

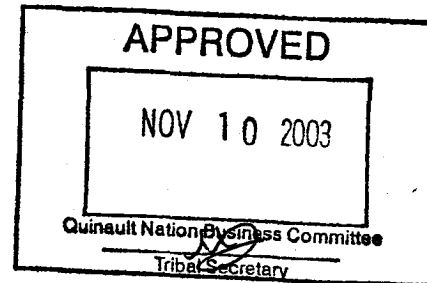
Quinault Indian Nation



Title 51

Fishing / Hunting / Gathering

Quinault Business Committee
Approved November 10, 2003



TITLE 51
FISHING/HUNTING/GATHERING

51.01 Findings/Purpose and Definitions

51.01.010 Findings and Purpose

(a) From time immemorial, the Quinault Indian Nation has conserved and protected the invaluable wildlife and natural resources of its traditional and usual and accustomed hunting, gathering and fishing areas from waste and excessive exploitation.

(b) 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.

(c) 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.

(d) 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 by providing guidelines for regulating the use and enjoyment of

Quinault Business Committee
Approved November 10, 2003

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) Animals, Birds, and Fish shall mean any wild or artificially propagated animals, aquatic animals, birds, shellfish, or fish, but shall not include domesticated animals, birds, or fish.

(b) 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.

(b) Bag Limit shall mean the maximum quantity (number or pounds) of animals, birds, fish, or plants which may be taken, caught, killed or possessed by any person, specified by law or regulation for any particular period of time, and may include limits on size, sex, or species.

(c) Business Committee shall mean the Business Committee of the Quinault Indian Nation, as defined in the Constitution of the Quinault Indian Nation.

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

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

Quinault Business Committee

Approved November 10, 2003

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

(g) Commercial fishing, hunting, or gathering shall mean fishing, hunting, harvesting, gathering or trapping animals, birds, fish or plants for sale or trade.

(h) Director shall mean Director of the Quinault Department of Natural Resources or the Director's designee.

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

(j) 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, shellfish.

(k) Fish and Game Commission shall mean the Fish and Game Commission of the Quinault Indian Nation as constituted by this Title.

(l) Fisheries Policy Spokesperson, shall mean that person, or his or her designee, authorized by the Business Committee to establish and oversee the Quinault Indian Nation's fishery policies, act as the official fishery representative for the Quinault Indian Nation, enter into agreements with other jurisdictions on behalf of the Quinault Indian Nation, and perform such other duties as assigned by the Business Committee or

Quinault Business Committee

Approved November 10, 2003

the President of the Quinault Indian Nation.

(m) Game shall mean any wild or artificially propagated animals or birds.

(n) General Council shall mean the General Council of the Quinault Indian Nation, as defined by the Constitution of the Quinault Indian Nation.

(o) 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 Quinault Reservation or under the jurisdiction of the Quinault Indian 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.

(p) Harvest, when used as a verb, and its derivatives, "harvesting", "harvested", etc. shall mean to fish, hunt, trap, dig, collect or gather.

(q) 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 or bird.

(r) Non-Member, for the purpose of this Title only, shall mean any person who is not enrolled in the Quinault Indian Nation.

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

(t) Plants shall mean wild or artificially propagated marine and land plants,

Quinault Business Committee

Approved November 10, 2003

but shall not include timber, ornamental or domesticated plants removed under authorized permits for commercial use.

(u) Public Roads, for purposes of this Title only, shall mean that portion or the whole of the following roads and streets within the boundaries of the Quinault Reservations: U.S. Highway 101, State Highway 109, the Moclips Highway (Cook Creek Road), and while the vehicle traveling it is properly licensed by the Tribe, Cape Elizabeth Road. All other roads and streets within the boundaries of the Quinault Reservation for purposes of this Title are declared private and/or tribal.

(v) Quinault Seafood Enterprise shall mean the Quinault Indian Nation seafood processing plant, also known as the Quinault Fishhouse, or its successor, and its management, facilities, and operations wherever located.

(w) Quinault Reservation shall mean all lands and waters included or intended to be included within the exterior boundaries of the Quinault Reservation.

(x) 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, birds, fish or plants.

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

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

Quinault Business Committee
Approved November 10, 2003

(aa) 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.

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

(cc) 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 environment.

(dd) Sport Fishing shall mean fishing with a hook and line or such other methods as defined by regulation.

(ee) Subsistence Fishing, Hunting or Harvesting shall mean fishing, hunting, harvesting, gathering or trapping to provide food for the personal consumption of tribal members or their immediate families, school children, or senior citizens.

(ff) Tribe shall mean the Quinault Indian Nation; "tribal" shall mean of or belonging to the Quinault Indian Nation.

51.02 Jurisdiction

51.02.010 Jurisdiction of the Quinault Indian Nation

(a) Within Reservation Boundaries This Title shall apply to all persons acting

Quinault Business Committee

Approved November 10, 2003

within the exterior boundaries of the Quinault Reservation.

(b) Off-Reservation This Title shall apply to all persons exercising or purporting to exercise, outside the boundaries of the Quinault Reservation, the fishing, hunting, or harvesting rights reserved to the Quinault Indian Nation by treaty. This Title shall also be applicable to all Indians exercising or purporting to exercise treaty or other reserved Indian fishing, hunting or harvesting rights within the traditional exclusive fishing, hunting and harvesting territory of the people of the Quinault Indian Nation .

51.02.020 State Jurisdiction and State and Federal Officers

(a) Jurisdiction Denied The State of Washington and its officers and agents and any officer or agent of any government deriving its powers from the State of Washington shall have no jurisdiction within the exterior boundaries of the Quinault Reservation over its animals, birds, fish and plants. No law of the State of Washington shall have any effect on or be applicable to the animals, birds, fish, and plants of the Quinault Reservation, or to persons licensed or permitted by the Quinault Indian Nation to fish, hunt, harvest, manage, or otherwise affect the animals, birds fish, or plants of the Quinault Reservation. Any persons committing an act in violation of any regulations established by this Title are subject to enforcement under the jurisdiction of the Quinault Indian Nation, even though such an act would be lawful under the laws of the State of Washington. No act permitted by this Title committed within the jurisdiction of

Quinault Business Committee
Approved November 10, 2003

the Quinault Indian Nation shall be made unlawful by the laws of the State of Washington and no person lawfully exercising treaty-protected rights under the authority of the Quinault Indian Nation shall be arrested within the exterior boundaries of the Quinault Reservation by a person acting as an officer of the State of Washington or any other state. No license or permit issued by any government other than the Quinault Indian Nation shall be valid for the purpose of permitting any person to hunt, fish, harvest, or affect in any way the animals, birds, fish or plants of the Quinault Indian Nation or the Quinault Reservation.

(b) State Fish and Game Agents Banned from Reservation Fisheries police officers, biologists, fisheries and game administrators, and commissioners, fish and game protectors, wardens, or enforcement agents employed or appointed by the State of Washington or any government deriving its powers from the State of Washington, are banned from the airspace, beaches, lands, and waters of the Quinault Reservation and may be immediately removed from the Quinault Reservation by any enforcement officer commissioned by the Quinault Indian Nation or an agency of the Quinault Indian Nation, except when such persons are permitted by oral or written invitation of the President of the Quinault Indian Nation or the Business Committee, or their authorized agents, to come on the Quinault Reservation. State fish and game officers or officials shall not be considered to be in violation of this Title while lawfully traveling through the Quinault Reservation on its public roads without intent to enforce any of the fish and game laws of the State of Washington within the exterior boundaries of the Quinault

Quinault Business Committee
Approved November 10, 2003
Reservation.

(c) Federal Agents Unless authorized by the laws of the Quinault Indian 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, game or endangered species laws, are banned from the airspace, beaches, lands, and waters of the Quinault Reservation except when permitted by oral or written invitation of the President of the Quinault Indian Nation or the Business Committee, or their authorized agents, to come on the Quinault Reservation. Lawfully traveling through the Quinault Reservation on its public roads without the intent to enforce any fish, game or environmental laws of the United States within the exterior boundaries of the Quinault Reservation is permitted.

(c) Intergovernmental Agreements This Title shall not prohibit the Business Committee from entering into an intergovernmental agreement or compact with any agency of the State of Washington or the federal government. Such compact or agreement, when approved by a majority of the Business Committee, may supersede the provisions of 51.04.010 (a) (b) and (c), provided that, the compact or agreement does not violate any provision of the Constitution of the Quinault Indian Nation.

(d) Agents Commissioned by Nation State or federal enforcement officers, validly commissioned by the Quinault Indian Nation or an agency of the Quinault Indian Nation, shall not be subject to the provisions of this Section.

51.03 Commissions and Committees

Quinault Business Committee
Approved November 10, 2003

51.03.010 Fish and Game Commission/River Committees

(a) Fish and Game Commission The Business Committee may in its discretion establish a Quinault Indian Nation Fish and Game Commission. The Business Committee may in its discretion disband an established Quinault Indian Nation Fish and Game Commission.

(b) Formation and Election of the Fish and Game Commission If established by the Business Committee, the Quinault Fish and Game Commission shall consist of 6 Commissioners, appointed by the Business Committee. One Commissioner shall be selected from and represent the off-Reservation river fishers. One Commissioner shall represent the Queets River fishers and must reside in or near the village of Queets. One Commissioner shall represent Quinault River fishers and must reside in or near the village of Taholah. One Commissioner shall represent the Quinault Indian Nation's Ocean fishers. One Commissioner shall represent the Quinault Indian Nation's hunters and harvesters. One Commissioner shall represent Quinault Indian Nation guides. All Commissioners shall be enrolled members of the Quinault Indian Nation. Commissioners shall be at large. The Business Committee shall fill vacancies on the Fish and Game Commission for an unexpired term by appointing any eligible person for the unexpired term. Vacancies shall only be filled after the Business Committee has advertised for 15 days that the vacancy exists and is to be filled by appointment.

(c) Election of Chairman of Fish and Game Commission The Chairman of the Fish and Game Commission shall be elected from the Commissioners by vote of a

Quinault Business Committee

Approved November 10, 2003

quorum of the Commissioners at the first Fish and Game Commission meeting after the annual General Council Meeting.

(d) Committees The Business Committee may in its discretion establish Quinault, Queets, Ocean and Off-Reservation Committees. The Business Committee may in its discretion disband any established Quinault, Queets, Ocean and Off-Reservation Committees. If disbanded, the responsibilities of that Committee shall revert to the Fish & Game Commission or Director. If established, each committee will consist of 3 to 5 Quinault members appointed by the Business Committee and the Queets Commissioner to the Fish and Game Commission shall be the Queets Committee Chairman, the Ocean Fishery Commissioner to the Fish and Game Commission shall be the Chairman of the Ocean Fishery Committee, the off-Reservation river Commissioner to the Fish and Game Commission shall be the Chairman of the Off-Reservation River Committee and the Quinault Commissioner to the Fish and Game Commission shall be the Chairman of the Quinault River Committee.

(e) Removal of a Commissioner or Committee member All Fish and Game Commissioners and Committee members serve at the pleasure of the Business Committee and may be removed by the Business Committee for any reason whatsoever and without cause.

(f) Compensation for Commissioners Commissioners and Committee members may be compensated in any manner the Business Committee deems appropriate.

Quinault Business Committee
Approved November 10, 2003

(g) Terms Commissioners and Committee members shall be appointed or reappointed by the second regularly scheduled Business Committee meeting following the annual General Counsel meeting.

51.03.020 Immunity/Duties

(a) Commissioners Immune from Personal Liability and Suit All Commissioners and Committee members shall be immune from liability in damages for all actions taken within the scope of their duties as Commissioners and Committee members, and shall be generally immune from suit for actions taken within the scope of their duties except in the Courts of the Quinault Indian Nation.

(b) Commission to Submit Written Report The Fish and Game 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 a record of meetings held, quorums reached, and decisions taken. The Chairmen of the Fish and Game Commission and Committees shall be available for public questions by members at that meeting.

(c) Yearly Budget Report The Fish and Game Commission and each Committee shall submit a yearly budget 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 at the time all other budgets are submitted to the Business Committee and its accounting staff or at a time

Quinault Business Committee

Approved November 10, 2003

set by the Business Committee, provided that, the Business Committee shall give the Fish and Game Commission and the Committees 30 days notice of a request for a budget when it is requested at a time different from other tribal agencies.

(d) Regulation and Management The Fish and Game Commission and the Committees, if established by the Business Committee, will have the authority to implement the provisions of this Title by adopting appropriate regulations in concurrence with the Director and, for fisheries matters, the Fishery Policy Spokesperson. The regulation of fishing on the Queets, Quinault, and Grays Harbor systems is delegated to the respective River Committees. The regulation of ocean fishing, hunting, and the harvesting of fish and plants is delegated to the Fish and Game Commission or such other committees established under this Title. If the Business Committee does not establish the Fish and Game Commission or Committees, or if the Commission or a Committee fails to take timely action, the Director, in concurrence with the Fishery Policy Spokesperson if the regulation involves a fishery matter, shall have the authority to implement the provisions of this Title by regulation. At its sole discretion, the Business Committee may adopt any regulations it deems necessary or appropriate and such regulation shall supercede any regulations adopted by the Fish and Game Commission, or Committees, or the Director.

(e) Record of Meetings The Quinault Fish and Game Commission and River Committees shall keep minutes of all regular meetings, which shall be promptly submitted to the Business Committee, and any designated sub-committee of the

Quinault Business Committee

Approved November 10, 2003

Business Committee when approved. The Commission and Committees shall also keep permanent records of all regulations and give notice of regulations and hearings.

(f) Votes to be Cast in Person Only Fish and Game Commissioners and Committee members may vote at regular and special meetings of their respective bodies only by casting votes in person or by proxy. A quorum for the Fish & Game Commission shall be comprised of at least 4 Commissioners who must be present at all regular and special meetings in order that business may be lawfully conducted. A quorum for Committees shall be a majority of the members.

(g) Off-Reservation Fishing Grounds The Off-Reservation Committee shall have the authority to determine, by written regulation, who shall be entitled to use all off-Reservation fishing grounds and stations. Appeal of rulings made by the Committee of the assignment of an off-Reservation ground may be made to the Business Committee, subject to review by the General Council, but an appeal to the General Council shall not stay the ruling during the time the appeal is pending.

51.03.030 Regulations

(a) Fish and Game Commission If established by the Business Committee, the Fish and Game Commission and/or Committees, in concurrence with the Director and the Fishery Policy Spokesperson, shall enact rules and regulations as are reasonable and proper to carry out the provisions of this Title and policies of the Quinault Indian Nation. Such rules or regulations may establish license and permit systems, including fees and requirements, open seasons, open areas, closed seasons,

Quinault Business Committee
Approved November 10, 2003

closed areas, bag or catch limits, gear and other restrictions, provided that, no regulation shall be inconsistent with the provisions of this Title.

(b) Regulations and Rules All regulations and rules duly enacted by the Fish and Game Commission or Committees shall contain a recommendation by the Director that the rule or regulation either be adopted or not adopted. When a regulation is adopted with the concurrence of the Director and Fisheries Policy Spokesperson, it shall be conveyed immediately in writing to the Business Committee, Tribal Court, Fishery Policy Spokesperson, enforcement officers and prosecuting attorney. If the Director or Fishery Policy Spokesperson recommends that the regulation or rule not be adopted, the reasons for that recommendation shall be set forth in a separate memorandum and immediately conveyed to the Fish and Game Commission or Committees and the Business Committee.

(c) Decisions and Regulations Based on Technical Advice

All decisions, rules or regulations adopted under this Title shall be consistent with the best available technical information, taking into account the social and economic needs of the people of the Quinault Indian Nation.

(d) Amendment of Regulations The Fish and Game Commission and Committees shall amend regulations in the same manner and pursuant to the same procedures required for the adoption of new regulations.

(d) Notice of Regulations All rules and regulations, except emergency regulations, shall be adopted only at regular or special meetings of the Fish and Game

Quinault Business Committee
Approved November 10, 2003

Commission or Committees after announcement of consideration of the rule or regulation has been posted for at least 10 days. All rules or regulations promulgated by the Fish and Game Commission and Committees shall be immediately made public through the media and posted. Copies of such regulations shall be made available to all persons upon request.

(e) Effective Date of Regulations Regulations other than emergency regulations shall become effective after being posted and shall remain in effect until amended by the Fish and Game Commission or Committee which adopted them, or changed by the Business Committee or until they cease to be effective by their own terms.

(f) Emergency Regulations The Fish and Game Commission and Committees may enact emergency regulations when they determine that immediate action is necessary.

- (1) Emergency regulations shall become effective immediately and remain in effect no longer than 30 days and may be extended for 15 additional days.
- (2) Emergency regulations shall not be enforced until they have been effectively communicated to those affected in a manner reasonably calculated to give notice or until 12 hours after enactment, whichever is sooner.
- (3) The Fish and Game Commission and Committees shall not be

Quinault Business Committee
Approved November 10, 2003

required to provide a notice or public hearings in order to enact or enforce emergency regulations. The Chairman of the Commission or Committee and the Director, with the concurrence of the Fishery Policy Spokesperson, may enact emergency closing and opening regulations. If the Chairman of the Commission or Committee is absent, the Director, with the concurrence of the Fishery Policy Spokesperson, shall have the sole authority to enact regulations for actions such as, but not limited to, an emergency opening or closure.

(4) Emergency regulations shall be subject to review at the next regular or special meeting of the Committee or Fish and Game Commission with authority over the enacted regulation.

(5) The Business Committee may also enact emergency regulations.

(g) Review by Business Committee The Business Committee may review, and by a majority vote, veto or change any rule or regulation enacted by the Fish and Game Commission, Committees or Director. Such review and veto shall occur within 60 days after the Business Committee formally receives the regulations. The Business Committee shall review, and by a majority vote, veto or change any rule or regulation enacted by the Fish and Game Commission or Committees that does not have the concurrence of the Director or Fishery Policy Spokesperson. Notwithstanding the delegation contained herein to the Quinault Fish and Game Commission, Committees,

Quinault Business Committee

Approved November 10, 2003

and Director, the Quinault Business Committee reserves to itself the right to enact any rule or regulation as it determines appropriate. A rule or regulation enacted by the Business Committee shall supersede any inconsistent regulations.

51.04 Director

51.04.010 Regulations

(a) If the Business Committee does not establish, or if it disbands, the Fish and Game Commission or a Committee, or if the Fish and Game Commission or a Committee is unable to timely adopt a regulation, the Director, with the concurrence of the Fishery Policy Spokesperson, shall have the authority to enact rules and regulations as are reasonable and proper to carry out the provisions of this Title and policies of the Quinault Indian Nation. Such rules or regulations may establish license and permit systems, including fees and requirements, open seasons, closed areas, closed seasons, closed areas, bag or catch limits, gear and other restrictions, provided that, no regulation shall be inconsistent with the provisions of this Title.

(b) Regulations and Rules All regulations and rules duly enacted by the Director shall be conveyed immediately in writing to the Business Committee, Tribal Natural Resources Court, Quinault Tribal Court, Fishery Policy Spokesperson, enforcement officers and prosecuting attorney.

(c) Amendment of Regulations The Director shall amend regulations in the same manner and pursuant to the same procedures required for the adoption of new regulations.

Quinault Business Committee
Approved November 10, 2003

(d) Notice of Regulations All rules and regulations, except emergency regulations, shall be adopted after announcement of consideration of the rule or regulation has been posted for at least 10 days. All rules or regulations shall be immediately made public through the media and posted. Copies of such regulations shall be made available to all persons upon request.

(e) Effective Date of Regulations Regulations, other than emergency regulations, shall become effective after being posted and shall remain in effect until amended by the Director, or changed by the Business Committee, or until they cease to be effective by their own terms.

(f) Emergency Regulations The Director, with the concurrence of the Fishery Policy Spokesperson, may enact emergency regulations when it is determined that immediate action is necessary.

- (1) Emergency regulations shall become effective immediately and remain in effect no longer than 30 days and may be extended for 15 additional days.
- (2) Emergency regulations shall not be enforced until they have been effectively communicated to those affected in a manner reasonably calculated to give notice or until 12 hours after enactment, whichever is sooner.
- (3) The Director shall not be required to provide a notice or public hearings in order to enact or enforce emergency regulations. The

Quinault Business Committee
Approved November 10, 2003

Director may enact emergency closing and opening regulations.

(4) The Business Committee may also enact emergency regulations.

(g) Review by Business Committee The Business Committee may review, veto or change any rule or regulation enacted by the Director. Such review and veto shall occur within 60 days after the Business Committee formally receives the regulations. Notwithstanding the delegation contained herein to the Director the Quinault Business Committee reserves to itself the right to enact any rule or regulation as it determines appropriate. A rule or regulation enacted by the Business Committee shall supersede any other inconsistent regulations enacted by the Director.

(h) Director Immune The Director shall be immune from liability in damages for all actions taken within the scope of official duties as Director, and shall be generally immune from suit for actions taken within the scope of his/her official duties as Director.

51.05 Policy Spokesperson/PTL

51.05.010 Fishery Policy Spokesperson

(a) Appointment A Fishery Policy Spokesperson may be appointed by the President of the Business Committee, after soliciting the views of the Fish and Game Commission on the potential candidate(s), and shall serve at the sole discretion and pleasure of the President.

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

Quinault Business Committee
Approved November 10, 2003

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

- (1) Represent the Quinault Indian Nation, along with any other persons appointed by the Business Committee, in meetings, negotiations, committees and other dealings with the co-managers of the Quinault Indian Nation's fishery and other tribes, including the authority to enter into agreements on behalf of the Quinault Indian Nation;
- (2) Establish the Quinault Indian Nation's fishery policies as directed by the Business Committee;
- (3) Establish the Quinault Indian Nation's fishery priorities consistent with the policies of the Quinault Indian Nation, or, in consultation with the Business Committee or Fish and Games Commission as deemed necessary and appropriate by the President of the Quinault Indian Nation;
- (4) Oversee implementation of the Nation's fishery policies fisheries to ensure that management is consistent with the policies of the Quinault Indian Nation;
- (5) Work with the Fish and Game Commission, the Committees, the Director and enforcement officers in adopting rules and regulations pursuant to this Title;

Quinault Business Committee
Approved November 10, 2003

- (6) Establish, initiate and oversee the protection, enhancement and restoration of the fisheries resources of the Quinault Indian Nation;
- (7) Make recommendations to the Business Committee regarding agreements and litigation that may affect the Nation's treaty fishery;
- (8) Report to the Business Committee or designated members of the Business Committee on the state of the Nation's fishery and provide a copy of any written reports to the Fish and Game Commission;
- (9) Attend Fish and Game Commission and River Committee meetings and Perform such other duties as designated by the President or the Business Committee.

(d) Fisheries Policy Spokesperson Immune from Personal Liability and Suit

The Fisheries Policy Spokesperson shall be immune from liability in damages for all actions taken within the scope of official duties, and shall be generally immune from suit for actions taken within the scope of his/her duties.

51.05.020 Policy/Technical/Legal Team

(a) Established The Fishery Policy Spokesperson may establish a Policy/Technical/Legal Team (PTL) to advise the Fishery Policy Spokesperson on matters effecting the protection, enhancement and restoration of the Nation's treaty fishery.

The PTL shall consist of the following members:

- (1) The Fishery Policy Spokesperson;

Quinault Business Committee
Approved November 10, 2003

- (2) Those persons with the scientific and technical knowledge pertinent to the specific issues under consideration;
- (3) A person from the Office of the Reservation Attorney.
- (b) Duties The PTL, if established, shall perform such tasks as directed by the Fishery Policy Spokesperson.
- (c) PTL Immune from Personal Liability and Suit All members of the PTL Team shall jointly and separately be immune from liability in damages for all actions taken within the scope of their duties, and shall be generally immune from suit for actions taken within the scope of their duties.

51.06. Natural Resources/Administrative Court

51. 06.010 Tribal Natural Resource Court

- (a) Establishment The Business Committee may in its discretion establish by resolution a Quinault Tribal Natural Resource Court or an administrative court, which shall be separate and independent from those courts established under Title 5 of the Quinault Tribal Code.
- (b) Jurisdiction If the Business Committee establishes a Quinault Tribal Natural Resource Court or administrative court, it may provide that the Court shall have 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 Courts established under Title 5.

Quinault Business Committee
Approved November 10, 2003

(c) Personnel If a Quinault Tribal Natural Resource Court or administrative court is established under this Title, the Business Committee shall provide for the appointment of judges and other personnel and shall determine the scope of their authority, duties and salary.

(d) Rules and Procedures The Business Committee shall adopt by resolution the rules and procedures for any court established under this Title.

51.07 Enforcement

51.07.010 Procedures

(a) Complaint/Seizure This Title shall be enforced by civil citation or criminal complaint and/or seizure of (1) illegally taken fish, birds, animals and plants; (2) illegal gear or equipment; (3) items made unlawful by law or; (4) implements used in violation of this Title and regulations enacted under this Title.

(b) Arrest/Detention Arrest by enforcement officers of persons cited for a civil 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 or any other Title for which the person may be arrested under the laws of the Quinault Indian Nation.

(1) If an enforcement officer reasonably believes a non-Indian has violated this Title the officer may detain the person until the person can be cited civilly and taken to the nearest appropriate border of the

Quinault Business Committee
Approved November 10, 2003

Reservation and released, or taken to the appropriate federal or state enforcement officer for citation.

(2) If an enforcement officer reasonably believes an Indian has committed a civil violation this Title, the person may be detained until the officer can issue a citation.

51.07.020 Enforcement Against Indians

(a) Civil/Criminal This Title may be enforced against Indians subject to the jurisdiction of the Quinault Indian Nation by either the criminal enforcement or civil enforcement provisions of this Title.

(b) 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.

51.07.030 Enforcement Against Non-Indians

(a) Civil The provisions of this Title shall be enforced against non-Indians only by civil enforcement procedures as set out in this Title.

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

51.07.040 Criminal Enforcement

(a) Indians Violations of this Title, regulations made pursuant to this Title, or conditions of permits or licenses given pursuant to this Title, when the violation is

Quinault Business Committee
Approved November 10, 2003

committed by an Indian, may be punished by criminal proceedings when allowed by this Title.

(b) Punishment Where any Section of this Title specifically sets out a criminal violation, the defendant shall be punished by a fine of not more than \$5,000.00 and one year (365 days) in jail, or both. In addition the Quinault Tribal Court may order forfeitures pursuant to 51.07.070. If the defendant is a non-Indian, all civil remedies may be imposed.

51.07.050 Civil Enforcement

(a) Violations Violations of this Title or regulations, conditions or permits granted pursuant to this Title, when either an Indian or non-Indian commits the violation, may be remedied by civil proceedings in the appropriate Court. Actions for money penalties and/or forfeiture shall be considered strictly civil in nature and shall not be considered a criminal offense.

(b) Civil Money Penalty A violation shall be remedied by the levy of a civil money penalty of not less than \$200.00 or more than \$5,000.00 and the amount of any gains or profits resulting from the violation against a person, association, partnership, company, corporation, governmental entity, or other entity for each violation. Each day a violation occurs shall be a separate violation. Penalties collected shall be deposited in an account designated by the Business Committee.

(c) Civil Forfeiture - Property Any tangible property, real or personal,

Quinault Business Committee

Approved November 10, 2003

including but not limited to weapons, vehicles, tools, fishing tackle, fish nets, boats, heavy construction or equipment, aircraft, water craft, fish, shellfish, plants and wildlife or parts thereof, where there is probable cause that the property was used in or obtained by committing a violation of this Title or regulation properly adopted pursuant to this Title, may be seized by any enforcement officer and then forfeited to the Quinault Indian Nation upon a showing by the preponderance of the evidence the property was used in or obtained by committing a violation.

(d) License, Permit or Other Authority In addition to any other authorized remedy, any license, permit, identity card, or other authority granted by the Quinault Nation to any person, partnership, association, corporation, governmental or other entity to commit any act or engage in any activity governed by this Title or regulation made pursuant to this Title, may be forfeited for up to (5) five years upon a showing by a preponderance of the evidence that the person or entity (or their agents) holding the license, permit, identity card or other authority has violated this Title. In addition, the Fish and Game Commission or appropriate Committee may also suspend a person's permission to engage in activity governed by this Title for up to (5) five years if the person has either been determined by a court to have violated this Title or if a person has reached a settlement in lieu of litigation, provided, such suspension must be in accordance with regulations adopted by the Commission or Committee.

(c) Factors In making a decision regarding the amount of civil money penalty to be assessed against any person or entity the court shall consider the following

Quinault Business Committee
Approved November 10, 2003

factors along with any other factors considered relevant to the determination.

- (1) Costs of the civil enforcement proceeding.
- (2) Costs of field 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 of the damage done by the specific violation to the wildlife or other natural resources of the Quinault Indian Nation, including future effects.
- (5) The value of the resource illegally taken.
- (6) The amount of any gains or profits resulting from the violation.

51.07.060 Seizures of Property

(a) Seizures Any officer charged with enforcement of this Title shall have authority without warrant to: enter private lands for the purpose of protecting wildlife and natural resources; open, enter and examine all camps, wagons, motor vehicles, tents, packs, boxes, barrels, boats, game bags, creels, packages, outbuildings, motor vehicle trailers, or aircraft where the officer has probable cause to believe that any plants, game, shellfish, or fish taken or held in violation of this Title is to be found and seize it.

(b) Procedure For Seizure When property or items are seized, the person seizing the items must, at the time of seizure, issue a receipt for all items seized. If the

Quinault Business Committee
Approved November 10, 2003

owner or claimant is not present to receive the receipt, the person seizing the items must leave a copy of the receipt at the location where the items were seized, if practical.

(c) Contents of receipt The receipt must contain the date of the seizure, the Citation or Incident Number associated with the seizure, a complete description of the item seized including any existing damage to the item, the serial number of the item (if applicable), the number of units of a particular item, the estimated value of the item, an indication of whether the item is perishable, and space for the owner or claimant to register any dispute over the description, etc. of any item.

(d) Receipt to be signed The receipt must be signed by the person seizing the item and, when possible, by the claimant or owner of the item seized.

(e) Disposition of the receipt A copy of the receipt may be given to the owner or claimant at the time of seizure. The original of the receipt is to be attached to and remain with the citation or incident report.

(f) Failure of the claimant or owner to sign receipt If the claimant or owner of the receipt fails or refuses, or is otherwise unable to sign the receipt, or it is not practical to leave a copy of the receipt at the location where the items were seized, the items seized shall immediately be brought to a repository designated by the Director and a complete inventory of the item or items seized shall be made in the presence of a witness. The person seizing the item or items and the witness shall sign the inventory. A receipt may serve as an inventory and shall be kept with the citation or incident

Quinault Business Committee
Approved November 10, 2003
report.

51.07.070 Civil Forfeiture-Procedures

(a) Filing of Forfeiture Action A forfeiture motion may be filed at the same time a criminal or civil complaint is filed against the alleged violator(s). 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 unless the seized property has been forfeited in a prior proceeding.

(b) Emergency Forfeitures Upon a determination by the person seizing any item, that the item is perishable and will lose all, or substantially all, of its value if not sold or otherwise disposed of, an action may be brought for emergency forfeiture of the seized item or items.

- (1) The action must be filed within five (5) calendar days of the seizure;
- (2) Any action for emergency forfeiture shall be *ex parte* and no notice need be given of the action, provided that the owner or claimant may appear and ask to be heard on the record;
- (3) If the owner or claimant appears, the court shall set a hearing in the matter no later than the end of business of the next day;
- (4) The court must hear any action for emergency forfeiture within three (3) days of the bringing of such action;
- (5) Failure to bring an emergency forfeiture action within the time limit

Quinault Business Committee
Approved November 10, 2003

set under section (2) above shall bar any emergency forfeiture action without due notice to the owner or claimant;

- (6) Any moneys received from emergency forfeiture shall be held by the Nation in a separate account and signified by the Quinault Incident or Citation Number under which the seizure occurred pending the filing of any action by the Nation to recover said moneys.

(c) 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. The following procedures shall apply to an action filed under this provision:

- (1) The petition shall be filed with the appropriate court within 30 days from the date of the seizure; and
- (2) The person filing the action must serve the Director and the Office of Reservation Attorney with notice of the action; 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 10 calendar days from the date of service, if feasible. The court may in its discretion schedule the hearing at the same time a hearing is set on the underlying complaint.

Quinault Business Committee
Approved November 10, 2003

- (5) The Nation must show by a preponderance of the evidence was obtained or used in the commission of a violation of this Title.
- (6) In all actions brought under this section the court may:
 - (A) 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;
 - (B) Order that the items seized shall remain in the custody of the person or department that seized the items;
 - (C) 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;
- (d) Unclaimed Items Where an item or property is seized and the owner is unknown, the court shall order the item or property forfeited upon application by the Nation filed not less than 10 days from the date of the seizure. A Forfeiture under this provision shall be *ex parte* and without notice.
- (e) Disposal of Items forfeited Items or property forfeited may be donated to a Quinault Indian Nation charitable organization or sold with the proceeds being deposited in an account designated by the Business Committee.

51.08 Violations

51.08.010 Criminal Violations

Quinault Business Committee
Approved November 10, 2003

(a) Obstructing Law Enforcement Officers It shall be a criminal violation for any person to resist or obstruct any law enforcement officer in the discharge of his or her duty while enforcing the provisions of this Title or regulations enacted under this Title. The failure to sign any citation lawfully issued under this Title shall constitute obstructing a law-enforcement officer.

(b) Interference With Game Control Signs It shall be a criminal violation 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 and fishing regulations.

(c) Hunting or Fishing While Intoxicated It shall be a criminal violation for any person to hunt or fish while under the influence of alcoholic liquor or drugs or while in possession of alcohol or drugs.

(d) Hunting from Vehicle; Jacklighting Game It shall be a criminal violation for any person to kill, shoot at, or pursue any animal from an automobile, truck, or other self-propelled vehicle, 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.

(e) Use of Dogs Prohibited It shall be a criminal violation of this Title for a person to use a dog to assist in hunting of any game animal or bird within the Quinault Reservation unless such dog is used in accordance with regulations adopted pursuant to this Title.

(f) Aiding and Abetting It shall be a criminal violation of this Title for any

Quinault Business Committee

Approved November 10, 2003

person to aid or abet another person in perpetuating a criminal violation of this Title or attempt any act which constitutes a criminal violation of this Title if such act were completed.

(g) Hunting Eagles and Sea Gulls Prohibited It shall be a criminal violation of this Title to hunt eagles or sea gulls.

(f) Habitual Offender Any person who has committed (3) three civil or criminal violations of this Title or any other Title within a five (5) year period shall be charged with the criminal offense of habitual offender. To convict a person as a habitual offender, the Nation may submit certified copies of the prior judgments, which shall be admissible at trial. In addition to any punishment, upon a habitual offender conviction, the court shall order the offender's license, permit, or other authority granted by the Quinault Nation to commit any act or engage in any activity governed by this Title or regulation made pursuant to this Title forfeited for no less than one year and no more than five years.

51.08.020 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, bird, fish, shellfish or plants on the Quinault Reservation, or within the Quinault Indian Nation's usual and accustomed fishing, gathering or hunting grounds, by exercise of rights accorded or permitted by reason of (1) membership in the Quinault Indian Nation, (2) agreement with the Quinault Indian Nation, (3) permit, license or

Quinault Business Committee
Approved November 10, 2003

authority granted by the Quinault Indian Nation, or (4) without the proper permit, license or authority granted by the Quinault Indian Nation, except in accordance with this Title or regulations duly adopted pursuant to this Title and under the terms and conditions of any such permit of license.

(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, Trapping or Harvesting During a Closed Season It shall be a violation of this Title for any person to hunt, trap, harvest, gather or have in his possession or under his control any bird, animal, fish, shellfish or plants during the closed season as established by this Title or regulations adopted pursuant to it unless such bird, animal, fish, shellfish or plant has been lawfully taken.

(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. No license, permit, identification card, or other document required by this Title or regulations adopted pursuant to this Title shall be transferable. A transferred document shall be confiscated.

(e) Assisting a Member It shall be a violation of this Title for any enrolled member of the Quinault Nation, while exercising a tribal treaty or other right to harvest, hunt, trap, gather or fish, to allow or permit any person who has not been lawfully

Quinault Business Committee

Approved November 10, 2003

permitted to fish, harvest, hunt trap or gather to assist the enrolled member in fishing, hunting, trapping, harvesting, gathering or delivering any fish, shellfish or plant, or participate in any way in any hunting, trapping, fishing, harvesting or gathering activity.

(f) Failure to Report 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.

(g) Failure to Complete Fish Ticket It shall be a violation of this Title for anyone to fail to completely fill out and sign the prescribed fish tickets. It shall be conclusively presumed that the individual signing the prescribed fish ticket knows and has read the contents of the completed ticket and certifies and acknowledges that the information contained on the ticket is true and correct.

(h) Bag Limits It shall be a violation of this Title for any person to kill, take, injure, harvest, gather or catch a species of birds, animal, fish, shellfish or plant in excess of the bag limit or number fixed by regulation.

(i) Closed Areas, Lands, or Waters It shall be a violation of this Title for any person to take, hunt, fish, harvest, gather, injure, kill or trap any birds, fish, shellfish, plants or animals, except within the boundaries of open areas established by regulation.

(j) Hunting by Children It shall be a violation of this Title for any person under the age of 13 years to hunt with a firearm on the Quinault Reservation. It shall be unlawful for a person between 13 and 18 years of age to hunt with a firearm on the Quinault Reservation unless the person is accompanied by an adult and has completed

Quinault Business Committee

Approved November 10, 2003

either a Washington State or Quinault Indian Nation firearm-training program and has obtained a Quinault Indian Nation permit to hunt with a firearm.

- (1) The Director shall issue a permit under this Section upon proof that the person has completed a certified firearm training program and may charge a nominal fee to cover the expense of issuing such permit.
- (2) A person between 13 and 18 years of age must have a valid permit in his or her possession when hunting with a firearm.

(k) Wasting Wildlife It shall be a violation of this Title for any person to permit any animal, bird, or fish or any edible part thereof needlessly to go to waste after killing the game.

(l) Sale of Game Animals, Birds, Fish Eggs It shall be a violation of this Title for any person to sell any fish eggs, fish, animal or bird or part thereof taken with during a non-commercial harvest unless otherwise authorized by regulation.

(m) Taking Fish Eggs It shall be a violation of this Title for any person, excepting the Quinault Indian Nation Department of Natural Resources or those with written permission from the Director, to take fish eggs from spawning beds, or to sell such eggs, or to purchase such eggs.

(n) Sale of Seafood Except as provided in this Title, it shall be a violation of this Title for any member of the Quinault Indian Nation to sell, attempt to sell, or assist any person in selling fish, or shellfish caught, taken, or harvested within the boundaries of the Quinault Reservation or within any usual and accustomed fishing ground or

Quinault Business Committee

Approved November 10, 2003

station of the Quinault Indian Nation, or in any open season established under this Title or regulations adopted pursuant to this Title, except to the Quinault Seafood Enterprise, its authorized agents or such other agents as designated by the Business Committee.

(o) Sales Pursuant to Subsistence Hunt, Harvest or Fishery Except as provided by this Title or by regulation, it shall be a violation of this Title for any person to sell any fish, animal, plant, shellfish or game, or any part thereof, taken in a subsistence hunt, fishery, or harvest.

(p) 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.

(q) Sale of Fish or Game Taken in Ceremonial Hunt or Fishery It shall be a violation of this Title to sell whole fish, shellfish or animals, or intact animal parts of a weight greater than 3 pounds in a single sale to 1 person when such fish, animals or parts are taken in ceremonial hunts or fisheries.

(r) Sale of Game Meat It shall be a violation of this Title to sell wild game meat to any person, unless otherwise allowed by regulation or this Title. The Business Committee or its designee may adopt regulations, fees and licensing requirements allowing a member to sell game meat, which has been prepared for immediate human consumption.

(s) Unlawful Use Of Fishing Identification Card It shall be a violation of this Title for any person who is not entitled to a Quinault fishing identification card or its

Quinault Business Committee
Approved November 10, 2003

equivalent to use such card to participate in any Quinault off-Reservation fishing operation.

(t) Possession of Firearms It shall be a violation of this Title for any person not a member of the Quinault Indian Nation, unless such person has been granted a firearms permit by the Quinault Fish and Game Commission or Director or Business Committee, or authorized to possess a firearm pursuant to regulations adopted by the Quinault Indian Nation Business Committee or its designee, to have in his or her possession any firearms except as specifically provided for in this Title.

(u) Rules and Regulations It shall be a violation of this Title for any person to violate any provision of this Title or rule, regulation or order adopted pursuant to this Title.

(v) Aiding/Abetting or Attempt It shall be a violation of this Title for any person to aid or abet another person in perpetuating a violation of this Title or any regulations duly adopted pursuant to this Title, or attempt any act which violates this Title or any regulation duly adopted pursuant to this Title.

51.09 Commercial Fishing, Harvesting and Gathering

51.09.010 Closed Unless Opened

All areas subject to the jurisdiction of the Quinault Indian Nation are closed to commercial hunting gathering, harvesting and fishing unless opened by duly adopted regulations.

51.09.020 Persons Participating In Commercial Fishing, Harvesting and Gathering

Quinault Business Committee
Approved November 10, 2003

(a) Enrolled Members Enrolled tribal members and those individuals permitted by the General Council or by regulation may commercially fish, harvest or gather shellfish, hunt, harvest or gather animals or plants on the Reservation or in the usual and accustomed grounds and stations of the Nation for personal consumption, barter or sale, or for ceremonial purposes provided they are in possession of a valid Quinault Indian Nation identification card and the required license, permit, authorization, or are authorized to engage in such activity by this Title or any regulations adopted under this Title.

(b) Commercial Fishing by Non-Member Relatives and Other Treaty Indians
Enrolled members exercising treaty Indian fishing rights may only be assisted in commercial fishing operations, by their legally recognized spouse, children, or another enrolled member of the Quinault Indian Nation, or any other Indian with adjudicated fishing rights in the same fishery and geographical area, provided however, no non-member spouse or child may assist an enrolled member in the commercial, subsistence or ceremonial harvest of shellfish on the beaches of the Quinault Indian Reservation. No person entitled to assist an enrolled member by this Section may participate in any fishing, boat operation, boat loading, or delivery operations unless that person is properly licensed and the enrolled member entitled and permitted to fish is present. The member's identification number and signature must be on all delivery tickets and fish tickets.

(c) Identification Required Each non-member who is entitled to assist an

Quinault Business Committee
Approved November 10, 2003

enrolled member of the Quinault Indian Nation, while participating in fishing operations in any Quinault off-Reservation fishing area, must carry a valid identification card showing his tribal fishing number, the name of the enrolled member whom the non-member is entitled to assist, a recent photograph of the non-member, and his or her signature. The non-member may be charged a fee for the cost of making the identification card.

(d) Fishing Identification Card In order to obtain a Quinault Indian Nation fishing identification card, a non-member who is allowed to fish under the provisions of this Title must submit to the Quinault Fish and Game Commission:

- (1) Proof that he or she is authorized to fish.
- (2) A statement signed by the non-member consenting to the criminal and civil jurisdiction of the Quinault Indian Nation in all fishing matters on the Reservation and in the adjudicated usual and accustomed fishing grounds and stations of the Quinault Indian Nation.

(e) Privilege The issuance of a Quinault fishing identification card to a non-member to assist in the exercise of Quinault treaty fishing rights is a privilege given by the Quinault Indian Nation and not a right to which a non-member is entitled. The identification card is the property of the Quinault Indian Nation.

(f) Revocation In the case of a non-member assisting an enrolled member in the exercise of Quinault treaty fishing rights, the privilege to assist shall be

Quinault Business Committee
Approved November 10, 2003

automatically revoked upon the termination of the legal relationship between the member and the non-member. The Director or Business Committee may also revoke the identification card of any non-member for any reason with or without cause by mailing notice of the revocation to the non-member's last known address. Revocation shall be effective at the time of receipt of the notification of revocation or 5 days from the date notification was mailed, whichever occurs first.

(e) Surrender of Card A non-member entitled to assist an enrolled member under these regulations may surrender a Quinault Indian Nation identification card by mailing or delivering the card, or if it has been lost or stolen, a letter indicating that the card has been stolen or lost. Any non-member who is the holder of a Quinault tribal identification card that has not been surrendered and who participates in any fishing operation on the Reservation or in any of the adjudicated usual and accustomed grounds and stations of the Quinault Nation shall be presumed to be participating in the Quinault fisheries and to be subject to the jurisdiction of the Quinault Indian Nation.

51.10 Reporting

51.10.010 Requirements

(a) Policy Reporting fish, shellfish, marine plants, other plants, aquatic animals and game taken will assist tribal resource managers in protecting the members' rights to hunt, harvest and fish by giving them the data they need to effectively manage and conserve the resources.

(b) Reporting Any person including the Quinault Seafood Enterprise,

Quinault Business Committee
Approved November 10, 2003

catching, taking, harvesting, gathering, hunting, or trapping animals, birds, fish, fish eggs, shellfish, aquatic animals, plants or marine plants by sport or commercial gear or buying animals, animal parts, birds, fish, fish eggs, shellfish, aquatic animals, plants or marine plants taken pursuant to any section of this Title or regulation adopted pursuant to this Title, shall be required to report their catch or purchase to the Director or the Director's designee.

(c) Reporting Steelhead Catch The Director shall develop a compulsory punch card or other system for the reporting and evaluation of the steelhead sports catch on the Reservation.

(d) Tagging The Director shall require by regulation that fish, shellfish, plants, marine plants, aquatic animals, birds, or animals lawfully taken on the Reservation any place under lawful jurisdiction of the Quinault Indian Nation, be marked or tagged in some manner showing where, by whom, when, and how it was taken.

51.11 Hunting and Trapping

51.11.010 Reservation Hunting and Trapping

(a) Enrolled Members Only Only enrolled tribal members and others permitted by this Title, regulations adopted pursuant to this Title, or the General Council may hunt or operate trap lines on the Reservation. When hunting or trapping, each person shall carry a valid license or identification card or its equivalent issued by the Director except as herein provided.

(b) Policy - Wild Game Wild game is not a commercial commodity and shall

Quinault Business Committee
Approved November 10, 2003

be harvested for subsistence and ceremonial purposes unless otherwise allowed by regulation or this Title. Each hunter is expected to abide by the Quinault Indian Nation's traditional rule to "take only what you need, but never waste what our Mother Nature has provided."

(c) Guided Hunting The Business Committee or its designee may adopt regulations, fees, licensing requirements and reporting requirements permitting non-members to harvest wild game on the Reservation if the non-member is in the company of a member licensed by the Quinault Indian Nation as a hunting guide. Any Regulations adopted pursuant to this section shall at a minimum specify the following:

- (1) The time when guided hunting will be allowed;
- (2) The manner in which guided hunting will be allowed;
- (3) The locations where guided hunting will be allowed;
- (4) The types of game allowed to be hunted, bag limits, seasons, reporting requirements and types of weapons allowed to be used;
- (5) Fees and licensing requirements; and
- (6) Minimum mandatory safety standards

(d) Tagged Birds - Reporting Each hunter shall report all tagged birds to the Quinault Department of Natural Resources, which will submit the information to the proper agencies.

(e) Reporting All Bagged Game For the purpose of the Quinault tribal records, all wild game animals and/or game birds killed or trapped, must be reported to

Quinault Business Committee

Approved November 10, 2003

the Director and tagged as required in regulations.

(f) Removing Game from the Reservation Game or parts of game lawfully killed or taken on the Reservation may be taken from the Reservation for any purpose except for sale. Game or parts of game shall not be taken from the Reservation unless accompanied by a tag signed by the person who killed the game and the person commissioned in writing by the Director to sign game removal tags. The game removal tag will state the name of the person transporting the game, the approximate date of transportation, and the type and approximate number of game or game parts to be transported.

51.11.020 Off-Reservation Hunting

(a) Policy Hunting outside the boundaries of the Quinault Reservation on all open and unclaimed lands where the Treaty of Olympia protects hunting rights shall be permitted for subsistence purpose only, and only under regulations adopted pursuant to this Title.

(b) Permit to Hunt on Open and Unclaimed Lands No person shall exercise the treaty right of the Quinault Indian Nation to hunt on all open and unclaimed lands outside the boundaries of the Quinault Reservation unless such person has obtained a permit to do so and paid any required fee.

(c) Adoption of Regulations The Quinault Fish and Game Commission or Director shall not issue any permit to hunt outside the original boundaries of the Quinault Reservation for subsistence or ceremonial purposes unless a comprehensive

Quinault Business Committee
Approved November 10, 2003

scheme of regulation has been adopted pursuant to this Title with consultation from staff biologists of the Quinault Department of Natural Resources.

51.12 Sale of Seafood

51.12.010 Policy/Rules

(a) Policy From time immemorial, the people of the Quinault Nation have considered the seafood resources and fishing rights of the Nation as rights belonging to the people of the Nation as a whole. Use of these tribal rights and resources are granted to members and others only for the benefit of the whole tribal community. Therefore, for the common good of all members, it has been the policy of the Quinault Indian Nation to require that those members granted the use of tribal rights to catch or harvest fish, aquatic animals and shellfish for commercial sale, sell their fish, aquatic animals or shellfish caught, gathered or harvested under tribal license or authority only to the Seafood Enterprise (seafood processing plant) of the Quinault Indian Nation or its successor, or agents authorized by the Seafood Enterprise or the Business Committee, unless the Seafood Enterprise or agents authorized by the Seafood Enterprise or the Business Committee do not wish to make such purchases. Because members must sell their catch or harvest to the Seafood Enterprise or authorized agents, the Seafood Enterprise or authorized agents have an obligation to make every effort to pay members a fair price. By processing and selling the seafood resources of the Quinault Indian Nation through the tribal Seafood Enterprise, the material value of these resources is more widely distributed in the tribal community and a stable market for the

Quinault Business Committee
Approved November 10, 2003
seafood is maintained.

(b) Notice of Intent Not to Purchase When the Quinault Seafood Enterprise or agents authorized by the Seafood Enterprise or the Business Committee are, for any reason, not purchasing fish, shellfish or aquatic animals, the Enterprise shall give written notice to the Chairperson of the Quinault Fish and Game Commission, the Director, the Fishery Policy Spokesperson and the Business Committee. During the period of time when a written notice of intent not to purchase is in effect the provisions of this section shall have no force or effect. Withdrawal of an indefinite notice of intent not to purchase shall be in writing, shall be delivered to the Chairperson of the Quinault Fish and Game Commission, the Director, the Fishery Policy Spokesperson and the Business Committee and shall not take effect less than 24 hours after such delivery.

(c) Incidental Sale The Business Committee may permit by resolution any member commercial fisher or clam digger to sell not more than 3 salmon or steelhead or 10 pounds of clams to a single individual during any one 24 hour period when the fish or clams sold were taken by the individual 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 the Quinault Seafood Enterprise.

(e) Agents/Regulations The Quinault Seafood Enterprise or Business Committee may employ, use or authorize agents to purchase member harvested fish,

Quinault Business Committee
Approved November 10, 2003

aquatic animals and shellfish. Each buyer must have in his or her possession a valid license or permit. The license or permit shall be issued by the Director at the request of the Enterprise or Business Committee and may be revoked by the Director for violation of this Title or any regulations adopted under this Title. The Business Committee shall establish a license or permit fee and the fee shall be in addition to any contractual fee paid the Seafood Enterprise or the Nation.

51.13 Sport Fishing, Guiding, Boating, and Aircraft Access

51.13.010 Sport Fishing

(a) Regulated All sport fishing on all the lands and waters of the Quinault Reservation by all persons and by members in the usual and accustomed places of the Quinault Nation shall be regulated by the Quinault Fish and Game Commission or Director.

(b) Identification/Members All members shall be required to carry upon their person a license issued by the Director and a Quinault Indian Nation Identification card prescribed by the Director while engaged in sport fishing on the Quinault Reservation.

(c) Identification/Non-members Persons who are not members of the Quinault Indian Nation or not fishing with a properly licensed member guide shall carry upon their person identification and a license or permit issued by the Director or the Quinault Business Committee while engaged in sport fishing on the Quinault Reservation.

(d) License/Permit All licenses and permits granted or sold shall contain

Quinault Business Committee
Approved November 10, 2003

conditions and locations of permitted use written on the license.

(e) Fee A fee shall be charged for the issuing of such license, provided the Business Committee may issue a license without a fee to members, employees, and guests of the Quinault Indian Nation, or to members of reciprocating Indian tribes. Unless changed by regulation, the fee for a sport fishing license shall be \$10.00 for 30 consecutive days and \$25.00 for 12 consecutive months from the date of issue.

(f) License Denied Sport fishing licenses may be temporarily or permanently denied persons found to have previously violated this Title or regulations adopted pursuant to this Title, at the absolute discretion of the Director.

(g) Closed Unless Opened All areas subject to the jurisdiction of the Quinault Indian Nation are closed to sport fishing unless opened by duly adopted regulations.

51.13.020 Guiding For Fish

(a) Regulations Guiding for the purpose of catching fish on the lands, rivers, lakes, and beaches of the Quinault Reservation shall be regarded as a commercial enterprise and shall be regulated. At a minimum, such regulations, shall require and enforce the following provisions, provided that, while the guiding regulations are not in force the following provisions shall be considered a part of, and enforceable under this Title.

(b) Guides Only members of the Quinault Indian Nation shall be permitted to act as fishing guides within the boundaries of the Quinault Reservation or usual and accustomed places of the Quinault Indian Nation or accept any fee or other

Quinault Business Committee
Approved November 10, 2003

consideration for acting as a fishing guide within the boundaries or usual and accustomed places of the Quinault Reservation.

(c) License No member entitled to guide on the lands, rivers, lakes and beaches of the Quinault Reservation shall act as a commercial guide or accept any fee for guiding without obtaining a license to guide from the Fish and Game Commission. There shall be charged a fee set by the Quinault Indian Nation Business Committee for a Quinault guide license.

(d) Reporting All guides while engaged in guiding shall report all catches they or their customers make to the Director or agency designated by the Business Committee.

51.13.030 Boating/Aircraft

(a) Permit Persons who are not members or employees of the Quinault Indian Nation may not operate any water borne craft on waters within the Quinault Reservation except when specifically permitted or licensed by the Quinault Business Committee or pursuant to regulations adopted under this Title. A fee to be determined by the Quinault Indian Nation Business Committee or its designee may be charged for boat licensing.

(b) Guided Boating Guided boat trips shall be considered a commercial activity and may be allowed on the lakes, rivers and waters of the Quinault Reservation for the purpose of sightseeing and other recreational activity.

(1) Only members of the Quinault Indian Nation shall be permitted to

Quinault Business Committee
Approved November 10, 2003

act as boating guides or accept any fee or other consideration for acting as a boating guide within the boundaries of the Quinault Reservation.

- (2) No member shall act as a guide or accept any fee for guiding without obtaining a license to guide from the Quinault Indian Nation. There shall be charged a fee set by the Quinault Indian Nation Business Committee or its designee for a Quinault boating guide license.
- (3) A member shall not be issued a boat guide license until the Quinault Business Committee or its designee adopts boating guide regulations. Such regulations shall specify the following:
 - (A) The areas where guided boat trips will be allowed;
 - (B) The times guided boat trips will be allowed;
 - (C) The manner in which guided boat trips will be allowed;
 - (D) The number and types of crafts that will be allowed to provide guided boat services;
 - (E) The minimum safety standards for boat guiding services.

(c) Aircraft Access A person who is not a member or an employee of the Quinault Indian Nation acting in the course of his or her employment may not land any aircraft on the land or waters within the Quinault Reservation, except when specifically permitted pursuant to regulations adopted by the Quinault Business Committee which

Quinault Business Committee
Approved November 10, 2003

may, by regulation, establish a permit and fee system for the landing of aircraft.

51.14 Hunting, Fishing, Harvesting and Gathering

51.14.010 Subsistence/Ceremonial

(a) Closed Unless Opened All areas subject to the jurisdiction of the Quinault Indian Nation are closed to Subsistence and Ceremonial hunting, fishing and gathering unless opened by duly adopted regulations.

(b) Authority The Fish and Game Commission or Director shall have authority to set regulations for subsistence hunting, fishing or the gathering and harvesting of shellfish. No non-member shall be allowed to participate in subsistence hunting, fishing, harvesting or gathering.

(c) Subsistence Harvesting and Gathering of Shellfish The Fish and Game Commission or Director may, from time to time, issue no-fee licenses to members for the harvesting and gathering of shellfish for own use or subsistence purposes. Own-use harvesting and gathering shall be limited to tides on which commercial harvesting and gathering is not allowed and a bag limit of no more than 65 shellfish per person per tide. No sale of shellfish harvested or gathered under this provision shall be permitted.

(d) Ceremonial Hunting, Fishing, Harvesting and Gathering The Fish and Game Commission or Director shall have the authority to authorize hunting and fishing, harvesting or gathering by members only for ceremonial purposes and shall determine whether a proposed ceremonial hunt, harvest, or fishery is for a tribal community or other ceremonial purpose. If the Commission or Director finds that the proposed hunt,

Quinault Business Committee
Approved November 10, 2003

harvest or fishery is not for a ceremonial purpose, it shall not be authorized.

Ceremonial hunting, harvesting, gathering or fishing shall be authorized by a written regulation, which shall include:

- (1) The nature of and reason for the ceremony;
- (2) The number of animals, shellfish, or fish to be taken;
- (3) The place and date of the ceremony at which the animals, shellfish, or fish are to be used;
- (4) The names of all the persons taking part in the ceremonial hunting, harvesting or fishing activity;
- (5) The place and date of the ceremonial hunt, harvest or fishery; and
- (6) A requirement that a report on the number of animals or fish taken be made to the Director.

(e) Donations by Seafood Enterprise The Quinault Seafood Enterprise (seafood processing plant) shall keep an appropriate record of all donations of fish to private and public groups and convey such records to the Director. The record shall show the number and species of fish, date donated, persons and groups donated to, area in which donated fish were taken, purpose of group receiving donation and use of donated fish.

51.14.020 On-Reservation Shellfish, Marine Plants and Aquatic Animal Harvesting and Gathering

- (a) Shellfish and Marine Plants Harvesting and Gathering Only enrolled

Quinault Business Committee
Approved November 10, 2003

members may harvest or gather shellfish, aquatic animals or marine plants on the beaches of the Quinault Reservation for personal consumption, barter, or sale, provided that, each member participating in the harvest or gathering of shellfish, aquatic animals or marine plants must be in possession of the appropriate license or permit and must be in full compliance with this Title and any regulations implementing this Title.

(b) Fees Each person or harvesting or gathering shellfish or marine plants on Reservation beaches or tidelands may be assessed a fee. No person shall harvest or gather without payment of the required fee.

(c) Invitation Prohibited Members shall not be accompanied by non-members when harvesting or gathering shellfish, aquatic animals or marine plants.

(d) Sale to Seafood Enterprise aquatic animals, shellfish and marine plants harvested or gathered for commercial purposes on Reservation beaches or tidelands shall be sold under the terms and conditions set out in 51.12 of this Title.

51.14.030 Off-Reservation Shellfish and Aquatic Animal Harvesting and Gathering

(a) When Permitted Harvesting and gathering shellfish, aquatic animals and other marine plants outside the boundaries of the Quinault Reservation in the usual and accustomed grounds and stations of the Quinault Indian Nation shall be permitted for commercial and subsistence purposes only under this Title and regulations adopted pursuant to this Title.

(b) Permit Required; Enforcement No person shall exercise the right of the Quinault Nation to harvest or gather shellfish, aquatic animals or marine plants for

Quinault Business Committee
Approved November 10, 2003

commercial, ceremonial or subsistence purposes outside the boundaries of the Reservation unless such person has obtained a permit to do so from the Quinault Fish and Game Commission or Director and paid the required fee.

(d) Comprehensive Regulatory Scheme - Required The Quinault Fish and Game Commission or Director shall not issue any permit to harvest or gather shellfish, aquatic animals or marine plants outside the boundaries of the Quinault Reservation for commercial or subsistence purposes unless a comprehensive scheme of regulation has been adopted pursuant to this Title.

51.15 Beaches

51.15.010 Use

(a) Dumping Trash No person shall dump trash or any litter in any form, shape, or size, or any material detrimentally affecting the beauty of the Quinault Reservation beaches or Reservation waters. Trash dumping by a non-member shall be remedied by seizure and forfeiture of any vehicle used to dump trash under the civil forfeiture sections of this Title and the Court may exclude such person from the Reservation.

(b) Authorization Tribal members, their guests, and tribal employees in the performance of their duties, are authorized to go upon the beaches of the Quinault Reservation, provided they have proof of their status. All other persons are forbidden to go on the tribal beaches unless they have a tribal permit, or written authorization from the Quinault Business Committee or its designee. Any Person found violating this

Quinault Business Committee
Approved November 10, 2003

paragraph shall escorted by enforcement officers from the Reservation and expelled until granted permission to enter by the Business Committee.

51.16 Possession of Firearms

51.16.010 Firearms Regulated

(a) Policy The Quinault Reservation and the wildlife that inhabit it were reserved for the exclusive use and occupation of the Indians who are members of the Quinault Indian Nation. The Quinault Business Committee finds that the wildlife of the Reservation, and therefore the subsistence and health of the Quinault people, are threatened by wasteful and illegal hunting on the Reservation by unauthorized non-members. Such wasteful and illegal hunting is furthered by the indiscriminate possession of firearms by unauthorized non-members on the Reservation. The Quinault Business Committee therefore finds that a reasonable and proper method to control illegal hunting is the enforcement of this Title regulating the possession of firearms on the Reservation.

(b) Firearms Defined For the purpose of this Title, the definition of firearms found in 18 United States Code, Section 921, as presently enacted or hereafter amended, shall be the definition of firearm. The definitions found in 18 U.S.C. are hereby adopted by reference.

(c) Firearms Permitted in Certain Circumstances Possession of firearms by non-members is only permitted in the following circumstances.

(1) All tribal, federal, state, and county law enforcement officers who

Quinault Business Committee
Approved November 10, 2003

are commissioned and authorized by their commissions to carry firearms, provided that, the county and state game enforcement officers, or any county or state officer attempting to enforce state fish and game laws or regulations shall not be permitted to carry firearms except when firearms are possessed pursuant to subparagraphs (2), (3), (4), and (5), of this paragraph. County or state law enforcement officers may be required by the Quinault Business Committee to obtain permits to carry firearms within the Quinault Reservation.

- (2) Persons traveling on the paved portions of State Highway 109, U.S. Highway 101, and on the Moclips Highway (Cook Creek Road) may have firearms in their possession while inside their vehicles.
- (3) Persons who have been issued a firearm permit by the Quinault Indian Nation may have firearms in their possession to the extent approved in the permit.
- (4) Bona fide non-member residents of the Quinault Reservation may keep firearms in their homes and may transport them in their vehicles while traveling from their home to locations off the Quinault Reservation by the most direct available route.
- (5) Persons on guided hunting expeditions while in the company of a licensed member guide provided the firearm is authorized by

Quinault Business Committee
Approved November 10, 2003

regulation.

(d) Firearms in Vehicles Firearms carried in vehicles or on motorcycles shall not be loaded with live ammunition except for firearms carried by regular law enforcement officers.

(e) Firearms Subject to Forfeiture Any firearms possessed or found in violation of any provisions of this Title may be seized and may be forfeited to the Quinault Indian Nation pursuant to this Title.

51.17 Quinault River Fishing Regulations

51.17.010 Regulations

(a) Quinault River The Quinault River Committee, or in the absence of a Quinault River Committee, the Business Committee, shall have the authority and shall determine, by written regulation, who shall be entitled to use Quinault River fishing grounds and stations. Appeal of rulings made by the Committee of the assignment of a ground may be made to the Business Committee, subject to review by the General Council, and rulings made by the Business Committee may be appealed to the General Council but an appeal to the General Council shall not stay the ruling during the time the appeal is pending.

(b) Failure to Adopt Regulations If within 30 days from the date this Title is adopted, the Quinault River Committee fails to adopt comprehensive written regulations under paragraph (a) above, the Business Committee shall adopt such regulations. Until such regulations are adopted, the regulations in effect at the time when this Title is

Quinault Business Committee
Approved November 10, 2003
adopted shall remain in full force.

51.18 Other Reservation Fishing Grounds

51.18.010 Queets River The Queets River Committee, or in the absence of a Queets River Committee, the Business Committee, shall have the authority and shall determine, by written regulation, who shall be entitled to use Queets River fishing grounds and stations. Appeal of rulings made by the Committee of the assignment of a ground may be made to the Business Committee, subject to review by the General Council, and rulings made by the Business Committee may be appealed to the General Council, but an appeal to the General Council shall not stay the ruling during the time the appeal is pending.

51.18.020 Other Rivers The appropriate River Committee, or in the absence of a River Committee, the Business Committee, shall have the authority to determine, by written regulation, who shall be entitled to use the river's fishing grounds and stations. Appeal of rulings made by the Committee of the assignment of a ground may be made to the appropriate tribal court, subject to review by the General Council, but an appeal to the General Council shall not stay the ruling during the time the appeal is pending.

51.19 Treaty Fishing Boat Licensing and Registration

51.19.010 Licensing and Registration

(a) 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

Quinault Business Committee
Approved November 10, 2003

regulations be adopted requiring members and other Indians exercising off-Reservation Quinault Treaty fishing rights to register and license their boats with the Quinault Indian Nation.

(b) Regulations The Quinault Indian Nation Business Committee or it's designee shall adopt regulations governing the registration and licensing of all boats engaged in Quinault Treaty fishing within the Quinault Indian Nation's off-Reservation usual and accustomed fishing grounds and stations and may adopt regulations governing the registration and licensing all boats engaged in fishing on the Quinault Reservation's rivers, lakes and waterways. The regulations adopted pursuant to this Section governing the registration and licensing of boats engaged in the off-Reservation Quinault Treaty fishery shall be consistent with the consent decree issued in United States v. Washington, Subproceeding 88-1.

(C) Licenses Non-transferable Any boat license issued under this Section shall be non-transferable.

(d) Boats Allowed To Be Licensed Only those boats that are owned or leased, pursuant to a bona fide lease agreement, by a member or other Indian entitled to engage in the Quinault Treaty fishery shall be registered and licensed by the Quinault Indian Nation.

(e) Fees The Quinault Indian Nation Business Committee may set a fee for such registration and license.

(f) Safety Standards The Quinault Indian Nation Business Committee or it's

Quinault Business Committee
Approved November 10, 2003

designee shall adopt mandatory minimum boating safety standards governing all boats engaged in the off-Reservation Quinault Treaty fishery and may adopt boating safety standards governing all boats engaged in fishing on the rivers, lakes and waterways of the Quinault Indian Nation. The United States Department of Transportation boating safety standards may be incorporated in any Quinault Indian Nation boating safety regulations adopted under this Section.

(g) Public Notice Proposed regulations shall be posted and copies made available to the public at least 10 days prior adoption by the Business Committee or its designee. The Business Committee reserves the right to amend or veto any regulation adopted under this provision.

51.20 Plants

5.20.010 Harvesting and Gathering of Plants

(a) Regulations The Quinault Indian Nation Business Committee or its designee may adopt regulations governing the harvesting and gathering of plants traditionally used for medicinal, subsistence, ceremonial or cultural purposes where the harvest and gathering of such plants are not regulated under any other Title. Such regulations may include open areas, open seasons, bag limits, and licensing and fees and apply to harvesting and gathering activities on the Reservation or the traditional fishing, hunting and harvesting territory of the people of the Quinault Indian Nation.

(b) Public Notice Proposed regulations shall be posted and copies made available to the public at least 10 days prior adoption by the Business Committee or its

Quinault Business Committee
Approved November 10, 2003

designee. The Business Committee reserves the right to amend or veto any regulation adopted under this provision.

51.21 Taxes

51.21.010 Taxes

(a) Authority The Business Committee may impose a tax on any activity authorized under this Title for the purpose of implementing the provisions of this Title.

(b) Resolution Any tax imposed by the Business Committee shall be by written resolution and shall not be applied retroactively.

51.22 Applicable Date/Severance/Limitations

51.22.010 Applicability and Date of Enforceability On the date of enactment of this Title by the Business Committee of the Quinault Indian Nation, this Title shall apply to all activity described by this Title, any person engaged in any such activity found within or subject to Quinault jurisdiction inside or outside the boundaries of the Quinault Reservation, any animals, birds, or fish or part thereof and any property used in or obtained by engaging in any such activity

51.22.020 Saving Clause, Severability Pending Actions If any paragraph, subparagraph, clause, sentence or phrase of this Title or regulations adopted pursuant to this Title shall be declared invalid, such decision shall not affect the validity of the remaining portions of the Title, and those remaining portions shall remain in full force and effect and to this end, provisions of this Title and any regulations adopted hereunder are declared severable. Any action pending at the date of enactment of this

Quinault Business Committee

Approved November 10, 2003

Title shall not be affected by enactment of this Title, and the action shall proceed

pursuant to prior provisions of the Quinault Tribal Code or regulations enacted pursuant thereto.

51.22.030 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 date of the alleged activity giving rise to the violation.



Quinault Indian Nation

POST OFFICE BOX 189 □ TAHOLAH, WASHINGTON 98587 □ TELEPHONE (360) 276-8211

QUINAULT BUSINESS COMMITTEE RESOLUTION NO. 03-66-81

WHEREAS, the Quinault Business Committee is the governing body of the Quinault Indian Nation; and,

WHEREAS, under Article V. Section 3(k) of the Constitution of the Quinault Indian Nation, the Quinault Business Committee is charged with the duty of protecting and managing the wildlife and natural resources of the Nation and to regulate hunting and fishing within the jurisdiction of the Quinault Indian Nation; and,

WHEREAS, the Quinault Business Committee finds that current Title 51 "Conservation" of the Quinault Tribal Code of Laws, which was enacted to protect and manage the wildlife and natural resources of the Quinault Indian Nation is outdated and no longer provides adequate protection or adequate management of the natural resources and wildlife of the Quinault Indian Nation; and,

WHEREAS, it is the policy of the Quinault Indian Nation, from time immemorial, to exercise its exclusive and inherent right and duty to protect the fish, wildlife, natural resources, safety and the treaty rights of its members under its jurisdiction and;

WHEREAS, the proposed amendments to Title 51 renamed "Fishing/Hunting/Gathering" of the Quinault Tribal Code better reflects the policies of the Quinault Indian Nation and better addresses the protection of wildlife and management of natural resources than the current Title 51 of the Quinault Tribal Code; and,

WHEREAS, public hearings were held in Queets and Taholah on September 2nd and 3rd 2003, respectively, on proposed amendments to Title 51 of the Quinault Tribal Code and comments taken at those hearings on the proposed Title; and,

NOW THEREFORE BE IT RESOLVED, that the attached amended Title 51 "Fishing/Hunting/Gathering" is enacted into law; and

BE IT FURTHER RESOLVED, that the above provision shall take effect on the 10 day of November, 2003.

Pearl Capoeman - Baller
Pearl Capoeman-Baller, President
Quinault Indian Nation Business Committee



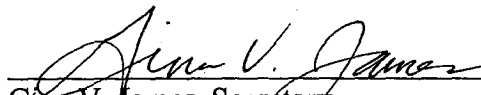
Quinault Indian Nation

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QUINAULT BUSINESS COMMITTEE RESOLUTION NO. 03-111-81

CERTIFICATION

I HEREBY CERTIFY THAT THE QUINAULT INDIAN NATION BUSINESS COMMITTEE DULY ADOPTED THE ABOVE RESOLUTION AT A REGULAR MEETING OF THE BUSINESS COMMITTEE AT TAHOLAH, WASHINGTON, ON THE 10 DAY OF NOVEMBER 2003, AT WHICH TIME A QUORUM WAS PRESENT BY A VOTE OF 7 FOR AND 2 AGAINST AND 2 ABSTAINING.


Gina V. James, Secretary
Quinault Indian Nation Business Committee