WHEREAS, the Stillaguamish Tribe of Indians is a party to the Treaty of Point Elliott of January 22, 1855, 12 Stat. 927; and is a sovereign, Federally Recognized tribe, which the U.S. Government acknowledged on October 27, 1976; and

WHEREAS, the Stillaguamish Tribe of Indians Board of Directors is the duly constituted Governing Body of the Stillaguamish Tribe of Indians, in accordance with Articles III, IV and V of the Stillaguamish Constitution; and

WHEREAS, the Stillaguamish Tribe of Indians Board of Directors, acting in the best interest of their people is embarked on a course of self-determination; and

WHEREAS, the authority to protect the Tribe as a sovereign political entity is vested in the Stillaguamish Tribe of Indians, Board of Directors under Article III and Article V, Sec. 1 of the Constitution, which Board has enumerated authority under Article V, Sec. 1 (a) to enact a comprehensive law and order code which provides for Tribal, civil and criminal jurisdiction; under Article V, Sec 1 (b) to administer the affairs and assets of the Tribe, including Tribal lands and funds; and under Article V, Sec. 1(h), to exercise other necessary powers to fulfill the Board’s obligations, responsibilities and purposes as the governing body of the Tribe; and

WHEREAS, the Board of Directors, acting in the best interests of the Tribe, to protect and preserve the political integrity, economic security, religious and cultural practices, responsible fisheries, wildlife and natural resources management, and health and welfare of the Tribe, now wishes to approve and adopt the new Stillaguamish Tribal Fishing, Hunting and Gathering Code ("Code"), which is attached hereto and incorporated by reference; now

THEREFORE BE IT RESOLVED that the Stillaguamish Tribe Board of Directors hereby approves and adopts the Stillaguamish Tribal Fishing, Hunting and Gathering Code, and does hereby repeal all prior codes covering the same topics.
BE IT FURTHER RESOLVED that this Resolution and Code shall take effect and be in full force immediately upon the date of adoption of this Resolution.

CERTIFICATION

As Chairman and Secretary of the Stillaguamish Tribal Board of Directors, we hereby certify that the above resolution was duly adopted at a meeting of the Stillaguamish Tribal Board of Directors held on the 21 day of June, 2018 at which time a quorum was present and a vote of 5 for, 0 opposed and 0 abstain was cast.

SHAWN YANITY, Chairman

PATRICIA PECOR, Secretary
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Adopted on June 21, 2018, pursuant to Resolution 2018/077
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Adopted on June 21, 2018, pursuant to Resolution 2018/077
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Stillaguamish Tribe of Indians
Tribal Fishing, Hunting and Gathering Code - 3

Adopted on June 21, 2018, pursuant to Resolution 2018/077
CHAPTER 1 - General Rules

SECTION 1. Declaration of Policy

By the Treaty of Point Elliott of 1855, 12 Stat. 927, the Stillaguamish Tribe and the United States reserved to the Tribe the "right of taking fish at all usual and accustomed grounds and stations ... together with the privilege of hunting and gathering roots and berries on open and unclaimed lands." Since time immemorial, fishing, hunting and gathering has always been essential to the spiritual, cultural, subsistence and economic life of the Tribe. It is the purpose of the Tribe by this Code to exercise its sovereignty to manage fishing, hunting, gathering and related activities, in order to practice Tribal religion and culture, and permanently exercise its Tribal treaty rights, and to use and conserve the fish, wildlife, botanicals and other natural resources for future generations, and to minimize or eliminate regulation by the State of Washington.

SECTION 2. Jurisdiction

It is the policy of the Stillaguamish Tribe to assert its jurisdiction to the fullest extent permitted by law over all activities relating to the taking of fish, wildlife and botanicals, including marine mammals, and shellfish and all other marine or freshwater invertebrates under Treaty rights or other arrangements designed to provide Tribal access to all available natural resources. Stillaguamish Tribal members who obtain Tribal permission to exercise Tribal Treaty fishing, hunting and gathering rights under this Code consent to the jurisdiction of the Stillaguamish Tribe over Treaty fishing, hunting and gathering rights and related conduct, regardless of the location of the fishing, hunting, gathering or other conduct.

SECTION 3. Repeal of Prior Fishing and Hunting Laws

All Codes and resolutions of the Stillaguamish Tribe of Indians regulating, authorizing, prohibiting, managing or in any way dealing with fishing, hunting, gathering and related activities heretofore enacted or now in effect are hereby repealed and declared to be of no further force and effect, to the extent that they are inconsistent with this Code.

SECTION 4. General Rules for Fishing, Hunting and Gathering

(A) Persons who hunt, fish or gather while their hunting, fishing or gathering privileges ("treaty resource privileges") are suspended or demonstrate a willful or wanton disregard for the conservation of fish, wildlife or botanicals, in addition to applicable penalties prescribed herein, will lose all treaty resource privileges for life. Violation of this subsection is an aggravated gross misdemeanor punishable by a fine up to $5,000 and a jail term up to 1 year, or both.

(B) In addition to any suspension of Treaty resource privileges pursuant to Tribal law and regulation under this Code, Treaty resource privileges may be suspended pursuant to Section 4(f) below if a notice of a suspension of hunting and
fishing privileges under State law is received by the Tribe from the State of Washington.

(C) Any personal property that is used, directly or indirectly, in the violation of this Code or any Tribal fishing, hunting or gathering regulation, or that is held with the intention of committing any such violation, may be seized as evidence by a Stillaguamish Tribal Law Enforcement Officer, and may be forfeited to the Stillaguamish Tribe by order of the Tribal Court or the Fishing, Hunting, and Gathering Committee.

(D) A person who injures or kills another person with a weapon of any kind while hunting, fishing or gathering shall, upon conviction in any court of competent jurisdiction, lose treaty resource privileges for life. The Fishing and Hunting Committee shall suspend all treaty resource privileges of the person so charged with this violation until final adjudication.

(E) It shall be unlawful for any person to possess fish or game animals, or botanicals that have been harvested or taken illegally. Violation of this subsection shall be a gross misdemeanor: provided, however, that unlawful possession of big game animals shall be an aggravated gross misdemeanor.

(F) Any person charged with a hunting and/or fishing and/or gathering criminal offense under this Code shall have his/her treaty resource privileges suspended until his/her case is fully adjudicated. The Fishing – Hunting and Gathering Committee, also denominated herein simply as the “Fishing and Hunting Committee” or the “Committee”, shall suspend the treaty resource privileges of a person charged with a misdemeanor, gross misdemeanor, aggravated gross misdemeanor or conservation offense under this Code. Within twenty-four (24) hours of receipt from the Tribal Prosecutor of a copy of a charging document alleging one of the above categories of offense under this Code, the Fishing, Hunting and Gathering Committee shall in writing via email and First Class US Mail notify the defendant that his/her privilege to hunt, fish and gather has been suspended pending the outcome of the Tribe’s case against him/her. This shall be called a “Notice of Suspension”. Within one business day following the date of the Notice of Suspension, the defendant must surrender his/her fishing, hunting and gathering permit(s) to the Fishing, Hunting and Gathering Committee. Failure to surrender the permit(s) as described shall be a misdemeanor.

(G) Any suspension or revocation of treaty resource privileges under this Code shall be by the Stillaguamish Tribal Court, unless suspended or revoked by the Fishing, Hunting and Gathering Committee pursuant to this Code.

(H) Any person who has been convicted of a gross misdemeanor or aggravated gross misdemeanor under this Code may not participate in Special Hunts for five (5) years after conviction.

Stillaguamish Tribe of Indians
Tribal Fishing, Hunting and Gathering Code - 5

Adopted on June 21, 2018, pursuant to Resolution 2018/077
(I) Any person convicted of any criminal offense in any court of competent jurisdiction may be **barred for life** from being a ceremonial hunter, fisher or gatherer at the discretion of the Board of Directors, upon recommendation of the Committee.

(J) Any violation of this Code for which the penalty is not stated in the Code is a Class D offense.

**SECTION 5. Definitions**

(A) "Antlerless" means any deer or elk without antlers.

(B) "Antler Point" means a projection of any part of the antler measuring at least one inch in length from the longest side.

(C) "Assistant" means any Stillaguanish Tribal member who aids any other Tribal fisher in the exercise of any Tribal fishing right by assisting in the performance of fishing operations, including tending set nets, assisting in the operation of a boat or net in the process of drift netting, and assisting in any other activity directly relating to the capture of fish.

(D) "Authorized Tribal Staff" means any Stillaguanish employee authorized by the Fisheries Manager to aid any Tribal fisher in the exercise of any Tribal Treaty fishing right by assisting in operation of a boat, and responsible for sampling of catch and catch accounting.

(E) "Bag limit" means the legal amount of fish, wildlife, or botanicals which may be taken or possessed by any person for any particular period of time, and may also include limitations as to the size, sex, and species which may be taken or possessed.

(F) "Big Game" means deer, elk, bear, cougar, mountain goat, turkey.

(G) "Botanicals" means all botanical and fungal materials, including forest products, traditionally used by Tribal members for gathering purposes, regardless of geographic location on land or in the water.

(H) "Branched Antler" means any deer or elk with at least two points on one side.

(I) "Buck or Bull only" means any deer or elk with visible antlers.

(J) "Catch Quota" means the maximum number of fish which may be taken or possessed for the total treaty fishery.

(K) "Children" as used herein, means the enrolled Stillaguanish Tribal member children of enrolled Stillaguanish Tribal members.

Stillaguanish Tribe of Indians
Tribal Fishing, Hunting and Gathering Code - 6

Adopted on June 21, 2018, pursuant to Resolution 2018/077
"Closed area" means any area where the hunting or fishing of certain species of game animals or fish, or gathering of botanicals is prohibited.

"Closed season" means all times, areas and manner in which taking of fish, wild game or botanicals is prohibited.

"Conservation Offenses" are offenses prohibited by this Code which pose a serious threat to conservation of the fisheries, wildlife or botanicals resources. Fishing, hunting or gathering in a closed area or during a closed season shall *per se* be a Conservation Offense.

"Federal and/or State Conservation Officials" are those officials who are permitted to monitor Tribal fishing, hunting or gathering activities only to the extent that the monitoring is reasonable and necessary to fish or wildlife management: and conservation purposes, as determined by the federal courts.

"Fish" means finfish, shellfish, marine mammals and any other creatures residing in marine or freshwater habitats which may be harvested by virtue of treaty guaranteed rights.

"Fishing, Hunting and Gathering Committee" means a committee comprised of Stillaguamish Tribal members appointed by the Stillaguamish Tribe Board of Directors.

"Fishing, Hunting and Gathering Committee meetings" means any meeting called by the Fishing, Hunting, and Gathering Committee for the purpose of discussing Stillaguamish hunting, gathering and fisheries issues. These meetings are open to Stillaguamish Tribal members only and Natural Resources Department staff and/or legal staff may attend by request or permission of the Committee or any Committee member.

"Fishing" is defined as any activity or attempt to directly or indirectly capture "fish" as defined in section 5(p) above.

"Fishing for ceremonial purposes" means the taking of fish in or for traditional Tribal ceremonies, includes religious purposes, and excludes fishing for subsistence or for commercial purposes. All ceremonial fisheries will be conducted by Stillaguamish Tribal members identified by the Board of Directors as ceremonial fishers. Stillaguamish Tribal members wishing to obtain fish for ceremonial purposes must make a request to the Fishing and Hunting Committee in writing. The request must include the date and purpose of the ceremony and the number and species of fish requested.
"Fishing for commercial purposes" includes all fishing other than fishing for ceremonial and subsistence purposes, such as taking fish for resale, exchange, debt reduction, profit sharing, or other economic gain.

"Fishing for subsistence purposes" means the taking of fish for personal and family use as food, and excludes fishing for ceremonial purposes and fishing for commercial purposes.

"Fishing gear" means all types and sizes of hooks, nets, spears, gaffs, lines, traps, appliances, boats, and all equipment and other apparatus used to take fish.

"Hunt" means any effort to kill, capture, injure or harass wildlife.

"Hunting for ceremonial purposes" means the taking of game in or for traditional Tribal ceremonies, includes religious purposes, and excludes hunting for subsistence. All ceremonial hunts will be conducted by Stillaguamish Tribal members identified by the Board of Directors as ceremonial hunters. Stillaguamish Tribal members wishing to obtain game for ceremonial purposes must make a request to the Fishing and Hunting Committee in writing. The request must include the date and purpose of the ceremony, and the number and species of game requested.

"Mesh" means the rhombic (diamond shaped) opening enclosed by four bars of net twines of equal length firmly knotted and/or knotless at the four corners.

"Mesh size" means the distance measured between two (2) opposite knots (or corners) of a full mesh when stretched.

"Poaching" means the unlawful taking or possession of fish and wildlife.

"Predators" means fox, bobcat, cougar, bear and coyote.

"Protected wildlife" means all species that are protected by federal or Washington state law.

"Public Highway" means a highway maintained specifically for the use of the public, regardless of the surface. Shooting from a private road is legal if access has been granted by the landowner and other firearm restrictions and safety issues have been addressed.

"Small game" means grouse, pheasant, quail, band tail pigeon, dove, rabbit/hare, porcupine, bobcat, fox, coyote, ducks, geese, brant, coot and snipe.

"Special hunts and permits" means any hunts authorized by the Fishing and Hunting Committee that are not a part of the regular hunting season.
"Spike only" means must have at least one antler with no branches originating more than four inches above where the antler attaches to the skull.

"Stillaguamish Tribal Law Enforcement Officer" or "Tribal Officer" means a law enforcement officer duly authorized under Tribal Law and regulations with the responsibility of enforcing the Stillaguamish Tribe Law and Order Code, including but not limited to Tribal fishing and hunting laws and regulations.

"Stillaguamish Tribe Board of Directors or "Board of Directors" " means the duly constituted governing body of the Stillaguamish Tribe of Indians, under the Tribal Constitution.

"Subsistence hunting" means the hunting of all small game and big game under this Code, excluding hunting for ceremonial purposes.

"Tribal Fisher" means any Stillaguamish Tribal member who is exercising any Tribal Treaty fishing rights.

"Tribal Species Permit" means a permit issued pursuant to this Code and regulations pursuant to this Code and pursuant to Tribal authority, for the purpose of entitling the holder to engage in certain types of fishing or hunting activity, and such permit represents nothing more than the permission of the Tribe to participate in the Tribe's Treaty fishing or hunting right.

"Treaty Indian Fishing Identification Card" means any current valid card issued or approved by the Fisheries Manager for the purposes of identifying the holder as a person eligible to participate in fishing, subject to this Code and Tribal regulations.

"Usual and Accustomed Fishing Grounds and Stations" means all those areas where the Stillaguamish Tribe and its predecessor Tribes or Bands and their members regularly and customarily fished from time to time at and before treaty time, United States v. Washington, 384 F Supp. 312, 379 (1974) and as may thereafter be further defined by court order or agreement.

"Visible Antler" means a hornlike growth on the head of a deer or elk projecting above the hairline.

SECTION 6. General Penalties for Violations

(A) Class D Offenses (Infractions): Upon finding that a person has committed a Class D offense, the Stillaguamish Tribal Court shall impose a fine of not less than fifty (50) dollars and not more than one hundred (100) dollars for the first offense; for subsequent offenses the Court may impose a fine of up to one hundred and fifty (150) dollars.
(B) Misdemeanors:

1. Upon conviction, a misdemeanor offense under this Code shall be punishable according to the following penalty schedule:

   a. For the first offense a fine of not more than $250.00, plus Court costs. The Court may in addition impose probation with reasonable conditions. The Court may impose jail time of no more than fifteen (15) days or loss of fishing, gathering and hunting time for a like period.

   b. For a second offense within a year of a previous conviction, a fine not less than $250.00 and not more than $500.00 plus court costs. The Court shall impose a loss of up to (10) of the next fishing, gathering and hunting days. The Court may, in addition, impose probation with reasonable conditions. The Court may impose jail time of no more than thirty (30) days for the second offense.

   c. For the third offense within a year of a previous conviction, a fine of not less than $500.00 and not more than $750.00, plus court costs. The Court may also, at its discretion, suspend fishing, gathering and hunting rights for a period of up to one (1) calendar year. The Court may impose probation with reasonable conditions. The Court may order jail time of no more than thirty (30) days.

   d. For any subsequent violation within a twelve (12) month period, a fine of not less than $750.00 and not more than $1,000.00, plus court costs. The Court may, at its discretion, also impose a loss of fishing, gathering and hunting time for up to one (1) calendar year. Probation with reasonable conditions may be imposed. The Court shall order jail time of not less than fifteen (15) days and no more than thirty (30) days.

(C) Conservation Offenses:

1. A Conservation Offense is an offense prohibited by this Code which poses a serious threat to conservation of the fisheries, botanicals or wildlife resources. Fishing, gathering or hunting in a closed area or during a closed season shall per se be a Conservation Offense.

2. A Conservation offense shall be a gross misdemeanor.

(D) Gross Misdemeanors:

1. Conviction of a gross misdemeanor under this Code shall be punishable according to the following penalty schedule:

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Adopted on June 21, 2018, pursuant to Resolution 2018/077
a. When the act or acts do not involve actual force against a person or property: a fine of not less than $500.00 and not more than $1,500.00 plus court costs. The Court may impose probation with reasonable conditions. The Court may order a loss of fishing, gathering and hunting time up to ninety (90) days and may impose jail time up to ninety (90) days.

b. When the act or acts involve the use of force and an act or threatened act against a person or property, all fishing, gathering and hunting rights of the accused shall be suspended by the Fishing, Hunting, and Gathering Committee pending resolution of the case. Due to the serious nature of this violation the Tribal Court may impose a fine up to $2,000.00, and a jail term up to 270 days, or both.

c. For the purpose of this section, determination of whether an offense is a 'first offense', "second offense", or "third offense", etc., shall be made by counting convictions or bail forfeitures under this Code arising from one occurrence during a five (5) year period.

(E) **Aggravated Gross Misdemeanors:**

1. Conviction of an aggravated gross misdemeanor under this Code shall be punishable according to the following penalty schedule:

a. A minimum fine of $2,000.00 and maximum of $5,000.00 shall be imposed plus court costs. The Court shall impose jail time of no less than thirty (30) days and up to a maximum of one (1) year for the first violation and an immediate loss of all hunting, gathering and fishing privileges for two (2) years from the date of conviction.

b. For subsequent convictions a fine of $5,000.00 shall be imposed plus court costs, and jail time of not less than sixty (60) days and up to a maximum of one (1) year from the date of conviction. Hunting, gathering and fishing privileges shall be revoked for life.

**SECTION 7. Fishing, Hunting and Gathering Committee**

(A) The Stillaguamish Tribe Board of Directors shall appoint a Fishing, Hunting, and Gathering Committee which shall consist of a maximum of eight (8) Stillaguamish Tribal members. The quorum requirement is a majority of sitting committee members. The Chair is entitled to vote on all matters before the committee. Fishing, Hunting and Gathering Committee meetings are closed to everyone except Stillaguamish Tribal members and Natural Resources Department staff and/or legal staff by request to or permission of the Committee or any member of the Committee. Vacancies on the Committee shall be filled by the same method as initial appointment.

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Tribal Fishing, Hunting and Gathering Code - 11

Adopted on June 21, 2018, pursuant to Resolution 2018/077
(B) Conviction as a bar to Fishing, Hunting and Gathering Committee membership or Fisheries/Hunting Employment:

1. Any person having been convicted of a gross misdemeanor or an aggravated gross misdemeanor under this Code, may, upon notice to the Board of Directors, be barred from serving on the committee or be removed by the Stillaguamish Tribe Board of Directors pursuant to written resolution, for a period of five years after his/her conviction.

SECTION 8. Knowledge of Fishing, Hunting and Gathering Code and Regulations

It is the responsibility of the fisher/hunter/gatherer to familiarize him/herself with the Stillaguamish Tribal Fishing, Hunting and Gathering Code and annual, seasonal, or emergency regulations if he/she is going to participate in Tribal Treaty hunting, gathering and fishing.

SECTION 9. Stillaguamish Tribal Law Enforcement Officers—Inspection Authority

(A) Based upon articulable facts that a Stillaguamish Tribal member is or has been directly or indirectly engaged in fishing, harvesting, gathering, or hunting activities, Tribal Officers, and also ex officio Tribal fish and wildlife officers pursuant to Interlocal Agreement with the Tribe ("ex officio officers"), have the authority to temporarily stop the person and check for valid licenses, tags, permits, stamps, or catch record cards, and to inspect all fish, shellfish, seaweed, botanicals, and wildlife in the member’s possession as well as the equipment being used by the member, to ensure compliance with the requirements of this Code. Tribal Officers and ex officio officers also may request a driver’s license or other identification for comparison purposes or request that the person write his or her signature for comparison with the signature on his or her fishing, harvesting, gathering or hunting license. Failure to comply with the request to stop or produce licenses, tags, permits or other identification is a gross misdemeanor.

(B) Based upon articulable facts that a Stillaguamish Tribal member is in the possession of or transporting a prohibited aquatic animal species or any aquatic botanical or fish, Tribal Officers and ex officio officers have the authority to temporarily stop the person and inspect the watercraft to ensure that the watercraft and associated equipment are not transporting prohibited aquatic animal species or botanicals.

(C) **SEIZURE WITHOUT WARRANT** - Stillaguamish Tribal Officers and ex officio officers may seize without warrant wildlife, fish, shellfish, and botanicals that they have reasonable suspicion to believe have been taken, transported, or possessed in violation of the Stillaguamish Tribal Fishing, Hunting, and Gathering Code. Stillaguamish Tribal Officers and ex officio officers may seize without warrant for evidentiary purposes any equipment (firearms, knives, nets, etc.) they have reasonable
suspicion to believe were used in violation of the Stillaguamish Tribal Fishing, Hunting, and Gathering Code.

(D) SEARCH, ARREST WARRANT - ISSUANCE – EXECUTION. On a showing of probable cause that there has been a violation of any-, applicable provision of this Code or upon a showing of probable cause to believe that evidence of such a violation may be found at a particular place, the Stillaguamish Tribal Court shall issue a search warrant or arrest warrant. Tribal Officers and ex officio officers may execute any such arrest or search warrant reasonable necessary to their duties under this Code and may seize fish, shellfish, botanicals, and/or wildlife, or any evidence of a crime and the fruits or instrumentalities of a crime as provided by warrant. The Stillaguamish Tribal Court may order, provided by warrant, that a building, enclosure, vehicle, vessel, container, or receptacle be opened or entered and the contents examined.

(E) SEARCH WITHOUT WARRANT - SEIZURE OF EVIDENCE, PROPERTY Stillaguamish Tribal Officers and ex officio officers may make a reasonable search without warrant of a vessel, conveyances, vehicles, containers, packages, or other receptacles for fish, seaweed, shellfish, botanicals and/or wildlife, which they have reason to believe contain evidence of a violation of any applicable provision of this Code, and may seize evidence as needed for law enforcement purposes. This authority does not extend to quarters in a boat, building, or other property used exclusively as a private domicile and does not extend to transitory residences in which a person has a reasonable expectation of privacy. For purposes of clarity, a camp site is not a “transitory residence” within the meaning of this Section.

(F) PROVIDING FALSE INFORMATION - A Tribal member is guilty of providing false information regarding fish, shellfish, botanicals, or wildlife if the person knowingly provides false or misleading information required by any rule or regulation in the Stillaguamish Fishing, Hunting and Gathering Code. Violation of this subsection is a gross misdemeanor.

(G) TRIBAL FISH, WILDLIFE AND BOTANICALS CHECK STATIONS OR FIELD INSPECTIONS – UNLAWFUL AVOIDANCE

1. A Tribal member is guilty of unlawfully avoiding Tribal fish, wildlife and botanicals check stations or field inspections if the person fails to;

2. Obey check station signs;

3. Stop and report at a Tribal check station if directed to do so by a Stillaguamish Tribal Officer and/or ex officio officer.

4. Produce for inspection upon request by a Stillaguamish Tribal Officer and/or ex officio officer (i) hunting or fishing equipment; (ii) seaweed, fish, shellfish,
botanicals, or wildlife; or (iii) licenses, permits, tags, stamps, or catch record
cards required by this title.

5. Unlawfully avoiding a Tribal check station or field inspection is a gross
misdemeanor.
CHAPTER 2 – Fishing

SECTION 1. Types of Fishery

(A) Commercial Fishery – a fishery in which catch is sold, for resale, exchange, debt reduction, profit sharing, or other economic gain, and excludes fishing for subsistence and ceremonial purposes. This fishery is open to all eligible members.

(B) Subsistence Fishery – a fishery in which catch of fish is retained for personal and family use as food, also known as “take home”, and excludes fishing for ceremonial purposes and commercial purposes. This fishery is open to all eligible members.

(C) Ceremonial Fishery – a fishery in or for traditional Tribal ceremonies, including religious purposes, are used in the taking of fish, and excludes fishing for subsistence and for commercial purposes. Catch is retained for the Tribe’s use. This fishery is open to only members authorized by written resolution of the Board of Directors as Ceremonial Fishers.

(D) Test Fishery – a fishery conducted on a limited basis for the purpose of acquiring scientific, technical or management information. Any fish taken may not be sold for personal profit, but may be retained or sold on behalf of the Tribe to fund appropriate fisheries management projects determined by the Fisheries Manager. This fishery is open to only Tribal members and Tribal staff authorized by the Fisheries Manager.

SECTION 2. Regulations

(A) All Treaty fishing by the Stillaguamish Tribe is closed until such time that fishing areas are opened by applicable Stillaguamish fishing regulations.

(B) In drafting fishing regulations, the Fisheries Manager shall consider fish conservation data available from the Stillaguamish Tribe Natural Resources Department (“NRD”), State, Federal Agencies, the Northwest Indian Fisheries Commission (“NWIFC”), other Tribes and other scientifically sound sources.

(C) Annual, seasonal, fishing regulations shall be made available to Tribal fishers and other interested parties sufficiently in advance of applicable seasons to insure adequate notice. Regulations shall be posted on the Natural Resources Department website and at the Tribal Administration building.

(D) The Fisheries Manager has the authority, for good cause, to enact emergency regulations, including but not limited to immediate closure of a fishery, to insure proper management of the affected fishery. In the event that the Fisheries Manager enacts such emergency regulations, he or she shall immediately notify the Committee and all affected parties, posting such emergency regulations on the Natural Resources Department website and at the Tribal Administration building.

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Adopted on June 21, 2018, pursuant to Resolution 2018/077
(E) No penalties shall be imposed for violations of emergency regulations until the violator has had notice of the regulation or until the regulation has existed for twenty-four (24) hours, whichever occurs first.

SECTION 3. Who May Fish

(A) All Stillaguamish Tribal members, as listed in the most recent Tribal roll, are eligible to exercise Tribal Treaty fishing rights, but only in accordance with this Code and applicable regulations, including identification and permitting regulations under this Code, and subject to the following exceptions:

1. Unless granted explicit permission by the Committee pursuant to Section 4(b) below, Stillaguamish Tribal members under the age of sixteen (16) may not operate gillnet boats or engage in gillnet fishing. Such members may, however, engage in spear, gaff hook, pole and dip net fishing. Such members may not sell their catch.

SECTION 4. Assistants

(A) Tribal fishers may be assisted by any member of the Stillaguamish Tribe of Indians. Tribal fishers may also be assisted by an NRD staff member authorized to do so by the Fisheries Manager. Assistants are subject to the following conditions:

1. The assistant must be sixteen (16) years of age or older to net-fish (excluding dip-nets) unless granted permission by the Stillaguamish Fishing, Hunting and Gathering Committee, pursuant to a written request. Such a request will be decided by the Committee on a case by case basis.

2. A Tribal member who uses a non-authorized assistant, or who uses an assistant in violation of subsection “a” or “b” of this Section, has committed a Class D offense. A second violation of this Section within two years shall be a misdemeanor.

3. A non-authorized assistant means any person who is not authorized under this Section, who assists the Tribal member by actively fishing or transporting fishing gear, on behalf of or in conjunction with the Tribal member.

4. Assistants are not eligible to sell catch, commercial or overbank sales.

SECTION 5. Permits and Identification Required

(A) No Stillaguamish Tribal member shall participate in any manner in Tribal fishing unless he or she is in possession of a valid and current Treaty Indian Fishing Identification Card, and species permits as provided for in this section and in

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applicable regulations. "Possession" means on the person or in the immediate control of the person required to have the appropriate documents. Permits and identification are required as follows:

1. No person shall exercise or otherwise participate in Tribal fishing rights unless he or she is in possession of a Treaty Indian Fishing ID Card. **Violation of this subsection is a Class D Offense.** Notwithstanding the above, a Stillaguamish Tribal member under 16 years of age, engaged in subsistence fishing, is only required to possess a Tribal enrollment ID card and a species permit.

2. Every person seeking to exercise or otherwise participate in Tribal fishing rights must have in his or her possession a species permit applicable to the activity in which he/she is engaged as follows:

   a. All Tribal fishers fishing for commercial purposes must have a valid and a current species permit authorizing such commercial fishing. The Fishing, Hunting and Gathering Committee may, from time to time, set fees for such permits.

   b. Tribal fishers fishing for subsistence purposes must have a permit for such fishing. No fees shall be set or charged for such permits. A species permit must be obtained at the beginning of each species management period.

   c. **Violation of this subsection 2 shall be a class D offense. Subsequent violations shall be a misdemeanor.**

   (B) All Tribal fishing permits shall remain the property of the Stillaguamish Tribe.

   (C) Any person fishing shall produce for examination his or her appropriate Tribal Fishing Permit and Treaty Indian Fishing ID Card upon the demand of a Stillaguamish Tribal Law Enforcement Officer or Federal and/or State Conservation Official.

   (D) The Stillaguamish Tribe and authorized Tribal staff shall have a Tribal Authorized Signer Card(s) in their name(s) for the purpose of sale of commercial fishery catch, reporting of test, reporting of ceremonial & subsistence fisheries catch, or reporting of confiscated/seized catch under enforcement activities.

   (E) Tribal staff shall carry their Stillaguamish Employee ID Card identifying them as personnel who are authorized to take and possess fish under the authority of this subsection. No person may take fish under this subsection unless he/she has complied with and is complying with all applicable Tribal regulations. Natural Resource Department personnel of the Stillaguamish Tribe of Indians may take and possess fish of all species for scientific management, and/or enhancement purposes by any means or gear suitable for the purpose of the Natural Resources program. Each person taking

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fish under the authority of this subsection shall keep a cumulative record of all fish so taken by him or her and shall produce it for inspection upon request by the Fisheries Manager or Stillaguamish Tribal Law Enforcement Officer. Fish taken under the authority of this subsection shall not be sold or used by Natural Resource Department personnel for personal gain, but shall be disposed of as directed by the Fisheries Manager. Any attempt by Natural Resource Department personnel to circumvent this subsection or to abuse the privilege granted herein shall be grounds for immediate dismissal from employment with the Tribe, and civil suit and/or criminal prosecution.

(F) Persons participating in the sale of fish must have in their possession their current and valid Treaty Indian Fishing ID Card and species permit at the time of sale. Selling fish under someone else's Treaty Indian Fishing ID Card and/or species permit is prohibited. Violation of this subsection shall be a gross misdemeanor.

(G) It shall be unlawful for any Tribal member to transfer his or her Treaty Indian Fishing Identification Card and/or species permit to another person for the purpose of selling fish. Violation of this subsection is a gross misdemeanor.

SECTION 6. Revocation or Suspension of Permits

In addition to the mandatory revocation or suspension provisions of the Code, all such permits as are provided for in this Code may be revoked or suspended by the Fishing, Hunting and Gathering Committee upon the recommendation of the Fisheries Manager for good cause shown, or when the Fishing, Hunting and Gathering Committee determines that such revocation or suspension will be in the best interest of the Tribe. Prior to any such revocation or suspension the Fishing, Hunting and Gathering Committee shall make necessary arrangements to insure that the permittee affected is given adequate notice of the proposed revocation or suspension, and an opportunity to be heard before the Fishing, Hunting and Gathering Committee.

SECTION 7. Registrations and Nets

(A) All boats used in a Treaty fishery with a gas-powered motor, shall be registered annually with the Stillaguamish Tribe Department of Transportation. All registrations shall expire on June 30th of each year.

(B) Once a boat has been registered, the owner of the boat shall be issued an approved registration number, which shall be attached to the boat in a conspicuous place according to the instructions given when the number is issued. The boat owner shall also be issued an approved annual boat tab which he/she shall affix adjacent to the registration number.

(C) Boats must be registered and registration numbers must be obtained. Boat tabs must remain current.
(D) It shall be unlawful to transfer the boat registration number from one boat to another, or to affix the annual boat tab to any boat other than the one to which the boat tab was issued.

(E) In the event the boat owner sells his/her boat, the registration number must be removed and the Stillaguamish Tribe Department of Transportation and the Fisheries Manager must be notified of the sale.

(F) All nets shall be legibly marked with the name of the Tribal fisher and his or her Tribal Fishing Identification number and shall be marked on each of three (3) corks on both ends. Directly attended drift nets shall be marked on at least one (1) buoy securely attached to said drift net. All unmarked nets which are unattended and any fish found in them may be seized by Tribal Officers and subject to forfeiture to the Tribe.

(G) Any person operating a boat shall be in compliance with the Washington State Boating Safety Education Program or equivalent.

(H) **Violation of this Section shall be a misdemeanor.**

**SECTION 8. Freshwater Restrictions on Gear**

(A) Tribal Fishers shall be limited to the use of three nets at any one time. Use of either one drift net and two set nets, or three set nets only, shall be permitted.

(B) Set nets shall not be placed so that they cover more than one half (1/2) of the wetted width of the stream channel. Set nets must be lifted and checked at least once every twelve (12) hours by the operator. If a Tribal Officer discovers a net with any dead fish or wildlife in a stage of decay, there is a presumption that the net has been unchecked and/or abandoned in violation of this Section. This presumption may be overcome by the defendant’s written proof that he/she reported the net as missing or irretrievable to the Tribe’s law enforcement office.

(C) No river set net shall exceed one hundred fifty feet in length. No river drift net shall exceed three hundred (300) feet in length.

(D) Nets shall not be set on the same side of the river within 250 feet of a net lawfully in place, unless the owner of the lawfully placed net consents.

(E) Nets shall not be set on either side of the river, nearer than 250 feet downstream or upstream of any creek or tributaries.

(F) No objects can be driven into the ground to anchor a Tribal fisher’s boat or nets.

(G) **Violation of this Section shall be a misdemeanor.**

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SECTION 9. Marine Gear Description and Limitations

(A) Marine gillnets shall not exceed 1800 feet in length. The length of a marine gillnet is defined to be the length of the net attached to the reel. This includes any net attached to the reel but not actually used in any particular set. Marine gillnets must be attended by the fisher at all times, and may not be anchored.

(B) When making a set with a marine gillnet, the set must be initiated so that no part of the net being set is within the area marked by drawing 1800 foot parallel lines in each direction from the ends of, and perpendicular to, a previously set marine or skiff gillnet.

(C) Violation of this Section shall be a misdemeanor.

SECTION 10. Skiff/Drift Gillnet

(A) Skiff gillnets shall not exceed 1200 feet in total length, must be attended by the fisher at all times, and may not be anchored.

(B) When making a set with a skiff gillnet, the set must be initiated so that no part of the net being set is within the area marked by drawing 1200 foot parallel lines in each direction from the ends of, and perpendicular to, a previously set marine or skiff gillnet.

(C) Violation of this Section shall be a misdemeanor.

SECTION 11. Marine Set gillnets (Setnets)

(A) Any Marine gillnet which is tied, anchored or otherwise fixed at a location shall be considered a Set Gillnet or Setnet for the purpose of these regulations.

(B) Setnets shall not exceed 600 feet in total length.

(C) Setnets shall be set such that they are at least 600 feet from each other at all points.

(D) Setnets shall be attached to the shore by a line not to exceed 200 feet.

(E) All setnets shall be checked and fish removed at least once every twelve (12) hours.

(F) Lines attaching setnets to shore shall be attached to the beach high water mark.

(G) No objects can be driven into the ground to anchor a Tribal fisher's boat or nets.

(H) Violation of this Section shall be a misdemeanor.

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SECTION 12. Beach Seine Boats

(A) A beach seine net shall not exceed 900 feet in total length, shall not exceed thirty-three (33) feet in depth, and shall have a mesh size of not less than 3.5 inches.

(B) Vessels engaged in beach seining may use power retrieval systems on the boat and on land.

(C) Violation of this Section shall be a misdemeanor.

SECTION 13. Round Haul Boats

(A) A round haul seine net shall not exceed 900 feet in length, shall not exceed thirty-three (33) feet in depth, shall not exceed 400 feet on the slip line, and shall have a mesh size of not less than 3.5 inches.

(B) Vessels engaged in round haul may use power retrieval systems on the boat and on land.

(C) Violation of this Section shall be a misdemeanor.

SECTION 14. Identification and Lighting of Tribal Marine Fishing Gear

(A) All marine gillnets and skiff gillnets shall have a lighted jacklight attached to the free end(s) of the net while fishing at night. Jacklights must be visible for at least one half mile.

(B) A vessel engaged in fishing at night shall exhibit two all-around lights in a vertical line, the upper being red and the lower white, six (6) feet apart. During daylight hours a shape consisting of two cones with apexes (points) together in a vertical line one above the other must be shown. A vessel of less than 56 feet in length may, instead of this shape, exhibit a basket when there is outlying gear extending more than 490 feet horizontally from the vessel. Additionally, at night, an all-around white light is required. During the day a cone apex (point) must be pointed slightly upwards and in the direction of the gear. When making way through the water at night, in addition to the lights described in this paragraph, side lights and a stern light must be on. Lights must be visible for at least one half mile.

(C) All setnets shall have a ball float of at least 12 inches in diameter attached to the outer end of the net. The ball must be clearly marked with the owner's name and their ID number in such manner so as the required markings are visible from passing vessels without requiring the ball to be brought on board or picked up.

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(D) All nets, including seines, must have at least 10 corks clearly marked with the owner's name at each end of the net.

(E) All setnets must have a lighted jacklight attached to the outer end of the net at night.

(F) **Violation of this Section shall be a Class D offense.**

**SECTION 15. Safety Equipment and Standards**

(A) All fishing boats must comply with U.S. Coast Guard and any Tribal safety standards when engaged in fishing activities licensed by the Stillaguamish Tribe. Marine gillnet and skiff gillnet boats must have an operational emergency strobe light on board.

(B) Skiff and marine gillnet boats must carry a survival suit for each person on board.

(C) All marine gillnet, skiff gillnet, beach seines and round haul boats must be equipped with an operational citizens band radio.

(D) All marine gillnet and skiff gillnet boats must have an operational spotlight on board.

(E) **Violation of the Section shall be a class D offense.**

**SECTION 16. Fish Buyers**

(A) In order to insure effective self-regulation of Treaty fishing it is essential that all commercial fish sales be accurately reported. Persons buying fish caught in the exercise of Stillaguamish Tribal fishing rights shall provide appropriate copies of all fish tickets to the Stillaguamish Fisheries Manager or his/her designee on a daily basis.

(B) If the Fisheries Manager believes that any buyer is not in compliance with the daily reporting requirements he/she shall contact the buyer, advise the buyer of the alleged noncompliance and request that a satisfactory arrangement be made to ensure compliance in the future.

(C) If such an arrangement cannot be made or is not followed, the Fisheries Manager shall prepare a formal Proposed Determination of Noncompliance and Notice of Hearing before the Stillaguamish Fishing, Hunting and Gathering Committee, place the matter on the Stillaguamish Fishing, Hunting and Gathering Committee meeting agenda, and serve the Proposed Determination and Notice on the buyer no less than five (5) calendar days (exclusive of Saturdays, Sundays and legal holidays) before Committee meeting. Service may be in person or by certified mail, return receipt requested.

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(D) At the hearing the Stillaguamish Fishing, Hunting and Gathering Committee shall consider the facts upon which the Proposed Determination is based, afford the buyer a full and fair opportunity to respond, and either deny or issue a final determination. The final Determination of Non-Compliance shall be served upon the buyer and posted on the Natural Resources website and in the administration building.

(E) Once the Fishing, Hunting and Gathering Committee has made the final Determination of Noncompliance it shall be unlawful for Stillaguamish Tribal members fishing under this Code or otherwise exercising the fishing rights of the Stillaguamish Tribe, to knowingly sell fish so caught to any fish buyer named in a final Determination of Noncompliance unless and until the Fishing, Hunting and Gathering Committee has revoked the Determination or it has expired on its own terms.

(F) **Violation of this Section shall be a misdemeanor.**

SECTION 17. Imposition of Tax and Fish Catch Reporting

(A) The Stillaguamish Tribe Board of Directors finds that it is in the best interest of Tribal self-government and protection of the Treaty fisheries resource to impose a fish tax. A minimum Tribal tax, unless otherwise defined by annual regulation, of four (4) percent is therefore imposed on the first sale after capture of all fish taken in the exercise of Tribal fishing rights, regardless of where such fish are taken.

(B) Each person or entity appearing as a seller on a Fish ticket shall be liable for payment of four (4) percent of the sale prices shown on the ticket.

(C) Proceeds from the collection of this tax shall be paid into the Fisheries Management account and allocated by decision of the Fisheries Manager.

(D) Any person selling fish as a dealer is required to pay the Tribal taxes he or she collects within 30 days after invoicing, or interest at 1% per month on the unpaid amount will be charged effective the 31st day following the invoice date and will continue until such time as payment is made in full.

(E) Fish Catch Reporting

1. Every person fishing pursuant to this Code shall report the total amount of his or her fish catch on a daily basis to the Natural Resources Department (NRD).

2. Every person fishing pursuant to this Code shall also provide access to authorized Tribal staff of their catch prior to sale or processing, as bio-data and sampling may need to occur on specific catch.

(F) **Violation of this subsection (e) shall be a misdemeanor.**

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SECTION 18. Overbank Sales/Take Home Fish

Only fisheries open under “commercial” regulations are eligible for overbank sales. It is the responsibility for Tribal fishers to account for all take home fish (to include overbank sales), and accurately report all take home fish within 24 hours to NRD from date of sale. Any person selling fish must provide a receipt to the buyer listing the species and number sold, as well as the selling price. A copy of the receipt must be retained by the seller for one year and produced for inspection upon request. The Tribe reserves the right to impose a fish tax, therefore Tribal fishers exercising Stillaguamish Tribal fishing rights who sell fish over the bank (sale to a non-licensed buyer) may be subject to fish tax collections on those sales. Fish tax on overbank sales shall be due and owing within 10 days after the last opening of the fishing season. **Violation of this Section shall be a misdemeanor.**

SECTION 19. Protection of Spawning Areas

To prevent unnecessary damage to fish stocks and habitats, the Natural Resources Department shall identify and designate, by appropriate regulations and maps, those upstream spawning areas, which, because of their fragile nature and importance, shall be closed to all fishing or other damaging activities, unless specifically authorized.

SECTION 20. Fishing in Closed Areas/Seasons

(A) It is unlawful to fish in areas that are closed to fishing.

(B) It is unlawful to fish during any times other than officially opened fishing seasons as set by the Fisheries manager per Tribal Treaty regulations.

(C) **Violation of this Section shall be a gross misdemeanor.**

SECTION 21. Wasteful Practices

The waste of fish shall be avoided and all fish taken in accordance with Tribal fishing rights shall, whenever possible, be used for beneficial purposes. When a Stillaguamish Tribal Law Enforcement Officer learns of wasteful practices by a particular fisher he or she may bring the matter before the Stillaguamish Fishing, Hunting and Gathering Committee for appropriate action, which may include the revocation or suspension of permits. A Stillaguamish Tribal Law Enforcement Officer may issue a citation for waste of fish. In accordance with this prohibition against waste all set nets shall be checked on a daily basis by registered owner. **Violation of this Section shall be a gross misdemeanor.**

SECTION 22. Stillaguamish Tribal Law Enforcement Officers

It shall be the duty of every Stillaguamish Tribal Law Enforcement Officer ("Tribal Officer") to enforce this Code and all regulations adopted by the Tribe and to this end all such officers shall be vested with appropriate authority to do so. Such officers may issue citations or make arrests in

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accordance with this Code and the Tribal Law and Order Code. Such officers may use boats, patrol vehicles and such other vehicles as are necessary to perform their duties. Tribal Officers shall regularly patrol the Tribe's usual and accustomed fishing grounds and stations.

SECTION 23. Signatures as Evidence

Subject to rules of evidence adopted by the Board of Directors or the Tribal Court regarding proof of documents and signatures, the signature on any fish ticket or other receipt or proof of sale of any Stillaguamish Tribal member or any other person holding any Stillaguamish Tribal Fishing Permit shall be prima facie evidence in the Stillaguamish Tribal Court that the signer caught and sold the fish reported on the fish ticket or other document on or about the date of the document.

SECTION 24. Disposition of Seized Fish and/or Gear

All fish impounded from marked nets set during a legal opening shall be sold and the funds held in abeyance until the accused's case is fully adjudicated. Should the Court find that the accused is guilty of an offense in the matter, the money shall be kept by the Tribe. Should the Court find that the accused is innocent, the accused shall receive the funds held in abeyance. The police department shall be responsible for the safe keeping of all gear and other property impounded until the case is fully adjudicated. Fish impounded from unmarked nets, or from nets set during closures, will be given to the Tribe to distribute.

(A) In circumstances where unclaimed gear has been impounded by Tribal Officers, the owners of such gear must claim that gear in person within ten (10) days after seizure. If such gear is not claimed within that time is shall be subject to forfeiture to the Tribe.

(B) All unclaimed gear, not subject to any Tribal enforcement proceeding, shall be turned over to the Fishing, Hunting and Gathering Committee at the end of the season, to be disposed of at the Committee’s discretion, e.g. given to Tribal fishers.

SECTION 25. Test Fishery

(A) Test fishing is permitted under the following conditions:

1. The Fisheries Manager, with the advice and assistance of the Tribal biologists shall have the power to authorize a test fishery. The Fisheries Manager, with the assistance of the above advisors, shall determine the type and amount of gear to be used in, and the time period and fishing area for, the test fishery. There shall be no test fishery other than as directed by the Fisheries Manager. Other affected management entities shall be given reasonable notice of proposed test fisheries.

(B) Responsibilities of Test fisher
1. Test fishers shall report all information requested by the Fisheries Manager on a daily basis.

2. Fish taken in a test fishery shall be taken to the NRD for sampling and reported with a Tribal Authorized Signer Card on behalf of the Tribe.

3. The test fisher shall strictly obey the gear, time, and area restrictions of the test fishing program.

(C) Failure to comply with any of the provisions of this section shall result in withdrawal of the test fisher from the test fishing program. Any fishing subsequent to withdrawal from the test fishery shall not be protected by the test fishing provisions of this Code nor the test fishing regulations promulgated under it.

(D) The Natural Resources Department shall maintain permanent records of all data collected in the test fisheries.

SECTION 26. Intoxicants Prohibited

(A) No person shall exercise or assist in exercising Tribal fishing rights while in possession or under the influence of alcohol, marijuana, or intoxicating drugs. For purposes of this subsection, “intoxicating drugs” are those drugs and other substances regulated by the Stillaguamish Law and Order Code, and incorporated herein by reference.

(B) Upon reasonable suspicion that a person has engaged in the activities set forth in subsection (a), a law enforcement officer may conduct field tests to determine whether probable cause exists for issuance of a citation or making an arrest.

(C) Violation of this Section shall be a gross misdemeanor.

SECTION 27. Boat Safety

Regulations may be adopted by the Stillaguamish Tribe Board of Directors setting forth the requirements for the safety equipment to be used on fishing boats when those boats are used for Tribal fishing purposes. In the absence of such regulations, the regulations adopted by the United States Coast Guard shall apply.

SECTION 28. Cooperation with State and Federal Regulations

Authorized Federal and State fish conservation officials are permitted to monitor Tribal fishing activities only to the extent that the monitoring is reasonable and necessary to fish management and conservation purposes, as determined by the federal courts.
Chapter 3 – Hunting

SECTION 1. Eligible Persons

(A) Only enrolled members of the Stillaguamish Tribe may hunt under the authority of this Code and regulations promulgated hereunder.

(B) Stillaguamish Tribal members that are seventeen (17) years of age and under are eligible to hunt only when accompanied by a Stillaguamish Tribal member adult. A non-Tribal member adult may only accompany a Stillaguamish Tribal member 17 years of age and under on a hunt after submitting a written request and received an approval by the Fishing Hunting and Gathering Committee.

(C) Violation of this Section is a Class D offense.

(D) Subsequent violations within five (5) years of the first offense are a misdemeanor.

SECTION 2. Identification and Permits Required

(A) Tribal members hunting under this Code and regulations shall have in their possession their Bureau of Indian Affairs (BIA) hunting/fishing treaty identification or Stillaguamish Tribal enrollment ID and any permits required by this Code or regulation.

(B) The Natural Resources Department staff shall carry their Stillaguamish Tribe Employee ID Card identifying them as personnel who are authorized to take and possess wildlife under the authority of this subsection. Natural Resources personnel must have their Employee ID Card with them at all times during the performance of their duties. No person may take wildlife under this subsection unless he/she has complied with and is complying with all applicable Tribal regulations. Natural Resources personnel of the Stillaguamish Tribe of Indians may take and possess wildlife of all species for scientific management, and/or enhancement purposes by any means or gear suitable for the purpose of the Natural Resources program. Each person taking wildlife under the authority of this subsection shall keep a cumulative record of all wildlife so taken by him or her and shall produce it for inspection upon request by the Fisheries Manager, Wildlife Policy Lead, or Tribal Officer. Wildlife taken under the authority of this subsection shall not be sold or used by Natural Resources personnel for personal gain, but shall be disposed of as directed by the Wildlife Policy Lead or Fisheries Manager. Any attempt by Natural Resources personnel to circumvent this subsection or to abuse the privilege granted herein shall be grounds for immediate dismissal from employment with the Tribe, and civil and/or criminal prosecution.
(C) Hunters seventeen (17) years of age and under shall provide a copy of written proof of completion of a State or Stillaguamish approved hunter's safety course before acquiring permits.

(D) Violation of subsection (a) or (c) of this Section is a Class D offense.

(E) Subsequent convictions within five (5) years of the first offense are a misdemeanor.

SECTION 3. Designated Hunter

(A) Any Stillaguamish Tribal member who is unable or wishes not to hunt for himself/herself may request a designated hunter permit. Such permit will authorize another Stillaguamish Tribal member to hunt for him or her. Such a request shall be in writing to either the Committee, Wildlife Policy Lead, or the Fisheries Manager and shall include the Stillaguamish Tribal member he/she wishes to designate.

(B) A designated hunter may only receive a hunting permit for one Stillaguamish Tribal member at any one time. Once completed, the designated hunter must report the harvest to the Tribal Wildlife Biologist before requesting an additional permit to hunt for another Tribal member. A designated hunter may possess and utilize his or her personal permits during the hunt.

(C) No Tribal member shall serve as a designated hunter while his/her hunting or fishing privileges are suspended or revoked by either the Tribal Court or the Committee.

(D) A violation of Subsection c of this Section by either the Tribal member seeking a designated hunter permit or the Tribal member designated as the hunter shall be a misdemeanor.

SECTION 4. Ceremonial Hunting

(A) Only persons designated by the Board of Directors may conduct a ceremonial hunt.

(B) All Tribal members are entitled to request a ceremonial hunt from the Committee. All requests for a ceremonial hunt shall be in writing and contain the following information:

1. Amount and type of game requested

2. The date of the ceremony

3. Type of ceremony

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(C) Upon review of a request for ceremonial hunt in compliance with subsection (b), the Committee may issue a permit to a designated ceremonial hunter.

(D) Any person convicted of any criminal offense in any court of competent jurisdiction may be barred for life from being a ceremonial hunter at the discretion of the Board of Directors, upon recommendation of the Committee.

SECTION 5. Subsistence Hunting

No permit is required to hunt small game. Subsistence permits shall be required for all big game species and waterfowl.

SECTION 6. Regulations

(A) All Treaty Hunting by the Stillaguamish Tribe is closed until such time that hunting areas are opened by applicable Stillaguamish hunting regulations.

(B) In drafting hunting regulations, the Wildlife Policy Lead and/or Fisheries Manager shall consider wildlife conservation data available from the Stillaguamish Tribe Natural Resources Department, federal and state agencies, the NWIFC, and other scientifically sound sources.

(C) Annual or Seasonal hunting regulations shall be made available to Tribal hunters and other interested parties sufficiently in advance of applicable seasons to insure adequate notice. Regulations shall be posted on the Natural Resources Department website and at the Tribal Administration building.

(D) The Wildlife Policy Lead and/or Fisheries Manager has the authority, for good cause, to enact emergency regulations, including but not limited to immediate closure of a hunt, to insure proper management of the wildlife. In the event that the Wildlife Policy Lead and/or Fisheries Manager enacts such emergency regulations, he or she shall immediately notify the Committee and all affected parties, posting such emergency regulations on the Natural Resources Department website and at the Tribal Administration building.

(E) No penalties shall be imposed for violations of emergency regulations until the violator has had notice of the regulation or until the regulation has existed for twenty-four (24) hours, whichever occurs first.

SECTION 7. Firearm Requirements and Restrictions

(A) Rifles used for hunting Big Game Animals must have a minimum caliber of .243 or 6MM. Ammunition shall contain a mushrooming or expanding type bullet designed for big game hunting.
(B) Big game, except cougar, may be hunted with handguns with a minimum barrel
length of four (4) inches per manufacturer's specification, and fire a minimum twenty-
four (24) caliber centerfire cartridge. Rimfire handguns are not legal for big game
unless otherwise specified (see section D below).

(C) Shotguns must have a minimum gauge of .410 and minimum barrel length of eighteen
(18) inches. Shotguns shall only be capable of carrying a maximum of three (3)
rounds at a time. (Plugs shall be installed). Ammunition shall be a minimum of #1
buckshot or slugs for big game, non-toxic or steel shot for waterfowl.

(D) Rifles and pistols of .17 caliber or larger may be used on the following species; forest
grouse, rabbit/hare, porcupine, bobcat, fox, coyote, grey squirrel and cougar.

(E) Muzzleloaders shall have a minimum of .40 caliber and barrel length of twenty (20)

inches.

(F) Violation of this Section shall be a misdemeanor.

SECTION 8. Archery/Crossbow Requirements

(A) A bow shall have at least forty (40) pounds of pull. Broadheads must be used and
shall be sharp and at least 7/8 of an inch wide. Arrows may have lighted nocks
installed. Retractable broadheads are allowed.

(B) A crossbow shall have at least one hundred (100) pounds of pull. Broadheads shall be
used and shall be sharp and at least 7/8 of an inch wide. Arrows may have lighted
nocks installed. Retractable broadheads are allowed.

(C) Violation of this Section is a misdemeanor.

Section 9. Permit Requirements

(A) Immediately after any big game animal has been killed, the proper permit shall be
validated by fully notching out the month and day of kill and secured directly to the
carcass in a visible manner. Game shall not be transported without a validated permit.

(B) A hunter shall have in his/her possession his/her Tribal Identification Card and
applicable permit for the species being hunted.

(C) Violation of this Section shall be a Class D offense for the first offense, and a
misdemeanor for subsequent offenses.

SECTION 10. Fluorescent Color Clothing

(A) Tribal hunters shall wear a minimum of four hundred (400) square inches of bright
fluorescent color clothing, such as hunter orange, yellow or lime green and it shall be

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worn as exterior clothing above the waist and visible from all sides. This does not apply to archery/crossbow, muzzle loader, turkey, mountain goat and waterfowl hunters, or hunters hunting wildlife classified as predators (fox, bobcat, cougar, bear and coyote). This exemption also does not apply to any hunting solely while in a covered ground blind. With respect to bear hunting, this exemption from fluorescent color clothing regulations applies only to bear hunting from May 1 to August 1 of each year.

(B) Violation of this Section shall be a Class D offense.

SECTION 11. Use of Hounds/Dogs

Hounds/dogs may be used to hunt cougar, bear, waterfowl and small game. No person shall use hounds/dogs to hunt, pursue or harass deer, elk, mountain goat or turkey. Violation of this Section shall be a misdemeanor.

SECTION 12. Wasting of Game

It is unlawful to waste any edible portion of a game animal or game bird. Violation of this Section is a gross misdemeanor for the first offense. A subsequent violation within two years of a conviction shall be an aggravated gross misdemeanor.

SECTION 13. Illegal Discharge of Firearms

Within Snohomish County: No firearms, excluding shotguns, muzzle loaders and handguns, may be discharged in any areas west of Highway 9, until the intersection of Highway 9 and Highway 2, then east along Highway 2 to Highway 203, then all areas west of Highway 203 to the Snohomish/King County line. Violation of this Section is a gross misdemeanor.

SECTION 14. Trespassing

Hunters are required to have written or verbal permission to hunt on private property before commencing hunting activities. Violation of this Section is a misdemeanor.

SECTION 15. Violation of Forest Access Permit and/or Tribal Hunter Key Agreement

It shall be unlawful for any hunter to violate the terms and conditions of any Forest Access Permit and/or Tribal Hunter Key Agreement ("Forest Access Permit/Key Agreement") issued by the Tribe pursuant to an agreement between the Stillaguamish Tribe and the owner of privately owned timberlands. Violation of this Section shall be a gross misdemeanor.

SECTION 16. Illegal Discharge of Firearms, and Loaded Weapons Restrictions

(A) It shall be unlawful to shoot from any vehicle or ATV.

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Adopted on June 21, 2018, pursuant to Resolution 2018/077
(B) It shall be unlawful to discharge a firearm from any boat until forward motorized progress has stopped.

(C) It shall be unlawful to negligently discharge a firearm from, across, or along the maintained portion of a public highway.

(D) It shall be unlawful to hunt from any airborne conveyance.

(E) It shall be unlawful to have a loaded weapon in a motor vehicle or on an ATV. A rifle or shotgun containing shells or cartridges in either the chamber or magazine, or muzzle loading firearm that is loaded and capped or primed is considered loaded.

(F) **Violation of this Section is a gross misdemeanor.**

**SECTION 17. Shooting Hours**

Shooting hours shall commence one half (1/2) hour before sunrise and extend to one half (1/2) hour after sunset. Shooting hours will be posted annually and included in the hunting regulations. **Violation of this Section is a misdemeanor for the first offense. Subsequent offenses within five years of conviction are gross misdemeanors.**

**SECTION 18. Mandatory Harvest Reporting**

(A) Each hunter shall submit a true and accurate harvest report within ten (10) days of a successful kill of big game. Harvest reports shall be given to the Stillagumish Fisheries Manager, Wildlife Policy Lead, and Tribal Wildlife Biologist(s). The upper portion of the big game permit shall remain with the hunter to verify game was taken legally.

(B) Annual reports from all hunters, regardless of whether an animal has been harvested, shall be submitted to the Fisheries Manager, Wildlife Policy Lead, and Tribal Wildlife Biologist(s) no later than April 10 of each year, for deer, elk, bear, cougar and waterfowl. Hunters who fail to report in by April 10 for all permits issued in accordance with this Section will be assessed a $200 administrative fee, to be allocated to wildlife management funding, and shall not be eligible to receive any special hunt permits for the following hunting season, until the $200 administrative fee is paid in full.

(C) **Violation of this Section shall be a Class D offense for the first offense and a misdemeanor for subsequent violations within five years of a previous conviction.**

**SECTION 19. Bear Bait Regulations- General Heading**

(A) Only eligible Stillagumish Tribal hunters may hunt bear using bait stations.

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Adopted on June 21, 2018, pursuant to Resolution 2018/077
(B) During black bear hunting seasons each hunter with a valid bear permit may have up to three (3) bait stations.

(C) Each bait station and its location shall be logged with the Stillaguamish Tribal Law Enforcement department within forty-eight (48) hours following establishment and forwarded to the Wildlife Biologist. Bait stations may be placed up to seven (7) days prior to the start of bear hunting season and shall be removed and the area cleaned within three (3) days after bear season closes.

(D) Each bear hunter using a bait station shall be issued a bait station marker for each location prior to placement of the bait station. This marker shall be placed within ten (10) yards (30 ft.) of the corresponding bait station and be highly visible with proper I.D. station Code on the marker. The I.D. station Code is; STL-(enrollment #) - (station#).

(E) Bait stations must be at least fifty (50) yards from all types of water (lakes, ponds, rivers, creeks... etc.) and one hundred (100) yards from all open and maintained public roads and 100 yards from all publicly maintained trails. Bait stations must be at least one-quarter (1/4) mile from buildings, parks, campgrounds, refuse centers and one and one half (1 ½) miles from schools.

(F) The Tribe may share the bait stations I.D. Code and location with Washington Dept. of Fish and Wildlife in efforts to cooperatively respect both Tribal hunters and WDFW Enforcement officers.

(G) Violation of Section 19 (A)-(D) shall be a misdemeanor.

(H) Violation of Section 19 (E) shall be a Class D offense.

SECTION 20. Bait and Bait Containment Requirement

(A) Only the following baits may be used: Commercial bear bait products, honey, molasses, anise extract, other scent attractants, unprocessed plants, fruits, vegetables, grains (including flavored), popcorn and/or the heads, bones, viscera and skin of livestock or legally acquired fish and game, or other substances approved by the Committee. Bait shall not contain any packaging materials.

(B) Bait may be contained in a plastic or metal container. If using a plastic barrel or metal container, it must be secured to a tree, a post, or staked to the ground.

(C) If using an excavated pit, logs or a pile of rocks must cover it. Any materials used to contain bait must be removed and any excavated pits must be filled in within three (3) days of the end of bear hunting season.

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Adopted on June 21, 2018, pursuant to Resolution 2018/077
(D) **Violation of this Section shall be a Class D offense.**

**SECTION 21. General Hunting Violations**

(A) All Tribal hunters shall sign a statement attesting to the Stillaguamish Tribe that he/she is or is not a felon or otherwise not prohibited from possessing a firearm under federal law before acquiring any permits for hunting with a firearm for each yearly hunting season. It shall be unlawful to give false testimony.

(B) Hunters shall cooperate with any Federal and State Conservation Official or Tribal Officer who has authority to enforce Tribal, Federal or State Fish, Wildlife and Gathering regulations. Cooperating with Nontribal Conservation Officials does not concede any limitation of the Tribe's treaty right nor does it waive the jurisdiction of the Tribal Court.

(C) **Violation of this Section shall be a gross misdemeanor.**

**SECTION 22. Hunting While Under the Influence**

(A) No person shall exercise or assist in exercising Tribal hunting rights while in possession or under the influence of alcohol, marijuana, or intoxicating drugs. For purposes of this subsection, "intoxicating drugs" are those drugs and other substances regulated by the Stillaguamish Law and Order Code, and incorporated herein by reference.

(B) Upon reasonable suspicion that a person has engaged in the activities set forth in subsection a), a law enforcement officer may conduct field tests to determine whether probable cause exists for issuance of a citation or making an arrest.

(C) **Violation of this Section shall be a gross misdemeanor.**

**SECTION 23. Use of Artificial Light**

(A) It shall be unlawful to hunt with the aid of an artificial light source including spotlights or flashlights except as provided below:

1. This does not include fiber optics or illuminating sights nor does it preclude the use of lighted nocks for arrows.

2. Night vision equipment and artificial lights may be used for predator hunting during the hours of darkness by written permit only referred to as a "Night Hunting Permit" issued by the Fisheries Manager and/or Wildlife Policy Lead. Hunters hunting under the authority of a Night Hunting Permit are required to comply with all permit conditions listed on the permit.

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Adopted on June 21, 2018, pursuant to Resolution 2018/077
3. The Tribe will share issued night hunting permits and hunt locations with Washington Dept. of Fish and Wildlife in the interest of safety for Tribal hunters, and for the safety and cooperation of both Tribal and WDFW Enforcement officers.

(B) **Violation of this Section shall be a gross misdemeanor for the first offense. Subsequent offenses shall be aggravated gross misdemeanors.**

**SECTION 24. Hunting in Closed Areas/Seasons**

(A) It is unlawful to hunt in areas that are closed to hunting and in any Game Management Units that are not specifically listed as open for hunting.

(B) It is unlawful to hunt game animals during any times other than officially opened hunting seasons as set by the Wildlife Policy Lead and/or the Fisheries Manager.

(C) **Violation of this Section shall be a gross misdemeanor.**

**SECTION 25. Wild Game Sales**

(A) The sale of wild game meat is strictly prohibited and is unlawful. Violation of this subsection shall be a gross misdemeanor.

(B) Non-edible portions of wild game may be sold or traded, excluding bear gall bladders and velvet antlers of deer and elk and all protected species.

(C) **Violation of this subsection shall be an aggravated gross misdemeanor.**

**SECTION 26. Unlawful Possession of Firearms**

It shall be unlawful for persons convicted of a felony, or otherwise prohibited by federal law from possessing firearms, to hunt with a firearm. If a person's right to possess a firearm has been restored, proof shall be given before hunting permits that involve the use of a firearm can be issued. **Violation of this Section shall be an aggravated gross misdemeanor.**

**SECTION 27. Taking of Game Without a Permit**

It shall be unlawful to hunt big game without a permit. **Violation of this Section shall be a gross misdemeanor for the first offense. A subsequent offense within five (5) years of conviction shall be an aggravated gross misdemeanor.**

**SECTION 28. Protected Wildlife**

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Adopted on June 21, 2018, pursuant to Resolution 2018/077
(A) It shall be unlawful to hunt, harass, harvest or possess any protected wildlife. **Violation of this subsection for a first offense shall be a misdemeanor; any subsequent offense shall be a gross misdemeanor.**

(B) It shall be unlawful to hunt, harass, harvest or possess any threatened or endangered species. **Violation of this subsection shall be an aggravated gross misdemeanor.**

(C) Possession of protected wildlife or endangered species for regalia or cultural practices is allowed.

SECTION 29. Assault on an Enforcement Officer

It is unlawful to assault, attempt to assault or threaten to assault any Tribal Officer or Federal and State Conservation Official ("Conservation Official") by attempting or threatening bodily harm or putting a Tribal Officer or Conservation Official in apprehension of harm while said Officer or Official is performing his/her official duties. **Violation of this Section shall be an aggravated gross misdemeanor.**

SECTION 30. Construction and Severability

If any provision of this Code, or its application to any person or legal entity or circumstances, is held invalid, the remainder of this Code or the application of the provision to other persons or legal entities or circumstances, shall not be affected.

SECTION 31. Effective Date

This Code shall become effective and enter into force on June 21, 2018.

SECTION 32. Amendments

This Code may be amended pursuant to written resolution of the Stillaguamish Board of Directors.

SECTION 33. Sovereign Immunity

Nothing in this Code shall be construed as a waiver or limitation of the inherent sovereignty and sovereign immunity of the Tribe, nor as a waiver of or limitation on the Tribe's reserved fishing, hunting and gathering rights under the Treaty of Point Elliott of 1855, 12 Stat. 927.

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Adopted on June 21, 2018, pursuant to Resolution 2018/077