-Reservation Committee shall mean the fish committee having jurisdiction over fishing grounds and stations located outside the boundaries of the Reservation, including

but not limited to the Chehalis River, the Humptulips River, the Copalis River, and the Moclips River.

(oo) Open Area shall mean the places or locations where by regulation it shall be made lawful to fish, harvest, hunt, trap, or gather any animals or plants.

(pp) Open Season shall mean the time specified by regulation when it shall be lawful to fish, harvest, hunt or trap any animal or plant. Each period of time specified as an open season shall include the times and first and last dates thereof unless otherwise specified.

(qq) Person shall mean any person, corporation, organization, government, or other entity.

(rr) Personal Use shall mean harvesting and possession of any animal or plant for non-commercial use.

(ss) Plant shall mean a living organism of the kind exemplified by trees, shrubs, herbs, grasses, ferns, and mosses, typically growing in a permanent site, including aquatic plants, absorbing water and inorganic substances through its roots, and synthesizing nutrients in its leaves by photosynthesis using the green pigment chlorophyll. For purposes of this Title, plant does not include forest products regulated under other Titles.

(tt) President shall mean the President of the Quinault Indian Nation.

(uu) Queets River Committee shall mean the fish committee having jurisdiction over fishing grounds and stations on the Queets River.

(vv) Quinault Reservation or Reservation shall mean all lands and waters included within the exterior boundaries of the Quinault Indian Reservation.

(ww) Quinault River Committee shall mean the fish committee having jurisdiction over fishing grounds and stations on the Quinault River.

(xx) Quinault Seafood Enterprise shall mean any Nation seafood enterprise, its authorized employees, and its management, facilities, and operations wherever located.

(yy) Quinault Tribal Member/Member shall mean any enrolled member of the Nation entitled to exercise the rights of a member of the Nation under the provisions of the Nation's Constitution.

(zz) Regulation means any rule or regulation promulgated under this Title. "Emergency regulation" means a regulation adopted in the absence of normal notice requirements because the circumstance does not allow for the normal notice requirements.

(aaa) Sale or Sell shall mean to transfer something to another in return for payment, goods, services, or item(s). In addition to its usual meaning, sale or sell shall mean to trade or barter.

(bbb) Self-Regulatory Status means meeting the criteria for self-regulatory status enumerated in *U.S. v. Washington*, 384 F. Supp. 312 (1974) by Judge Boldt, including:

- (1) Competent and responsible leadership.
- (2) Well organized tribal government reasonably competent to promulgate and apply tribal off reservation fishing regulations that, if strictly enforced, will not adversely affect conservation.
- (3) Indian personnel trained for and competent to provide effective enforcement of all tribal fishing regulations.
- (4) Well qualified experts in fishery science and management who are either on the tribal staff or whose services are arranged for and readily available to the tribe.
- (5) An officially approved tribal membership roll.
- (6) Provision for tribal membership certification, with individual identification by photograph, in a suitable form that shall be carried on the person of each tribal Member when approaching, fishing in or leaving either on or off reservation waters.
- (7) Provide for full and complete tribal fishing regulations which, before adoption, have been discussed in their proposed final form with State Fish and Wildlife, and include therein any state regulation which has been established to the satisfaction of the tribe, or upon hearing by or under direction of this court, to be reasonable and necessary for conservation.
- (8) Permit monitoring of off-reservation Indian fishing by State Fish and Wildlife to the extent reasonable and necessary for conservation.
- (9) Provide fish catch reports, as to both on and off reservation treaty right fishing, when requested by State Fish and Wildlife for the purpose of establishing escapement goals and other reasonable and necessary conservation purposes.

(ccc) Shellfish shall mean any razor clams, butter clams, mud clams, cockles, rock oysters, huge black mussels, china slippers, sea anemones, crabs, shrimp, mollusk, crustaceans, and any other invertebrate animal usually found on ocean beaches, tidal waters, and other marine or aquatic environments.

(ddd) Sign or Signature shall mean the writing of one's name to identify oneself as the writer or sender, which shall include by electronic means.

(eee) Sport Fishing shall mean fishing with a hook and line or such other methods for recreational purposes and not for sale, as defined by regulation.

(fff) Subsistence Fishing, Hunting, or Harvesting shall mean fishing, hunting, harvesting, gathering, or trapping of animals or plants for the personal consumption or use by Quinault Tribal Members and shall not be used for sale or trade.

(ggg) Trade shall mean the exchange of items or services without any or full monetary payment.

(hhh) Tribe shall mean the Nation; "Tribal" shall mean of or belonging to the Nation.

(iii) UAV shall mean Unmanned Aerial Vehicle and refer to any remotely controlled aircraft with no human pilot on board.

(jjj) Waste shall mean any act or omission by a fisher or hunter, whether negligent or intentional, to allow any animal wounded or killed rendered unfit for human consumption, without making a reasonable effort to retrieve and render it for consumption or use.

(kkk) Weapon, for the purpose of this Title, shall mean items that are generally intended to cause death or injury, including, but not limited to, firearms, antique firearms, crossbows, bows, compound bows, knives, spears, clubs, explosives, and chemicals.

51.02 POLICIES

51.02.010 Inherent Sovereign Authority

The Nation has regulated ceremonial, subsistence, commercial, and recreational hunting, gathering and fishing on the Reservation and its traditional hunting, gathering and trapping areas, and usual and accustomed fishing areas, both prior and subsequent to the formation of Washington Territory and Washington State. It is the policy of the Nation to regulate all on-Reservation and off-Reservation hunting, gathering, and fishing of its Members and authorized assistants without interference or intervention by the State of Washington.

51.02.020 Decisions and Regulations Based on the Best Available Science and Technical Advice

All decisions, and all regulations adopted under this Title shall be based on the best available scientific and technical information in conjunction with the consideration of enforcement concerns and legal advice, and take into account the cultural, social, and economic needs of the Members of the Nation.

51.02.030 Closed Unless Opened

All areas subject to the jurisdiction of the Nation are closed to commercial, ceremonial and subsistence, sport, and personal use hunting, gathering, harvesting, trapping, and fishing unless opened by regulations adopted pursuant to this Title. This section also applies to the Olympic National Park, which is within the Nation's hunting area, and the Nation is exercising its sovereignty by choosing to keep it closed.

51.02.040 Development of New or Expanded Fisheries

(a) Whenever a new fishery or substantial expansion of an existing fishery comes under consideration, the Director, in consultation with the Policy, Science, Technical and Legal review process, shall prepare a report containing budgetary, legal and administrative

requirements for proper management, regulation, and enforcement, which will be provided to the Business Committee and its relevant Subcommittee.

(b) New fisheries or substantial expansion of an existing fishery shall not be pursued without consideration of adequate management and enforcement capabilities.

51.02.050 Division and Nation Personnel

Division and other Nation personnel are authorized to take all actions necessary and proper to the performance and fulfillment of their duties to manage and protect the Nation's Treaty resources and enforce the provisions of this Title.

51.02.060 Self-Regulatory Status

The Nation shall ensure that all Treaty reserved fishing, hunting, gathering, and trapping rights be exercised in a manner that is consistent with and promotes its self-regulatory status, as recognized and adjudicated in *U.S. v. Washington*, 384 F. Supp. 312 (1974).

51.02.070 Eligibility to Exercise Tribal Treaty Rights

Only duly authorized Members may exercise Treaty fishing, hunting, trapping, and gathering rights. Non-members may not directly participate in the harvest of animals or plants taken under the Nation's Treaty rights, provided however, in accordance with duly adopted regulations, that a duly authorized Quinault Nation Member exercising Treaty fishing, hunting, trapping, and gathering rights may be assisted by their legally recognized spouse, children, grandchildren, or any other Indian with adjudicated fishing rights in the same fishery and geographical area, provided that the Member spouse or parent is present, and provided further that such spouse, children, grandchildren, or other Indian is an Authorized Assistant. Such Authorized Assistant must obtain a permit and have a copy of said permit in their possession at all times during assistance. No non-member spouse, child, or grandchild may assist an enrolled Member in the commercial, subsistence or ceremonial harvest of shellfish on the beaches within the Quinault Indian Reservation.

51.02.080 Management Priorities

All matters pertaining to fishing, hunting, gathering, and trapping under the authority of the Nation shall be administered through the structure, procedures and processes established under this Title. The policies and programs of the Nation for animals and plants shall be directed and conducted in accordance with the following order of priorities:

- (a) Protect and advance the sovereignty, Treaty rights, and self-regulatory status of the Nation;
- (b) Protect the productivity and sustainability of the animal, plant, and cultural resources of the Nation; and
- (c) Protect and enhance the culture and economy of the Nation and its Members.

51.02.090 Hunting, Trapping and Gathering

Hunting, trapping, and gathering conducted within the boundaries of the Reservation, and conducted outside the boundaries of the Reservation on all open and unclaimed lands, shall be authorized for personal consumption or use, subsistence, or ceremonial purposes and not for sale or trade unless otherwise authorized under regulations adopted pursuant to this Title.

51.02.100 Non-Indigenous Species

It shall be a civil violation to intentionally introduce, or to cause the introduction of, non-indigenous plant and animal species to any land or waters within the jurisdiction of the Nation. The Nation shall require removal and disposal of species harmful to native animals and plants or their aquatic or terrestrial habitats within the Reservation, pursuant to regulation.

51.03 JURISDICTION

51.03.010 Quinault Indian Nation Jurisdiction

This Title shall apply to all persons, vehicles, boats, and equipment involved in the conducting of activities regulated under this Title.

51.03.020 State Jurisdiction and State Officers; Jurisdiction Denied

The State of Washington and its officers and agents, and any officer or agent of any subdivision thereof, shall have no jurisdiction over the animals and fish or their habitats within the exterior boundaries of the Reservation except as otherwise provided by applicable law. The State of Washington and its officers and agents, and any officer or agent of any subdivision thereof, shall have no jurisdiction over Quinault Tribal Members exercising Treaty hunting, fishing, and gathering activities either inside or outside the exterior boundaries of the Reservation except as otherwise provided by applicable law. Any person committing an act in violation of this Title or any regulation adopted under this Title is subject to enforcement under the jurisdiction of the Nation, even though such an act would be lawful under the laws of the State of Washington or subdivision thereof. No act authorized by this Title when committed within the jurisdiction of the Nation shall be considered unlawful even if such act is unlawful pursuant to the laws of the State of Washington. No person lawfully exercising Treaty-reserved rights under the authority of the Nation shall be cited or arrested within the Nation's jurisdiction, whether on- or off-Reservation, by a person acting as an officer of the State of Washington or any subdivision thereof.

51.03.030 State Fish and Wildlife Agents Banned from Reservation

Fisheries police officers, biologists, fisheries and wildlife administrators, commissioners, fish and wildlife protectors, wardens, or enforcement agents employed or appointed by the State of Washington or any subdivision thereof, are banned from the airspace, beaches, lands, and waters of the Reservation for any data collection, enforcement or regulatory function and may be immediately removed from the Reservation by any Enforcement officer commissioned by the Nation, except when such persons are authorized by written invitation of the President of the Nation or the Business Committee, or their authorized agents, to come on the Reservation. State

fish and wildlife officers or officials shall not be considered to be in violation of this Title while lawfully traveling through the Reservation on its paved highways without intent to enforce any of the fish and wildlife laws of the State of Washington within the exterior boundaries of the Reservation.

51.03.040 Federal Agents

Unless authorized by the laws of the Nation or applicable federal law, federal enforcement officers or any other federal agents employed or appointed by the United States for the purpose of enforcing or administering any federal fish or wildlife laws, are banned from the airspace, beaches, lands, and waters of the Reservation except when authorized by written invitation of the President of the Nation or the Business Committee, or their authorized agents. Lawfully traveling through the Reservation on paved highways without the intent to enforce any fish or wildlife laws of the United States within the exterior boundaries of the Reservation is authorized.

51.03.050 Scientific Research

Any person or entity that desires to conduct scientific research within the Reservation shall secure a scientific research permit from the Division and shall have a copy of said permit in their possession at all times when conducting such research. The Division will notify the Business Committee of permits issued at the soonest regularly scheduled meeting.

51.04 COMMISSIONS AND COMMITTEES

51.04.010 Overall Commission

(a) Overall Commission. The Business Committee may, in its discretion, establish or disband an Overall Commission. If the Commission is not established, is disbanded, or is not functional, the responsibilities of the Commission shall revert to the Business Committee or its designee.

(b) Formation and Appointment of the Overall Commission. If established by the Business Committee, the Overall Commission may consist of seven (7) Commissioners, who shall be appointed from the Committees, if established. If the Committees are not established, the Business Committee will appoint one Commissioner from among those persons whose names appear on the Master Roster for each of the Quinault River, Queets River, Off-Reservation and Ocean fisheries. Appointment of the balance of the Commission by the Business Committee shall be as follows: One Commissioner shall be a fishing guide, one Commissioner shall be a hunter, and one Commissioner shall be an at-large Member of the Nation.

(c) Term. Except as provided herein with regard to the appointment of the initial Commissioners pursuant to the 2025 amendments to this Title, the term of office shall be three years, provided that any Commissioner serving at the time the 2025 amendments to this Title take effect shall serve until the Business Committee appoints a new Commission pursuant to these amendments. Of the initial Commissioners appointed after the effective date of these 2025 amendments, one (1) Commissioner who is an approved fisher or

Committee member from each of the Quinault River, Queets River, Off-Reservation and Ocean fisheries, or their designee, shall each serve a term of three (3) years, and the guide, hunter, and at-large Commissioners shall each serve a term of two (2) years. Members shall serve until a replacement is appointed.

(d) Vacancies. The Business Committee shall fill vacancies for an unexpired term by appointing any eligible person for the remainder of the term consistent with the Policy on Committees, Commissions, and Boards. Vacancies shall only be filled after the Business Committee has advertised the vacancy for fifteen (15) calendar days.

(e) Election of Chairperson of Overall Commission. The Chairperson of the Overall Commission shall be elected annually from among the Commissioners by vote of the Commissioners at the first Commission meeting after the annual General Council Meeting. The Chairperson shall serve until said election occurs.

(f) Adoption of Bylaws. The Commission shall adopt bylaws to govern the conduct of meetings, which bylaws shall be forwarded for consideration of ratification by Business Committee Resolution within one (1) month of adoption. Bylaws are effective when ratified by the Business Committee. Bylaws will address, at a minimum, appointment of officers and roles, meetings, attendance, conflicts of interest, reporting, and development of a budget.

(g) Duties. If established by the Business Committee, the Commission shall be responsible for the following:

(1) Compiling a Master Roster of persons who are issued a hunting tag, who are authorized designated hunters, or are authorized hunting and fishing guides.

(2) In consultation with staff, proposing general, seasonal, and emergency regulations for all hunting, fishing, gathering, guiding and trapping activities conducted within areas that are not assigned to such Committees as the Business Committee may establish under this Title. Such regulations shall be signed by the Chair or his/her designee and referred to the Executive Committee, for concurrence and signature, and for fisheries matters, the Fisheries Policy Spokesperson.

(3) The Commission shall confer with specific River Committees when developing sport guiding regulations to ensure consistency with seasonal regulations.

(4) The exercise of all of the duties of any or all of the Quinault River, Queets River, Off-Reservation and Ocean Committees if the Business Committee decides not to establish, or disbands, any or all of these Committees.

(5) The providing of advice, and the making of recommendations to the Director, and as appropriate, the Fisheries Policy Spokesperson, on the management of Treaty hunting, gathering, trapping, fishing, and subsistence activity conducted within areas that are not assigned to such Committees as the Business Committee may establish under this Title.

(6) Commission meetings shall be the forum for concerns about matters within the Commission's areas of responsibility. For such concerns, the Commission may provide advice and recommendations to the Director, and for matters pertaining to fishing, the Fisheries Policy Spokesperson.

(7) The Commission will attend a quarterly meeting with the Business Committee.

(8) The Commission may appoint its members to attend regularly scheduled inter-governmental meetings at which co-management decisions affecting the Nation's fisheries under their responsibility are made or discussed and advise the Fisheries Policy Spokesperson at such meetings.

(9) The Commission shall, on a monthly basis, provide to the appropriate Business Committee Subcommittee the master roster of tags issued and reports of animals taken.

51.04.020 Committees

The Business Committee may, in its discretion, establish or disband the Quinault, Queets, Off-Reservation, Ocean, and other fish Committees. If established, each committee may consist of five (5) Quinault Members appointed by the Business Committee, all of whom shall be approved fishers in the fishery subject to the Committee's oversight. At least one Committee member of the Quinault and Queets River Committees may be a fishing guide on those systems. No person shall be appointed to serve simultaneously on more than one Committee established under this Title, unless the second committee is the Overall Commission.

(a) Term. Except as provided herein with regard to the appointment of the initial Committee members pursuant to the 2025 amendments to this Title, the term of office shall be three years, provided that any Committee member serving at the time the 2025 amendments to this Title take effect shall serve until the Business Committee appoints new Committee members pursuant to these amendments. Of the initial Committee members appointed after the effective date of these 2025 amendments, two (2) members shall be appointed to serve a term of three (3) years, two (2) members shall be appointed to serve a term of two (2) years, and one (1) member shall be appointed to serve a term of one (1) year. Members shall serve until a replacement is appointed.

(b) Vacancies. The Business Committee shall fill vacancies on the Committees for an unexpired term by appointing any eligible person for the remainder of the unexpired term. Vacancies shall only be filled after the Business Committee has advertised the vacancy for fifteen (15) calendar days.

(c) Chairperson. The Chairperson of each Committee shall be elected annually from among the Committee members by vote of a quorum of the Committee at the first Committee meeting after the annual General Council Meeting.

(d) Adoption of Bylaws. Each Committee shall adopt bylaws to govern the conduct of meetings, which bylaws shall become effective upon approval of the Business Committee.

Bylaws will address, at a minimum, meetings, attendance, conflicts of interest, reporting, and development of a budget.

(e) Duties.

(1) The Committees, if established by the Business Committee, shall provide advice and recommendations to the Director, Enforcement, and the Fisheries Policy Spokesperson, on the management of Treaty commercial, personal use, ceremonial, and subsistence fishing activity and sport and guided fishing activity conducted within the areas under their respective responsibilities.

(2) Each Committee shall be responsible for compiling a Master Roster pursuant to Section 51.04.040.

(3) The Quinault, Queets, and Off-Reservation Committees shall have the authority to adopt, in consultation with staff and final concurrence of the Executive Committee and Fisheries Policy Spokesperson, general, seasonal, and emergency regulations governing the conduct of guiding and fishing activities on their respective rivers, including those persons who shall be entitled to use fishing grounds and stations in the areas of their respective responsibilities. Any appeal of a decision made by a Committee on the assignment of a ground or other matter committed to the Committee's discretion by this Title or the regulations governing the conduct of fishing activities on each respective river shall be made to the Overall Commission, the decision of which shall be appealable to the Quinault Natural Resources Tribunal established by the Business Committee, or if none is established, the Quinault Tribal Court.

(4) The Ocean Committee shall have the authority to adopt general, seasonal and emergency regulations in consultation with and final concurrence of the Executive Committee and Fisheries Policy Spokesperson governing the conduct of ocean fishing activities, including those persons entitled to participate in Ocean fisheries. A person denied authorization to participate in an Ocean fishery may appeal the Committee's decision to the Overall Commission, the decision of which shall be appealable to the Quinault Natural Resources Tribunal established by the Business Committee, or if none is established, the Quinault Tribal Court.

(5) Each Committee shall receive concerns regarding the regulation and conduct or implementation of matters within its area of responsibility and provide advice and recommendations to the Director, the Fisheries Policy Spokesperson, Enforcement, and the Business Committee.

(6) Each Committee may appoint one of its members to attend and advise the Fisheries Policy Spokesperson at regularly scheduled inter-governmental meetings at which co-management decisions affecting the fisheries under their responsibility are made or discussed.

(7) If the Business Committee disbands a Committee, the responsibilities of that Committee shall revert to the Overall Commission, or the Business Committee

or its designee in the event that the Commission is not established or is not functional.

51.04.030 Quorums

Quorums for the official conduct of business for the Committees shall consist of at least three (3) members. A quorum of the Commission shall consist of a majority of those appointed. Votes must be cast in person, except during emergencies, natural disasters, and/or during fishing seasons. In person voting may include appearance telephonically or by video as long as participation is audible by all Commission or Committee members, and the use of proxies shall not be allowed.

51.04.040 Record Keeping

(a) Master Roster. The Commission shall compile a Master Roster of all persons who are issued a hunting tag and a Master Roster of all persons who are authorized hunting and fishing guides. Each Committee shall compile, in conjunction with the Director and not later than June 15th of every year, a Master Roster with the name of each ground assignee or authorized fishers, boat owner, boat operator, and Authorized Assistant authorized to participate in the fisheries under the Commission's or that Committee's area of responsibility. The Committees shall review and approve the respective Master Rosters at each regularly scheduled meeting. The Director, or his or her designee, shall maintain the Master Rosters. Where a functional Commission or Committee does not exist, the Fisheries Policy Spokesperson shall be responsible for compiling Master Roster(s).

(b) Participant Responsibilities. Each ground assignee, boat owner or boat operator shall:

(1) Maintain a current roster listing every hired fisher, deckhand, and assistant involved in their operation and provide such roster to the Director monthly.

(2) Immediately notify the Director of any changes to his/her roster.

(3) The Director will provide monthly reports to and may be used only by the Quinault Indian Nation Child Support Program ("Child Support") for the purposes of collecting court-ordered child and spousal payments and the Quinault Nation Enterprises Board ("QNEB") for the purposes of collecting on defaulted loan payments, which will maintain the confidentiality of these reports and will provide copies only to Child Support and QNEB.

(4) Withhold sufficient amounts, if directed by a court order, child or spousal support agreement, or loan agreement, from payments made to hired fishers, deckhands, and assistants to ensure that fines owed to the Nation, loans made by the Nation, and liens and judgments for spousal and child support are satisfied.

(5) Failure to comply with this subsection (b) may result in the suspension of the participant's privileges.

(c) Record of Meetings. The Commission and Committees established under this Title

shall ensure, with the assistance of the Director, that minutes of all meetings are kept. When approved, such minutes shall be promptly submitted to the Secretary of the Business Committee and any designated subcommittees of the Business Committee.

51.04.050 Reporting

(a) Annual Report. The Overall Commission and each Committee shall submit a written report at least once a year to the Business Committee and to the General Council. The reports shall consist of a summary of the past year's activities, including (1) a record of meetings held; (2) attendance at meetings; (3) quorums reached; (4) decisions made and actions taken; (5) Commission or Committee concerns; (6) budget and funds spent; and (7) a summary of catch information. The Chairs of the Overall Commission and Committees shall be available for public questions by Members at any General Council meeting.

(b) Budget Reports. The Commission and each Committee shall submit a yearly budget and report to the Business Committee. The budgets shall contain a statement of expenditures for the past year, anticipated expenditures for the coming year, the receipts of the past year identified by source, and a statement of cash on hand at the time of submission. The budget will be submitted annually prior to September 30 for the following fiscal year.

51.04.060 Annual Review

(a) Annual Review. The Business Committee shall review the effectiveness of the Commission and Committees and its members by June 1st of every year.

(b) Removal From Office. Commissioners and Committee members may be removed by the Business Committee without cause.

51.04.070 Compensation

Commissioners and Committee members may be compensated in any manner the Business Committee deems appropriate.

51.05 DIRECTOR, FISHERIES POLICY SPOKESPERSON, AND POLICY, SCIENCE, TECHNICAL AND LEGAL REVIEW PROCESS

51.05.010 Director

(a) Director. The Director shall have the authority to concur in, promulgate when delegated, and implement regulations deemed reasonable and necessary to protect the health and sustainability of animals, plants, and cultural resources of the Nation.

(b) Designee. The Director is authorized to appoint a designee to assume such duties and responsibilities authorized under this Title. The Director shall notify the Business Committee, Commission, Committees, and Fisheries Policy Spokesperson as soon as practicable of the duties and responsibilities the designee is authorized to assume. The Business Committee may authorize the designee to assume specific duties and

responsibilities of the Director when an emergency prevents the Director from fulfilling those duties and responsibilities.

51.05.020 Fisheries Policy Spokesperson

(a) Appointment. A Fisheries Policy Spokesperson may be appointed by the Business Committee, after soliciting the views of the Overall Commission and Committees. The Fisheries Policy Spokesperson shall serve at the sole discretion of the Business Committee.

(b) Salary. The Business Committee shall determine the salary, if any, paid to the Fisheries Policy Spokesperson.

(c) Duties and Responsibilities. The Fisheries Policy Spokesperson, if appointed, shall be responsible for the following:

- (1) Represent the Nation, together with any other persons appointed by the Business Committee, in meetings, negotiations, committees and other venues with co-managers of the Nation's fishery and other tribes;
- (2) Recommend Nation fishery policies to the Business Committee;
- (3) Attend meetings of the Overall Commission and the Quinault, Queets, Off-Reservation and Ocean Committees;
- (4) Provide guidance to the Business Committee in the implementation of the Nation's fishery priorities consistent with the policies of the Nation in consultation with the Overall Commission and Fish Committees;
- (5) Participate in the Policy, Science, Technical, and Legal Review Process as requested by the Business Committee;
- (6) Provide a quarterly report including decisions made on fisheries management decisions, testimony given to state or federal agencies or legislative bodies, and a summary of outcomes of co-management meetings and discussions for discussion at a quarterly meeting with the Business Committee; and
- (7) Other duties as may be set forth in a job description or personal services agreement approved by the Business Committee.

51.05.030 Policy, Science, Technical, and Legal Review Process

(a) As defined in subsection (b) of this section, important policy decisions regarding Treaty rights and resources shall be subject to a review process that includes the analysis of the pertinent scientific, technical, policy and legal issues related thereto. This process shall be referred to as the "Policy, Scientific, Technical and Legal Review Process" ("PSTL Process").

(b) The PSTL Process shall be initiated by resolution of the Business Committee,

which may be requested of the Business Committee by scientific, technical or legal staff.

(c) By way of example and not limitation, important policy decisions subject to the PSTL Process include:

- (1) Projects or activities that, based on both context and intensity, measurably eliminate or negatively impact fish, wildlife, or plant species or their habitat;
- (2) Treaty resource management planning;
- (3) Title 51 implementation issues and activities, and conflicts between interpretation or application;
- (4) Other governmental Treaty resource management issues; and
- (5) Other governmental decisions or actions that affect Treaty rights and interests.

(d) The PSTL Process shall include:

- (1) The Business Committee member(s) appointed as the Policy Lead(s);
- (2) One or more staff members of the Division designated by the Director (or designee) who possess the requisite knowledge and training relevant to the policy question(s) under consideration;
- (3) The Fisheries Policy Spokesperson for matters pertaining to fishing;
- (4) The Office of the Attorney General and, when appropriate, outside legal counsel;
- (5) Other consultants as considered necessary; and
- (6) Any other persons appointed by the Business Committee.
- (7) Any Business Committee member may participate in the PSTL Process as an ex officio member.

(e) The end result of the PSTL Process shall be the preparation of one or more written reports, including as appropriate, a separate legal opinion, to the Business Committee, discussing the pertinent policy, scientific, technical and legal considerations, outlining policy options and making recommendations for action. Such reports may take the form of draft letters to non-Nation government agencies or officials and other third parties.

51.06 IMMUNITY AND CONFLICT OF INTEREST

51.06.010 Conflict of Interest

The Director, Fisheries Policy Spokesperson, Commissioners, Committee members, and PSTL

members shall be required to adhere to such policies as may be established by the Business Committee to govern conflicts of interest.

51.06.020 Immunity from Personal Liability and Suit

All Commissioners, Committee members, and employees shall be immune from suit and liability in damages for any action taken in their official capacity and within the scope of their authority.

51.07 REGULATIONS

51.07.010 General

(a) The Commission, the Committees, the Executive Committee, the Director if authority is delegated, and the Fisheries Policy Spokesperson with regard to fisheries issues, are authorized, as provided in this Title, to adopt, amend, or rescind regulations governing the conduct of Treaty hunting, fishing, trapping, and gathering activities for commercial, ceremonial, subsistence, or personal uses, both within and outside of the Reservation, that include the issuance of licenses and permits, requirements for participation and reporting, the establishment of seasons, the opening and closing of areas, the establishment of bag, harvest, possession, catch limits, and other restrictions, the establishment of gear requirements and specifications, and the assessment of fees.

(b) Notwithstanding the delegation of authority to the Director, Commission or Committees to adopt regulations, the Business Committee retains the authority to veto any regulation and to direct any one of them to adopt, amend, or rescind any regulation, and the Business Committee retains the authority to adopt or amend any regulations. If the Director and/or Fisheries Policy Spokesperson recommend that an action proposed by the Business Committee not be undertaken, the reasons for that recommendation shall be reported in a written memorandum and immediately conveyed to the Business Committee and Attorney General of the Nation.

(c) Timely Conveyance. The Director shall timely convey in writing to the Business Committee, Tribal Court, Fisheries Policy Spokesperson for fisheries matters, management staff, Enforcement officers, co-managers, Attorney General of the Nation, and prosecuting attorney any regulation adopted pursuant to this Title.

(d) Public Notice. All regulations adopted pursuant to this Title shall be posted on the Nation's official website and other public places that are reasonably likely to provide notice to the interested public as soon as practicably possible. Copies of such regulations shall be made available to all persons upon request. Concerns regarding regulations, their conduct, or enforcement are to be addressed in the following manner:

(1) Concerns shall be brought to the attention of the Commission or Committee for matters within their respective areas of responsibility;

(2) If a Commission or Committee has not been established or is not properly functioning, concerns shall be brought to the attention of the Director.

51.07.020 Regulations

(a) General Regulations. General Regulations shall provide information and guidelines pertaining to operations and procedures that do not vary from year to year, including but not limited to inspection and operational safety; participation and license requirements; management seasons and areas; harvest methods; harvest or bag limits; eligibility to participate, help or assist; reporting requirements; and locations, gear, and methods. General Regulations and any modification of an existing General Regulation shall be made public by posting on the Nation's official website and other public places that are reasonably likely to provide notice to the interested public for ten (10) calendar days for comment before becoming effective.

(b) Seasonal Regulations. Seasonal regulations shall address matters that are subject to change, such as opening and closing dates and times; stock abundance; co-management considerations; limiting species; and other similar considerations. These regulations shall be made public by posting on the Nation's official website and other public places that are reasonably likely to provide notice to the interested public for ten (10) calendar days before becoming effective.

(c) In-Season Regulations. In-season regulations shall address matters that are subject to change after the beginning of a season, such as opening and closing dates and times; stock abundance; co-management considerations; limiting species; and other similar considerations. These regulations shall be made public by posting on the Nation's official website and other public places that are reasonably likely to provide notice to the interested public for forty-eight (48) hours before becoming effective.

(d) Emergency Regulations. Emergency regulations may be adopted and become effective immediately without posting when the Executive Committee or the Director when authority is delegated, and for fisheries matters, the Fisheries Policy Spokesperson if one is appointed, or the Business Committee by resolution, determines that immediate action is necessary to meet the management responsibilities of the Nation.

(1) Emergency regulations shall become effective immediately and remain in effect for no longer than thirty (30) calendar days but may be extended twice for fifteen (15) additional calendar days each. Emergency regulations shall include the date and time they become effective.

(2) Emergency regulations shall be conveyed to the Business Committee in the most expedient manner within twelve (12) hours of adoption.

(e) Regulations shall remain in effect until amended or cease to be effective by their own terms.

51.07.030 Ceremonial Harvest

(a) The Business Committee shall adopt policy guidance for ceremonial harvests by Resolution.

(b) Ceremonial harvest regulations shall be adopted by the relevant Commission and/or Committee and include:

- (1) The nature of and reason for the ceremony;
- (2) The amount of animals or plants to be harvested;
- (3) The place, time, and date of the ceremony at which the animals or plants are to be used;
- (4) The names of all the persons taking part in the ceremonial harvest;
- (5) The area and date of the ceremonial harvest; and
- (6) Requirements to report the type and quantity harvested.

(c) Identification and License. Each ceremonial harvester shall carry a valid license and identification card or its equivalent except as herein provided while participating in ceremonial harvests.

(d) Regulation of Ceremonial and Personal Use Harvests. The Division shall not issue any license, permit or tag to hunt or gather animals or plants for ceremonial purposes or personal use unless a regulation for the proposed area has been adopted pursuant to this Title, or the Business Committee has approved said harvests by resolution.

51.07.040 Subsistence Fishing

(a) Regulated. Regulations authorizing subsistence fishing by Members in the usual and accustomed areas of the Nation shall be adopted by the relevant Commission and/or Committee.

(b) Each person participating in authorized subsistence fishing shall obtain and carry upon their person a valid license and permit, if required by regulation, and an identification card or its equivalent, except as provided herein. All permits shall specify times and locations for their use.

(c) Catches taken by persons while subsistence fishing must be reported using forms and procedures required by the Director.

51.07.050 Guided Fishing, Guests

(a) Regulations. Guiding and guided fishing may be done according to regulations adopted by the relevant fish Committees and Commission, which shall include a requirement for authorized guides and assistant guides to obtain and carry upon their person a permit.

(b) Guides. Only Members 18 years of age and older shall be permitted to act as fishing guides within the boundaries of the Reservation or accept any fee or other consideration

for acting as a fishing guide according to regulations adopted by the Commission. Guides may be assisted and accompanied by one minor child aged 16 to 18 per adult guide during non-school hours. An annual license shall be required for a Member to act as a commercial fishing guide according to regulations adopted by the Commission and shall be carried while guiding.

(c) Guiding fishing on the lands, rivers, lakes, and beaches of the Reservation shall be regarded as a commercial activity. Fish harvested by guided fishers cannot be sold or traded.

(d) License and Identification. Guided fishers must carry a valid annual license and identification card or its equivalent except as herein provided, while participating in guided fishing. Guided fishers must obtain a permit as required by regulation. Guides may obtain said permit for guided fishers from the Permits Office. Guides and guided fishers are subject to enforcement per section 51.11 of this Title.

(e) Reporting. Guides shall report all catches taken under their operations through methods and forms specified by the Director. The Director shall not renew licenses to guide until catch reporting requirements have been satisfied.

(f) Guided Fishers Removing Fish from Reservation. Subject to restrictions in this Title, fish and parts of fish caught by guided fishers shall not be taken from the Reservation unless accompanied by a written tag issued by the Division authorizing removal. Such tag shall include the name and address of guided fisher; and date, location, species, and number of catch.

(g) Appeal. Decisions related to guiding made by the Committees may be appealed to the Commission.

(h) Guests. Members accompanied by guests who are not guided fishers must report all catch by guests.

51.07.060 On-Reservation Hunting and Trapping

(a) Only Members and others authorized by this Title or regulations adopted under this Title, may hunt or trap on the Reservation. When hunting or trapping, each person shall carry a valid license and identification card or its equivalent except as herein provided.

(b) Regulations. The Commission shall adopt regulations authorizing on-Reservation hunting and trapping, which shall include open times, dates, locations, equipment, methods of harvest authorized for use, bag limits, and reporting requirements.

(c) Cougars.

(1) To protect the health and welfare of Tribal Members as well as the elk and deer populations on-Reservation, cougars may be hunted by Members on the Reservation using dogs provided that such use and bag limit are approved by regulation.

- (2) Snares for cougars shall be set only during the winter.
- (3) The Nation shall maintain a list of registered hound handlers and trainers.
- (d) Guided Hunting.
 - (1) Guided hunting may be authorized under regulations adopted by the Business Committee. Only Members may serve as guides, assistant guides, or helpers and shall obtain annual licenses, which shall be carried during guiding. Each guide, assistant guide, or helper shall carry an identification card or its equivalent while guiding or assisting.
 - (2) Non-members may engage in guided hunting on the Reservation with a Member licensed by the Nation as a hunting guide and pursuant to regulations adopted under this Title.
 - (3) Guided hunters must carry a valid license and identification card or its equivalent except as herein provided while participating in guided hunting.
 - (4) Regulations adopted pursuant to this section shall at a minimum specify the following:
 - (i) Criteria for who may be a guide, assistant guide, and helper, and their responsibilities;
 - (ii) The times and dates when guided hunting will be allowed;
 - (iii) The methods and fair-chase requirements of hunting allowed;
 - (iv) The equipment allowed to be used for hunting;
 - (v) The locations where guided hunting will be allowed;
 - (vi) The types of game allowed to be hunted, bag limits, and reporting requirements;
 - (vii) Fees and licensing requirements;
 - (viii) Minimum mandatory safety standards; and
 - (ix) Qualifications/requirements of guided hunters.
 - (5) A guide shall not take, kill, harvest, harm, or harass an animal, other than the authorized game, while engaged in an active guided hunt, unless such action is necessary for the safety of the hunter or the guide, assistant or helper.
 - (6) Guided hunting for cougars is prohibited.
 - (7) Guiding for trapping shall mean teaching how to trap only. No animal shall

be trapped by a non-member participating in guided hunting on the Reservation.

(e) Tagged/Banded Birds – Reporting. Each hunter or guide shall report all tagged/banded birds found or killed to the Division, including type of bird, band number, and location found or killed. The Division will submit the information to the appropriate agencies.

(f) Reporting All Bagged Game. For the purpose of the Nation's records, all game animals killed or trapped must be reported to the Director. The carcasses and/or parts of all game animals killed or trapped must be tagged as required by regulation.

(g) Removing Game/Wildlife from the Reservation. Subject to restrictions in this Title, game or parts of game lawfully killed, harvested or taken on the Reservation may be taken from the Reservation for any purpose except for sale or trade. Game, parts of game, and wildlife shall not be taken from the Reservation unless accompanied by a tag signed by the person who harvested the game, or the person authorized to transport game or wildlife if it is being transported by a person other than the person who harvested the game, and the person authorized in writing by the Director to sign game or wildlife removal tags. The game or wildlife removal tag will state the name and address of the person transporting the game or wildlife, the approximate date of transportation, and the type and approximate number of wildlife, game, or game parts to be transported, the date and location killed, and signature of the hunter. Provided that:

(1) Naturally shed antlers may only be taken from the Reservation by Members without a tag;

(2) Eagle carcasses or parts of wildlife protected by federal or state law as identified in a regulation may not be harvested or removed from the Reservation except as allowable under federal or state law.

(3) Found carcasses or parts of wildlife may be transported off-Reservation with a tag issued by the Division for disposal or taxidermy and only if found dead, and such found wildlife are not protected by law. Pelts of lawfully harvested or found river otter, cougar, lynx, and bobcat must be sealed by the Division in accordance with applicable State of Washington requirements.

51.07.070 Off-Reservation Hunting and Trapping

Treaty hunting and trapping outside the boundaries of the Reservation by Members shall be authorized for ceremonial, subsistence, or personal use purposes only, and only under regulations adopted by the Commission pursuant to this Title. When hunting or trapping, each Member shall carry a valid license, if one is required by regulation, and an identification card or its equivalent.

51.07.080 Gathering of Plants

The Director may recommend to the Executive Committee the adoption of regulations governing the gathering of plants by Members and traditionally used for medicinal, subsistence, ceremonial, or cultural purposes. Such regulations may include open areas, open seasons, bag limits, and

licensing and fees and shall apply to gathering activities on the Reservation. Each person participating in gathering activities shall carry a valid license, if one is required by regulation, and an identification card or its equivalent.

51.07.090 Aircraft/Unmanned Aerial Vehicles

(a) Aircraft.

(1) Landing. A person who is not a Member or an employee of the Nation or under contract with the Nation acting in the course of his or her employment or contract may not land any aircraft on the land or waters within the Reservation except when specifically permitted pursuant to regulations or procedures adopted by the Director, or in an emergency, or in the event of natural disaster.

(2) Involvement in Management. The Director may authorize the use of aircraft for management of animals, plants, or their habitats or enforcement of this Title or regulations adopted under this Title.

(3) Harassment. The use of aircraft in a manner that harasses or disturbs animals or their habitats on the Reservation is prohibited. Such use shall be reported to Enforcement. Use of aircraft for Division-authorized management activities does not constitute harassment under this Title.

(4) Use of an aircraft to spot, locate, concentrate, or report the location of animals or their habitats for hunting is prohibited.

(b) Unmanned Aerial Vehicles (UAVs).

(1) Use. A person who is not a Member or an employee of the Nation or under contract with the Nation acting in the course of his or her employment or contract may not fly UAVs above the land or waters of the Reservation except when specifically authorized pursuant to regulations adopted under this Title, or in an emergency, or in the event of natural disaster. Use of UAVs in any Treaty activity within or outside of the Quinault Reservation boundaries, including spotting or locating, pursuing or concentrating animals, is prohibited unless specifically authorized by regulation.

(2) Involvement in Management. The Director may authorize the use of UAVs for management of animals, plants, or their habitats or enforcement of this Title or regulations adopted under this Title.

(3) Harassment. The use of UAVs in a manner that harasses or disturbs animals or their habitats on the Reservation is prohibited. Such use shall be reported to Enforcement. Use of UAVs for Division-authorized management activities does not constitute harassment under this Title.

(4) Use of UAVs to spot, locate, or report the location of animals or their habitats for hunting is prohibited.

51.08 WEAPONS/FIREARMS

51.08.010 Possession By Non-Members Prohibited

Possession and use of weapons by non-members shall not be authorized except under the following circumstances.

- (a) Enforcement Personnel. All commissioned and authorized Tribal, federal, state, and county enforcement officers may carry firearms on the Reservation.
- (b) Traveling on Roads. Persons traveling on the paved and non-paved roads within the Reservation may have weapons in their possession while inside their vehicles, provided that firearms carried in motor vehicles shall not be loaded with live ammunition except when carried by commissioned Enforcement officers.
- (c) Bona Fide Residents. Non-member bona fide residents of the Reservation may keep weapons in their homes and may transport them in their vehicles while traveling from their home to locations off the Reservation by the most direct available route without first obtaining a permit from the Nation, provided firearms carried in motor vehicles shall not be loaded with live ammunition, and provided such bona fide residents comply with Title 12 requirements.
- (d) Firearm Permission. The Chief of Police or their designee has the authority to permit or authorize employees of the Nation, contractors, or other individuals to possess and use firearms on the Reservation in the performance of staff duties, or management and enforcement duties, or functions related to implementation of any Quinault Nation Title. The Chief of Police shall establish conditions in coordination with the Director for such possession and use of firearms consistent with Title 12. The Chief of Police may recommend regulations for Business Committee adoption that address the possession and use of firearms by non-members within the Reservation.
- (e) Guided Hunters. Non-members while participating in guided hunts may have weapons in their possession that comply with regulations pertaining to weapons used in guided hunts.
- (f) It shall be unlawful for a person under 16 years of age to be in the possession of or use a firearm for hunting on the Reservation unless the person is accompanied by an adult and, if using a firearm, has completed either a Washington State or Nation firearm-training program. Persons between age 16 and under 18 who possess or use a firearm for hunting must be accompanied by an adult unless they have completed either a Washington State or Nation firearm-training program.
- (g) It shall be unlawful for any person other than an authorized Enforcement officer or Division staff acting in an official capacity to discharge a firearm from, across, or along a paved or non-paved roadway on the Reservation, except a disabled Member hunter with a valid hunting permit.

51.08.020 Weapons Subject to Forfeiture

Any weapons possessed or used in violation of any provisions of this Title may be seized and forfeited to the Nation pursuant to this Title.

51.09 BOAT REGISTRATION/REQUIREMENTS

51.09.010 Policy

To provide for the effective management of the Quinault fisheries, the safety of persons exercising Treaty fishing rights, and to comply with the consent decree in *United States v. Washington*, Subproceeding 88-1, it is necessary that regulations be adopted requiring Members exercising Treaty fishing rights to annually register their boats with the Nation.

51.09.020 Regulations

The Director shall recommend to the Executive Committee the adoption of regulations governing the use and annual registration of all boats engaged in Treaty fishing consistent with the consent decree issued in *United States v. Washington*, Subproceeding 88-1. The Director shall adopt regulations governing all boats engaged in non-Treaty fishing within the Reservation.

51.09.030 Registration Non-Transferable

Any boat registration issued under this Section shall be non-transferable.

51.09.040 Boats Registered

Only those boats that are owned or leased pursuant to a bona fide lease agreement by a Member, including those used in a guided fishery, shall be registered by the Nation.

51.09.050 Safety Standards

The Director shall recommend to the Executive Committee the adoption of minimum boating safety standards by regulation governing all boats engaged in fishing on the rivers, lakes, and waterways of the Reservation. Such standards are effective upon ratification by Resolution of the Business Committee. The Director may adopt regulations that govern boating safety standards governing boats engaged in off-Reservation fishing.

51.09.060 Liability

The boat operator and all registered owners of a boat are collectively and individually liable for any violation of regulations, standards, permitting requirements occurring on or during use of their boat for Treaty fishing activities.

51.10 NATURAL RESOURCES TRIBUNAL

51.10.010 Quinault Natural Resources Tribunal

- (a) Establishment. The Business Committee may, in its discretion, establish by resolution a Quinault Natural Resources Tribunal, which shall be separate and independent from those courts established under Title 5 of the Quinault Tribal Code, and which shall honor and incorporate Quinault cultural traditions.
- (b) Jurisdiction. If the Business Committee establishes a Quinault Natural Resources Tribunal, it may provide that the Tribunal shall have either concurrent or exclusive jurisdiction over all civil violations of this Title and such other jurisdiction as the Business Committee confers upon it by resolution. Where a criminal complaint is filed, however, jurisdiction shall be with the Quinault Tribal Court. Civil violations may be addressed either before the Quinault Natural Resources Tribunal or the Quinault Tribal Court, at the choice of the alleged violator.
- (c) Personnel. If a Quinault Natural Resources Tribunal is established under this Title, the Business Committee shall provide for the appointment of tribunal officers and other personnel and shall determine the scope of their authority, duties, and salary if any.
- (d) Procedures. The Business Committee shall adopt by resolution the rules and procedures for any Natural Resources Tribunal established under this Title.
- (e) Appeals. There shall be no appeal from decisions of the Quinault Natural Resources Tribunal. Appeals of decisions of the Quinault Tribal Court shall be to the Quinault Tribal Court of Appeals pursuant to Title 31.

51.11 ENFORCEMENT

51.11.010 Enforcement Entities

This Title and regulations adopted under it shall be enforced by Enforcement and either the Quinault Natural Resources Tribunal, or, if such a tribunal has not been established or is not operational, the Quinault Tribal Court.

51.11.020 Authorities

- (a) Citation/Complaint/Seizure. This Title shall be enforced by civil citation or complaint, criminal complaint, and/or seizure of (1) unlawfully taken animals and plants; (2) abandoned or unlawful gear or equipment; (3) items or actions made unlawful by law or regulation; or (4) implements used in violation of this Title and/or regulations adopted under this Title.
- (b) Arrest. Arrest by Enforcement officers of persons for a violation of this Title is prohibited except where a criminal complaint has been filed and an arrest warrant has been issued by a judge of the Quinault Tribal Court, or where the officer has probable cause to believe a person committed a criminal act under this Title or any other law for which the

person may be arrested under the laws of the Nation.

(c) Detention. If an Enforcement officer reasonably believes a non-Indian has committed any civil or criminal violation of this Title, the officer may detain the person for a reasonable time until the person can be released to the appropriate federal or state enforcement officer. This provision may be superseded or altered by intergovernmental agreements.

(d) Right of Entry/Inspections/Removal.

(1) Enforcement officers shall have the authority to enter upon any land or waters and remain there while performing their duties, and to enter and inspect boats, vehicles, and aircraft, and to inspect all gear and equipment associated with activities governed by this Title, without liability for trespass. Enforcement officers shall have the authority to audit ballast water bookkeeping records and collect samples from ballast tanks. The inspection by the Division, Enforcement officers, or the Coast Guard of boats and equipment used for Treaty activities is authorized.

(2) If an Enforcement officer reasonably believes an unattended boat, vehicle or aircraft, or gear or equipment is obstructing or has the potential to obstruct navigation or access, or that poses or has the potential to pose a reasonably imminent threat to human health or safety, including a threat of environmental contamination, he or she has the authority to move or remove the same and safely secure said item(s).

(3) In the event of such removal, Enforcement will make good faith efforts to return removed items to their lawful owners. If unable to return removed items, Enforcement shall dispose of said removed items at their discretion, except if the owner of such items is unknown, Enforcement shall advertise the items in the *Nugquam* and make reasonable attempts to confirm the lawful owner and return such items if possible.

(4) An authorized Enforcement officer, in the good faith performance of the authorities authorized under this chapter, is not liable for civil damages resulting from any act or omission in the performance of the actions other than acts or omissions constituting gross negligence or willful or wanton misconduct.

51.11.021 Civil Enforcement

(a) Violations. Violations of this Title or regulations adopted under it that are not identified as criminal, and violations of permits authorized under this Title may be enforced by civil proceedings. For the purpose of enforcement against non-Indians, criminal violations shall be considered civil violations.

(b) Citation. If a Nation's Enforcement officer has a reasonable belief that a non-Indian person committed a civil or criminal violation or an Indian or an Indian-owned association, partnership, company, or corporation has committed a civil violation, the officer may issue a civil citation, which shall include the following:

- (1) The provisions of this Title or regulations adopted under it that were violated;
 - (2) The maximum monetary penalty for each violation;
 - (3) A statement that the person may be ordered to pay the amount of any gains or profits resulting from the violation;
 - (4) A statement that any property seized may be forfeited.
- (c) Filing Citation. The Enforcement officer issuing the citation shall sign the citation and file a copy of the citation with the Court with jurisdiction to adjudicate civil violations under this Title and submit a copy of the citation to the Nation's Prosecuting Attorney within ten (10) business days from the date the citation is issued.
- (d) Civil Complaint. The Nation's Prosecuting Attorney may also charge any Indian or non-Indian person with a civil violation of this Title, or any regulations adopted under it, or violations of permits authorized under this Title, by filing a civil complaint within one (1) year from the date of the violation.
- (e) Initial Hearing/Notice. The Clerk of the Court shall schedule a hearing no later than thirty (30) calendar days from the date the citation or civil complaint is filed and shall send notice of the hearing to the person cited by first class mail to the person's address listed on the citation or complaint and to the Nation's Prosecuting Attorney.
- (f) Initial Hearing Procedures. At the hearing, the person may request either a trial on the violation, admit to the violation, or admit to the violation and request mitigation.
- (1) If the person requests a trial, the Court's rules and procedures governing civil trials shall apply provided there shall be no right to a jury.
 - (2) If the person admits to the violation and requests mitigation, the Court may mitigate any penalty if the Court finds mitigation is in the interest of justice, but it may not dismiss the citation.
- (g) Default Judgment. If a person against whom a complaint is filed fails to appear at any hearing or trial, or if a person issued a civil citation fails to timely pay any court ordered penalty, fines, or costs, the Court may issue a default judgment.
- (h) Resolution of Civil Violation. A civil violation may be resolved by settlement in lieu of litigation at the discretion of the Nation's Prosecuting Attorney.
- (i) Burden of Proof. For all civil violations, the burden of proof shall be a preponderance of the evidence.

51.11.022 Criminal Enforcement

- (a) Indians. Violations of this Title committed by an Indian may be prosecuted by

criminal proceedings.

(b) Complaint. When an Enforcement officer has probable cause (defined as a level of suspicion that would cause a reasonable and prudent person, given the overall circumstances, to believe a violation has been committed) to believe a person has committed a criminal violation of this Title, the Enforcement officer shall submit an affidavit of probable cause to the Nation's Prosecuting Attorney. The affidavit shall contain sufficient facts to establish probable cause that the person committed a criminal violation of this Title. If the person is an Indian, the Nation's Prosecuting Attorney may file either a criminal or civil complaint alleging such violations as established by the affidavit of probable cause. If the person is a non-Indian, the Nation's Prosecuting Attorney may only file a civil complaint.

(c) One Action. No person shall be subject to both a criminal enforcement action and a civil enforcement action for the same violation of this Title except where specifically allowed by this Title.

51.11.030 Penalties

(a) Civil Penalty. A civil violation shall be remedied by the levy of a monetary penalty up to \$10,000 plus the amount of any gains or profits resulting from the violation. Each day a violation occurs shall be a separate violation. Penalties collected shall be deposited in an account designated by the Business Committee.

(b) Factors in Determining Civil Penalty. In making a decision regarding the amount of the civil monetary penalty, if not enumerated in a penalty schedule adopted by regulation, the Court shall consider the following factors along with any other factors relevant to the determination:

- (1) Costs of the civil enforcement proceeding;
- (2) Costs of investigation and enforcement of this Title for the kind of violation in question;
- (3) Value of any goods forfeited because of the same activity or violation;
- (4) The cost to repair or mitigate any damage done by the specific violation to the wildlife or other natural resources of the Nation, including future effects;
- (5) The implication and impact of the violation on fisheries management decisions;
- (6) The value of the resource illegally taken;
- (7) The amount of any gains or profits resulting from the violation; and
- (8) History of prior violations of Title 51.

(c) Criminal Penalty. A criminal violation of this Title shall be punished by a fine of not more than \$10,000 per violation, and/or the amount of any gains or profits resulting from each violation, and/or up to one year (365 days) in jail.

(d) Exclusion. In addition to any other civil penalties, and/or upon the request of the Nation pursuant to Title 17, the Court may order a non-member temporarily or permanently excluded from the Reservation for a violation of this Title.

(e) License, Permit or Other Authority. In addition to any other authorized approval by the Nation to any person to commit any act or engage in any activity governed by this Title or regulation adopted under this Title, including a Member's privilege to engage in any Quinault Treaty activity, the Court may suspend said approval for up to five (5) years, upon a showing by a preponderance of the evidence that the person holding the license, permit, identity card, or other authority has repeatedly been convicted of any criminal provision of this Title which resulted in resource management impacts, and only if criteria for suspension are included in the Commission's or Committees' general regulations. The Court shall be guided by recommendations from the appropriate Commission or Committee.

51.11.031 Penalty Schedule

The Director, in consultation with the Quinault Prosecuting Attorney or Quinault Office of Attorney General, may establish a penalty schedule by regulation for each civil and/or criminal violation, which may be amended from time to time, and which shall be provided to the court having jurisdiction. Said penalty schedule is effective when ratified by Business Committee Resolution.

51.11.035 Derelict Fishing Gear Removal

(a) The Division shall establish by regulation a derelict fishing gear removal program that authorizes participants to remove derelict fishing gear belonging to Members without liability for trespass or theft, which includes criteria and requirements for participation, retrieval, and disposal of removed derelict fishing gear. Derelict fishing gear removed pursuant to said program will become the property of the Nation and be disposed of according to regulations. Fishing gear removal pursuant to this program shall be exempt from the process for seizure and forfeiture in this chapter. The Nation takes fishing gear retrieved under this program free and clear of all claims of the owner or previous holder and free and clear of all individuals claiming ownership under the previous owner.

(b) The Division shall issue permits that allow participants to remove derelict fishing gear from waters within the Nation's usual and accustomed fishing area beginning fifteen (15) days after the close of a harvest season, regardless of whether the fishing gear or shellfish pot was originally set by the participant, and deliver such derelict fishing gear to the Nation in accordance with regulations.

(c) Enforcement may seek reimbursement of the costs of investigation and enforcement from owners of derelict gear.

51.11.040 Property Subject to Seizure and Forfeiture

The following are subject to seizure and forfeiture when a law enforcement officer has probable cause to believe the following are possessed or used in violation of this Title or regulations adopted under it:

- (a) All gear, equipment, or other personal property.
- (b) All motor vehicles, boats, motor vehicle or boat trailers, or aircraft.
- (c) All plants or animals taken, attempted to be taken, or held in violation of this Title.
- (d) All alcohol, marijuana, or unlawful controlled substance possessed in violation of this Title. An officer may not search a residence or outbuildings without a search warrant or the consent of the owner.

51.11.042 Seizure Procedures

- (a) Receipt. When property or items are seized, the seizing officer must, at the time of seizure, issue a receipt to the owner or operator of said items for all items seized. If the owner or claimant is not present to receive the receipt, the seizing officer must leave a copy of the receipt at the location where the items were seized, if practical.
- (b) Contents of Receipt. The receipt must contain the date of the seizure, the incident number associated with the seizure, a complete description of the item(s) seized including any existing damage to the item(s), the serial or model number of the item(s) (if applicable), the location of the item(s) when seized, the number of units of a particular item, the estimated value of the item(s), an indication of whether the item is perishable, space for the owner or claimant to register any dispute over the description, etc. of any item, and a description of the owner's or claimant's rights regarding the seized property.
- (c) Receipt to be Signed. The receipt must be signed by the seizing officer and, when possible, by the owner or claimant of the item(s) seized.
- (d) Disposition of the Receipt. A copy of the receipt must be given to the owner or claimant at the time of seizure, if possible. A copy of the receipt must be transmitted to the Prosecuting Attorney within 24 hours of its completion. The original of the receipt is to be attached to and remain with the incident report.
- (e) Failure by the seizing officer to issue a receipt at the time of seizure shall be a bar to any forfeiture action under this Title and will require the immediate return of all seized item(s) to the lawful owner or claimant.
- (f) Inventory and Repository. All items seized shall immediately be securely stored and a complete inventory of the item(s) seized shall be made in the presence of a witness. The seizing officer and the witness shall sign the inventory. A copy of the receipt signed by the owner or claimant may serve as an inventory and shall be kept with the incident report.

51.11.043 Civil Forfeiture-Procedures

(a) Filing of Forfeiture Action. A forfeiture motion may be filed by the Nation at the same time a criminal or civil complaint or citation is filed against the alleged violator(s), or within thirty (30) calendar days following the seizure. The Nation must show by a preponderance of the evidence that the property seized was obtained or used in the commission of a violation of this Title. A hearing on the forfeiture motion may be held at the same time and in the same court as the hearing on the underlying complaint or citation unless the seized property has been forfeited in a prior proceeding.

(b) Emergency Forfeitures. Upon a determination by the officer seizing any item that said item is perishable and will lose all, or substantially all, of its value if not sold or otherwise disposed of, or if storage of the item is impracticable, an action may be brought for emergency forfeiture of the seized item(s). Forfeited perishable items shall be disposed at the discretion of Enforcement in coordination with the Division if practicable.

(c) Money. Any money received as a result of an emergency forfeiture shall be held by the Nation in an escrow account pending the disposition by forfeiture.

(d) Petition for Return of Items Seized. In the event of a seizure, whether any item was the subject of an emergency forfeiture action or not, the rightful owner, lien holder, or claimant may petition the Court for the return of any item seized, or where sold or disposed of, the lesser of the proceeds of sale or its fair market value. The following procedures shall apply to a petition filed under this provision:

(1) The petition shall be filed with the appropriate court within thirty (30) calendar days from the date of the seizure; and

(2) The person filing the petition must serve it on the Nation's Prosecuting Attorney within two (2) business days of filing; and

(3) The petition must set forth with clarity the factual and legal basis to support the claim.

(4) The court shall schedule a hearing on the petition within ten (10) calendar days from the date of service, if feasible, provided, however, that the court may in its discretion schedule the hearing at the same time a hearing is set on the underlying complaint.

(5) In all actions brought under this section, the court may:

(i) Order the immediate return of any or all of the items seized to any person having a lawful claim upon a showing that a reasonable person could not have believed that the items seized were used or obtained in violation of this Title;

(ii) Order that the item(s) seized shall be forfeited to the Nation;

- (iii) Order that any or all of the items be returned to any person having lawful claim to said items in exchange for bond or cash surety in an amount to be determined by the court;
- (iv) Order reimbursement of the Division's or Enforcement's costs of investigation and enforcement.
- (e) Sale or Disposal of Items Forfeited. Items forfeited by court order may be sold, or if a sale of an item or property is impracticable, disposal of said item or property may be done at the discretion of Enforcement. Sales shall be for fair market value or by auction with the proceeds being deposited in an account designated by the Business Committee.

51.12 VIOLATIONS

51.12.010 Criminal Violations

- (a) Obstructing Enforcement Officers. It shall be a criminal violation for any person to resist or obstruct any Enforcement officer in the discharge of their duties while enforcing the provisions of this Title or regulations adopted under this Title.
- (b) Treaty Activities While Intoxicated. It shall be a criminal violation for any person to hunt, trap, gather, or fish while in possession of or under the influence of alcohol, marijuana, or unlawful controlled substances.
- (c) Hunting from Vehicle. It shall be a criminal violation for any person to kill, shoot at, or pursue any animal from an automobile or other self-propelled vehicle, except if said person is a disabled Member hunter, or shoot at or kill any animal with the aid of any light or lights attached to such vehicle or by means of any other artificial light.
- (d) Use of Dogs. It shall be a criminal violation of this Title for a person to use a dog to assist in hunting or tracking of any animal within the Reservation unless such dog is used as provided in this Title, in accordance with regulations adopted pursuant to this Title, or by authorization of the Director for purposes of public safety or research.
- (e) Closed Areas. It shall be a criminal violation of this Title for any person to take, hunt, fish, harvest, gather, injure, kill, or trap any plants or animals, except within the boundaries of areas open by regulation and using equipment and methods authorized by regulation, and if such actions were knowingly or maliciously taken or result in severe impacts.
- (f) Aiding and Abetting. It shall be a criminal violation of this Title for any person to aid or abet another person in perpetuating a criminal violation of this Title or attempt any act that constitutes a criminal violation of this Title.
- (g) Hunting Eagles and Protected Birds Prohibited. It shall be a criminal violation of this Title to hunt eagles, sea gulls, or other seabirds or migratory birds protected under applicable federal law.

(h) Waste. It shall be a criminal violation of this Title for any person to waste an entire large game animal or majority of the edible portion of a large game animal, or waste or permit waste of animals in a manner that causes severe impacts due to waste.

(i) Sale of Non-Commercially Harvested Animals or Plants. It shall be a criminal violation of this Title for any person to sell or cause to be sold animals or plants harvested for non-commercial use when such sale results in severe impacts to the plant or animal resource.

51.12.020 Civil Violations

(a) General. It shall be, unless otherwise stated, a violation of this Title for any person to disturb, harm, hunt, trap, pursue, kill, injure, capture, harvest, or possess any animal or plant on the Reservation, or within the Nation's usual and accustomed fishing area, or Treaty gathering or hunting area, by exercise of rights accorded or permitted by reason of (1) membership in the Nation, (2) agreement with the Nation, or (3) permit, license, or authority granted by the Nation, except in accordance with this Title or regulations adopted under this Title.

(b) Taxes, Fees, Permits, and Licenses. It shall be a violation of this Title for any person required to pay a specific tax or obtain a specific license, permit or authorization to commit the act requiring a tax, license, permit or authorization without paying the tax or obtaining the necessary license, permit or authorization.

(c) Hunting, Fishing, Gathering, Trapping, or Harvesting During a Closed Season, or in Closed Area. It shall be a violation of this Title for any person to hunt, trap, harvest, gather, possess, or control any animal or plant during a closed season, or in a closed area, or using equipment and methods not authorized, according to this Title or regulations adopted pursuant to it.

(d) Documentation. It shall be a violation of this Title for any person engaged in any activity governed or permitted by this Title to engage in such activity without the required documentation on one's person or in violation of a Court order. No license, permit, identification card, or other document required by this Title or regulations adopted pursuant to this Title shall be transferable. An unlawfully transferred document shall be confiscated.

(e) Assisting a Member. It shall be a violation of this Title for any non-member to assist a Member in fishing, hunting, trapping, harvesting, or gathering any animal or plant, or participate in any way in any Treaty hunting, trapping, fishing, harvesting or gathering activity, unless authorized by license, permit, or regulation.

(f) Failure to Report.

(1) It shall be a violation of this Title for anyone to fail to report information required to be reported by this Title or by regulation adopted pursuant to this Title. It shall be a violation of this Title for anyone to fail to comply with any method or means adopted by regulation for reporting the harvest of any Treaty resource. It shall be conclusively presumed that the person signing a prescribed fish ticket or

submitting any required report certifies and acknowledges that the information contained on the ticket or report is true and correct.

(2) It shall be a violation of this Title for a person who loses or abandons commercial fishing gear, including net(s) or pot(s), within the waters of the Nation's usual and accustomed fishing area, not to report the location of the loss and the type of gear lost to Enforcement within twenty-four (24) hours of the loss or abandonment.

(g) Bag Limits. It shall be a violation of this Title for any person to fish, harvest, gather, or trap a species of animal or plant in excess of the bag limit fixed by regulation.

(h) Interference With Game Control Signs. It shall be a violation of this Title for any person to destroy, tear down, shoot at, deface, or erase any printed matter on signs placed or posted to assist in the enforcement of Tribal hunting, trapping, gathering, or fishing.

(i) Hunting by Children. It shall be a violation of this Title for any person under the age of 13 years to hunt on the Reservation unless accompanied by an adult and, if using a weapon, has completed an approved hunter safety or firearm training program and has obtained a Nation permit to hunt with a weapon.

(j) Wasting Animals or Plants. It shall be a violation of this Title for any person to waste or permit the waste of any plant or animal, or any edible part thereof.

(k) Sale of Animals or Plants Taken for Non-Commercial Use. It shall be a violation of this Title for any person to sell any plant or animal, or part thereof, taken during a non-commercial harvest unless otherwise authorized by regulation; provided, however, the use of edible parts of animals or plants as a minor ingredient in food items for sale is not considered an unauthorized sale.

(l) Taking Fish Eggs from Spawning Grounds. It shall be a violation of this Title for any person, except Division staff in the performance of their duties, or those with written permission from the Director, to harvest fish eggs from spawning beds within the exterior boundaries of the Reservation, or to sell such eggs, or to purchase such eggs.

(m) Sale of Seafood. Except as provided in this Title, it shall be a violation of this Title for any Member of the Nation to sell, attempt to sell, or assist any person in selling fish or shellfish caught, taken, or harvested within the boundaries of the Reservation or within any usual and accustomed fishing ground or station of the Nation, or in any open season established under this Title or regulations adopted pursuant to this Title, except to a Quinault Seafood Enterprise, its authorized agents, or such other individuals as may be authorized by resolution of the Business Committee.

(n) Ceremonial Hunt or Fishery - When Prohibited. It shall be a violation of this Title to conduct a ceremonial hunt, harvest, or fishery without proper authorization by written regulation or Business Committee resolution.

(o) Possession of Weapons. It shall be a violation of this Title for any non-member of

the Nation, unless such person has been granted a weapons permit by the Chief of Police or Business Committee or authorized to possess a weapon pursuant to regulations adopted by the Business Committee or its designee, to have in their possession any weapons except as specifically provided for in this Title.

(p) Violation of Regulations. It shall be a violation of this Title for any person to hunt, fish, trap, or gather within areas under the jurisdiction of the Nation unless in compliance with any provision of this Title, regulation, or order adopted pursuant to this Title.

(q) Aiding/Abetting. It shall be a violation of this Title for any person to aid or abet another person in committing a civil violation of this Title or any regulations adopted pursuant to this Title, or attempt any act that violates this Title or any regulation adopted pursuant to this Title.

(r) Shellfish Violations.

(1) It shall be a violation of this Title to drive or operate any motor-propelled vehicle or land any aircraft on razor clam beds within the Reservation.

(2) It shall be a violation of this Title to possess soft-shelled crab for any purpose.

(3) It shall be a violation of this Title to possess in the field any crab or crab parts without also retaining the back shell (carapace) of each crab.

(4) It shall be a violation of this Title to willfully damage crab or other shellfish. Any crab taken incidentally to a net fishery must be immediately returned to the water with the least possible damage to the crab.

51.13 SALE OF SEAFOOD

51.13.010 Regulations

(a) Authorized Sales. Members granted the use of Tribal rights to catch or harvest fish, aquatic animals, and shellfish for commercial sale shall sell their fish, aquatic animals, or shellfish caught, gathered, or harvested under Tribal license or authority only to a Seafood Enterprise of the Nation or its agents, or buyers authorized and licensed by the Business Committee, unless the Seafood Enterprise or buyers authorized and licensed by the Business Committee do not wish to make such purchases.

(b) Notice of Intent Not to Purchase. When Quinault Seafood Enterprises are, for any reason, not purchasing fish, shellfish, or aquatic animals, the Enterprises shall give written notice to the Commission, the Director, the Fisheries Policy Spokesperson, and the Business Committee within 72 hours prior to potential harvest. During that period of time when a written notice of intent not to purchase by a Seafood Enterprise is in effect, a Member may sell their lawfully harvested fish, shellfish, or aquatic animals to a licensed Washington State fish buyer. Withdrawal of an indefinite notice of intent not to purchase shall be in writing and delivered to the Director, who shall forward the notice to the

Commission, the Fisheries Policy Spokesperson, and the Business Committee and shall not take effect less than 24 hours after such notice.

(c) Incidental Sale The Business Committee may permit, by resolution, any Member who is an authorized commercial fisher or clam digger to sell up to ten (10) salmon or steelhead and/or up to thirty-five (35) pounds of clams to a single individual during any one 24-hour period, provided that the fish or clams sold were taken by the Member selling them in a lawful, commercial fishery and the sale is properly reported on a Tribal fish ticket or by such other means as required by law or regulation.

(d) Sale by Seafood Enterprise Nothing in this Section shall have any effect on sales of seafood by a Quinault Seafood Enterprise.

(e) Payment for Seafood. The Quinault Seafood Enterprise or any authorized buyer shall issue payment only to a registered and authorized ground assignee, authorized fisher, boat owner, or boat operator who is authorized to exercise the Nation's Treaty rights.

51.13.020 Seafood Enterprise Agents

(a) Agents/Regulations. A Quinault Seafood Enterprise may authorize agents to purchase on its behalf Member-harvested fish, aquatic animals, and shellfish. Where a Seafood Enterprise authorizes or contracts with a person to act as its agent, each agent must have a valid permit. The permit shall be issued by the Director at the request of the Seafood Enterprise and may be revoked by the Director for violation of this Title or any regulations adopted under this Title. The agent shall be required to pay a permit fee and to comply with all relevant regulations.

(b) The Director shall issue an agent/buyer's permit to persons not employed by a Quinault Seafood Enterprise but who are authorized by a Seafood Enterprise to purchase fish on behalf of the Quinault Seafood Enterprise. The Seafood Enterprise shall request the Director issue the permit and shall provide the Director with following minimum information and such other information as required by the Director:

(1) The agent's name and address;

(2) A signed and notarized declaration by the agent stating that the agent has reviewed and will comply with all Nation laws and regulations applicable to the Nation treaty fisheries and this Title and consents to the jurisdiction of the Quinault Tribal Court, and service of process; and

(3) The agent's valid Nation Business license; and

(4) Any and all species the Seafood Enterprise has authorized the agent to purchase.

(c) The Director shall charge the Seafood Enterprise a permit fee, determined by the Director, in an amount sufficient to cover the cost of issuing the permit.

51.14 DISPOSITION OF FISH RETURNING TO HATCHERY FACILITIES

51.14.010 Property of Nation.

Fish returning to hatchery facilities within the boundaries of the Reservation are the property of the Nation, including, but not limited to, eggs, milt, and carcasses, to maintain accountability.

51.14.020 Priorities.

The highest priority for fish returning to hatchery facilities shall be to provide brood stock for the Nation's and other agencies' enhancement operations. Fish returning to hatchery facilities that are not required for enhancement operations may be disposed of in the following priorities:

(a) Members may request fish on a per-day amount for personal or ceremonial use as authorized by regulation. If additional returning fish are available, employees may request fish in a per-day amount for personal use as authorized by regulation. The Director may, by regulation, authorize Members or other approved organizations to receive additional fish for ceremonial purposes. Fish or by-products of fish taken for personal or ceremonial use may not be sold unless for Business Committee-approved fundraising endeavors.

(b) The Director may arrange for the sale of fish or by-products, including eggs, to generate revenue to fund the Nation's fishery enhancement, management, and enforcement programs and Treaty-based litigation or other needs as authorized by the Business Committee. Income generated from such sales shall be deposited into a separate fish tax account for each of the Queets and Quinault River systems.

(1) The Director may authorize any Quinault Seafood Enterprise to pick up, transport, and sell fish and by-products of fish.

(2) The Director may authorize Quinault licensed buyers to purchase and sell fish and by-products of fish.

(c) The Director is authorized to develop and implement regulations governing the disposition of fish or by-products, consistent with the Business Committee's authorization and as necessary to ensure accountability and enforceability, and to collect information for fisheries management purposes. The sale of viable eggs (capable of being fertilized and producing offspring) is not permitted. All fish or by-products removed from the hatchery facilities must be reported to the Director on forms specified by the Director.

51.15 APPLICABLE DATE/SEVERANCE/LIMITATIONS

51.15.010 Saving Clause, Severability, Pending Actions

If any paragraph, sub-paragraph, clause, sentence, or phrase of this Title or regulations adopted under this Title shall be declared invalid, such decision shall not affect the validity of the remaining portions of the Title or regulations, and those remaining portions shall remain in full force and effect and to this end, provisions of this Title and any regulations adopted under it are declared

severable. Any action pending at the date of enactment of this Title shall not be affected by enactment of this Title.

51.15.020 Time Limitations

Any criminal or civil action for violations of this Title or the regulations adopted pursuant to this Title shall be filed with the court within one (1) year from the Nation's knowledge of the alleged violation.

FISHING/HUNTING/TRAPPING/GATHERING

LEGISLATIVE HISTORY AND EDITORIAL CHANGES

Title 51 of the Quinault Tribal Code, “Conservation Ordinance,” was originally enacted by the Quinault Tribal Council on March 29, 1969, James Jackson, President, Marian Holloway, Secretary.

The Quinault General Council ratified and confirmed Title 51, “Conservation Ordinance,” on March 31, 1973. Vote was 76 FOR and 0 AGAINST.

The Business Committee of the Quinault Indian Nation renamed and approved amendments to Title 51, “Fishing/Hunting/Gathering,” by Resolution No. 03-66-81, at a regular meeting on November 10, 2003 by a vote of 7 FOR, 2 AGAINST, and 2 ABSTAINING.

The Business Committee of the Quinault Indian Nation reaffirmed and posted Title 51, “Fishing/Hunting/Gathering,” by Resolution No. 08-109-87, in a regular meeting of the Business Committee on November 24, 2008. Vote was 8 FOR, 0 AGAINST, and 1 ABSTAINING.

The Business Committee of the Quinault Indian Nation renamed and approved amendments to Title 51, “Fishing/Hunting/Trapping/Gathering,” Chapters 01 – 15, by Resolution No. 25-239-103, at a regular meeting on August 25, 2025 by a vote of 9 FOR, 0 AGAINST, and 1 ABSTAINING.