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**THE CONFEDERATED TRIBES OF THE
 GRAND RONDE COMMUNITY OF OREGON**

**CHAPTER 801
 FISH AND WILDLIFE ORDINANCE**

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**THE CONFEDERATED TRIBES OF THE
GRAND RONDE COMMUNITY OF OREGON**

**Chapter 801
Fish and Wildlife Ordinance**

(a) AUTHORITY AND PURPOSE. The purpose of this Ordinance is to provide for regulation of the exercise of hunting, fishing, and gathering rights of the Confederated Tribes of the Grand Ronde Community of Oregon. Fish, wildlife, and natural resources addressed in this Ordinance are of critical importance to the culture, subsistence, and health and welfare of the Tribe. The protection, preservation, and regulation of these resources is necessary to protect threats and impacts to Tribal health and welfare, political integrity, economic security, and the subsistence of the Tribe. Specifically, this Ordinance is enacted to:

- (1) Regulate Tribal hunting, fishing, and gathering rights.
- (2) Provide adequate food reserves for Tribal purposes, including but not limited to, the annual powwow, restoration celebration, and elders, as determined by the Council.
- (3) Ensure opportunities for Tribal member families to provide for themselves by exercising Tribal hunting, fishing, and gathering rights, consistent with this Ordinance and adopted rules and regulations.
- (4) Ensure the distribution of Tribal subsistence fish for the benefit of the Tribal membership.
- (5) Work to improve fish and wildlife habitat in the local area for the benefit of all in cooperation with state and other Tribal, State, and Federal agencies.
- (6) Prevent unauthorized hunting, fishing and gathering.

(b) DEFINITIONS.

- (1) “Ceremonial Hunt” means hunts conducted pursuant to OAR 635-043-0120, signed April 18, 2008.
- (2) “Ceremonial Hunters” are Tribal members specially designated by the Ceremonial Hunting Board and authorized to fulfill ceremonial hunt tags.
- (3) “Ceremonial Hunting Board” is that Board established by Council per Resolution 057-08 signed March, 19, 2008.
- (4) “Committee” means the Fish and Wildlife Committee established pursuant to the provisions of this Ordinance.

- (5) “Consent Decree” means the “Agreement among the State of Oregon, the United States of America and the Confederated Tribes of the Grand Ronde Community of Oregon to Permanently Define Tribal Hunting, Fishing, Trapping, and Animal Gathering Rights of the Confederated Tribes of Grand Ronde” as declared and set forth in the final judgment and decree of the United States District Court for the district of Oregon in an action entitled *Confederated Tribes of Grand Ronde Community of Oregon v. State of Oregon*, Civil No. 86-1620-BU, 1986.
- (6) “Elder” means any Tribal member aged fifty-five (55) years or older.
- (7) “Natural Resources Department” means the department of the Tribe that oversees and administers Tribal fishing, hunting and gathering activities.
- (8) “OAR” means State of Oregon Administrative Rule.
- (9) “Physically unable to hunt” means any Tribal member qualifying as disabled under any applicable Tribal, State, or Federal law or any Tribal member with temporary physical impairment that limits that Tribal member’s ability to harvest for the season a tag is applied for, as verified by a medical professional.
- (10) “Specialty Game Fish” means any game fish the State of Oregon requiring a tag or harvest card to be fished.
- (11) “State” means the State of Oregon.
- (12) “Trask Wildlife Unit” means the area having the following description: Beginning at McMinnville; southwest on State Highway 18 to Salmon River; west along Salmon River to Pacific Ocean; north along Pacific Ocean coastline to the south shoreline at mouth of Tillamook Bay; east along Wilson River to State Highway 6 at Lee’s Camp; northeast on State Highway 6 to State Highway 8 near Gales Creek; southeast on State Highway 8 to State Highway 47 at Forest Grove; south on State Highway 47 to McMinnville, point of beginning. For purposes of fishing and animal gathering this area includes the Salmon River and its estuary to the Pacific Ocean, and the Wilson River to Tillamook Bay.
- (13) “Tribal Council” or “Council” means the Tribal Council of the Confederated Tribes of the Grand Ronde Community of Oregon.
- (14) “Tribal Lands” means the Tribal Reservation and any Tribal trust lands.
- (15) “Tribal License” means a Tribally-issued hunting and/or fishing document in the form of an identification card, including the required information and showing that the Tribal member is an approved licensee for Tribal hunting and fishing purposes.
- (16) “Tribal Member” means an enrolled member of the Confederated Tribes of the Grand Ronde Community of Oregon.

(17) “Tribal Tag” means the legal documentation as issued by the Natural Resources Department to authorize the document holder to harvest the disclosed number of designated wildlife or fish species within a specifically identified land category. A Tribal Tag may be issued for a Trask Unit hunt, Ceremonial hunt, or Tribal Wildlife Management Plan hunt.

(18) “Tribal Wildlife Management Plan” means the Tribal Wildlife Management Plan governing fish and wildlife resources on Tribal lands as approved by the Council per Resolution 170-14 signed September 3, 2014, and approved by the Oregon Department of Fish and Wildlife Commission per associated OAR 635-043-0130 signed September 5, 2014.

(19) “Tribe” means the Confederated Tribes of the Grand Ronde Community of Oregon.

(c) FISH AND WILDLIFE COMMITTEE. The Council hereby establishes a Fish and Wildlife Committee. The Committee shall be regulated by this Ordinance, the General Committee and Special Event Board Ordinance, and other regulatory Ordinances of the Tribe.

(1) In addition to the General Committee Ordinance rules regarding qualifications for committee membership, the following shall apply:

(A) All committee members shall be knowledgeable of Tribal and State laws and regulations affecting Tribal hunting, fishing and gathering rights.

(B) All committee members shall be knowledgeable of the Tribal hunting and fishing area.

(C) No committee member shall have been found guilty or have pleaded guilty to a Tribal, federal, or State hunting, fishing, or gathering violation within two (2) years prior to appointment to the Committee.

(D) Committee members must be Tribal members.

(2) Duties of the Committee.

(A) The Fish and Wildlife Committee shall act in an advisory capacity to the Natural Resources Department and, as requested, to Council regarding fishing and hunting issues impacting the Tribe.

(B) To assist in short and long-term planning for Natural Resources Department development, focus, emphasis, and direction.

(C) To review hunting, fishing, and gathering policies and regulations.

(D) To carry out the duties specified under this and the General Committee Ordinance for the Tribe.

(E) To periodically review this Ordinance.

(d) CEREMONIAL HUNTING BOARD.

(1) Tribal Council has established a Ceremonial Hunting Board, the purpose of which is to select Ceremonial Hunters who provide the Tribe with ceremonial meat and animal parts and to administer the permitting and hunting process for those hunters.

Additionally, the Ceremonial Hunting Board is the designated body for ceremonial fishing as such fishing occurs.

(2) The Bylaws for the Ceremonial Hunting Board provide a process by which applicants or hunters aggrieved by a decision of the Board to deny, suspend, or revoke the hunters' ceremonial hunting privileges may receive a hearing before the Board to address the hunters' grievance with the Board's decision, through which the Board shall affirm, modify or reverse its initial decision.

(3) Any party aggrieved by a final decision of the Board has the right to appeal the decision of the Board to the Tribal Court, but only on grounds that the decision was arbitrary and capricious or a violation of Tribal Constitutional rights. A notice of appeal must be filed with the Court in writing on or before the fourteenth (14th) calendar day following receipt of the Board's written decision. The Tribal Court shall review, on the record, the decision of the Board. The party appealing the Board's decision shall have the burden of persuasion. The Tribal Court shall give due deference to the rule of nonprejudicial error and matters within the expertise or judgment of the Board. The Tribal Court shall recognize the obligations of the Tribe and the Ceremonial Hunting Board under relevant wildlife laws and management plans. The only remedy which the Tribal Court may order in matters appealed under these bylaws is referring the matter back to the Board for reconsideration in light of the Tribal Court's ruling in such matter. No appeal beyond the Tribal Court may be had.

(e) STATE SEASON HUNTING AND FISHING.

(1) Reservation Lands Open for Hunting and Fishing. Pursuant to the Consent Decree, the Tribal Reservation is open to the public for hunting and fishing purposes, subject to further regulation by the Tribe. Members of the public must possess valid State licenses and comply with all State laws and regulations when hunting or fishing on Tribal lands. Further, non-Tribal members may be required to possess proof of Tribal permission to hunt on Tribal lands pursuant to a permitting program established and administered by the Natural Resources Department. Any violators of these requirements may be trespassed.

(2) Tribal Fee Lands. Any lands held by the Tribe in fee status are closed to the general public for hunting and fishing, unless permission is granted by the Natural Resources Department pursuant to regulation or other applicable process.

(3) State Rights Unaffected. Nothing in this Ordinance shall limit or affect a Tribal member's right to obtain a State hunting, fishing, or combination hunting and fishing license and tags. Tribal members may apply for and receive State licenses and tags pursuant to State law requirements, above and in addition to any hunting and fishing rights set forth under Section (f) below.

(f) TRIBAL HUNTING AND FISHING RIGHTS. In addition to being eligible to hunt and fish pursuant to State laws and regulations, Tribal members have additional hunting and fishing rights as described in this Section. All Tribal members exercising Tribal hunting and fishing rights pursuant to this Section must possess a valid Tribal license for that activity as set forth in Subsection (g)(1)(B) below.

(1) Trask Unit Hunting and Fishing Pursuant to Consent Decree.

(A) *Trask Unit Hunting*. Pursuant to the Consent Decree, the Tribe receives an allocation of hunting tags for the Trask Unit. Tribal members are eligible to receive these tags pursuant to Tribal distribution procedures.

(i) *Applicable Law*. Tribal members are subject to State laws and regulations while hunting Consent Decree tags in the Trask Unit.

(ii) *Seasons*. The hunting seasons established by the State of Oregon apply to Tribal members hunting with Consent Decree tags within the Trask Unit.

(iii) *License Required*. Tribal hunters must possess a valid Tribal hunting license when hunting Trask Unit tags.

(iv) *Tag Required*. Tribal hunters must possess a valid Trask Unit hunting tag as distributed by the Natural Resources Department. Hunting tags shall not be issued to any Tribal member who does not possess a valid Tribal hunting license.

(v) *Reporting*. When wildlife is taken with a Trask Unit tag, the tag shall be promptly attached to the animal. The information listed on the tag shall be reported to the Natural Resources Department within ten (10) calendar days of the last day of the hunt.

(B) *Trask Unit Fishing Pursuant to the Consent Decree*. Tribal members may use their Tribal fishing license to fish within the Trask Unit. Tribal members are subject to State laws and State seasons when fishing in the Trask Unit.

- (i) Applicable Law. Tribal members are subject to State laws and regulations while fishing in the Trask Unit.
- (ii) Seasons. The fishing seasons established by the State of Oregon apply to Tribal members fishing under the Consent Decree within the Trask Unit.
- (iii) License Required. Tribal fishers in the Trask Unit must possess a valid Tribal fishing license.
- (iv) Fishing Tag Required for Specialty Game Fish. Tribal fishers in the Trask Unit must possess a valid Trask Unit fishing tag as required by State law.
- (v) Reporting. When a specialty game fish is taken with a tag on Tribal lands within the Trask Unit, the tag shall be reported to the Natural Resources Department within ten (10) calendar days of the last day of the season.
- (vi) Specific Species.
 - a. Lamprey. Lamprey harvests in the Trask Unit shall be as authorized by the State. A Tribal permit will be required. Upon Tribal request, the State may issue special gathering permits which will provide Tribal members an opportunity to gather lamprey for subsistence purposes within appropriate locations of the Trask Unit. The Natural Resources Department shall distribute such permits in accordance with Tribal policy, the harvest pursuant to which shall be subject to applicable State laws.
 - b. Sea anemones, rock oysters (piddocks), crawfish, saltwater mussels and clams. Gathering of these species in the Trask Unit shall occur within or adjacent to the ocean as accessible without watercraft and in accordance with State law. A valid Tribal fishing license may be used in lieu of any personal use State license that may be required for these species.
 - c. Specialty Game Fish. Upon Tribal request, the State may issue special gathering tags which will provide Tribal members an opportunity to gather Specialty Game Fish for subsistence purposes within appropriate locations of the Trask Unit. The Natural Resources Department shall distribute such tags in accordance with Tribal policy, the fishing pursuant to which shall be subject to applicable State laws.

- (2) Ceremonial Hunting and Fishing.
- (A) *Ceremonial Hunting.* The Tribe may authorize Ceremonial Hunters to conduct ceremonial hunts within the Trask Unit pursuant to Consent Decree, OAR635-043-0120, the bylaws and resolutions of the Ceremonial Hunting Board, and the provisions of this Ordinance.
- (i) *Applicable law.* Tribal Ceremonial Hunters shall be subject to applicable Tribal and State hunting rules and regulations.
 - (ii) *Seasons.* Ceremonial hunt seasons are set forth in OAR 635-043-0120 and as set annually by Ceremonial Hunting Board in coordination with the Natural Resources Department.
 - (iii) *License Required.* Tribal hunters must possess a valid Tribal hunting license when hunting ceremonial tags.
 - (iv) *Tag required.* Ceremonial hunters must possess a valid Ceremonial Hunting Tag distributed by the Natural Resources Department in conjunction with the Ceremonial Hunting Board.
 - (v) *Reporting.* When wildlife is taken with a Ceremonial Hunting Tag, the tag shall be promptly attached to the animal. The information listed on the tag shall be reported to the Natural Resources Department as soon as reasonably possible.
- (B) *Ceremonial Fishing.*
- (i) *Applicable law.* Tribal Ceremonial Fishers shall be subject to applicable Tribal and State hunting rules and regulations.
 - (ii) *Seasons.* Ceremonial fishing seasons established by the Ceremonial Hunting Board apply to ceremonial fishing.
 - (iii) *License Required.* Tribal fishers must possess a valid Tribal fishing license when fishing ceremonially.
 - (iv) *Tag Required.* Ceremonial Fishers must possess a valid Ceremonial Fishing Tag as distributed by the Natural Resources Department in conjunction Ceremonial Hunting Board.
 - (v) *Reporting.* When a fish is taken with a Ceremonial Fishing tag, the tag shall be promptly attached to the fish. The information listed on the tag shall be reported to the Natural Resources Department as soon as reasonably possible.

(vi) Specific species.

a. Lamprey. Upon Tribal request, the State may issue special gathering permits which will provide Tribal members an opportunity to gather lamprey for ceremonial purposes within appropriate locations of the Trask Unit. The Natural Resources Department shall distribute such permits in accordance with Tribal policy, the harvest pursuant to which shall be subject to applicable State laws.

b. Specialty Game Fish. Upon Tribal request, the State may issue special gathering permits which will provide Tribal members an opportunity to gather Specialty Game Fish for ceremonial purposes within appropriate locations of the Trask Unit. The Natural Resources Department shall distribute such permits in accordance with Tribal policy, the fishing pursuant to which shall be subject to applicable State laws.

(3) Tribal Wildlife Management Plan Hunting and Fishing. Pursuant to the Tribal Wildlife Management Plan, the Tribe may establish its own Tribal hunting and fishing programs on Tribal lands.

(A) *Applicable Law – Adoption of Wildlife Regulations*. Except as otherwise provided in this Ordinance, Oregon State laws and regulations listed below are hereby adopted and incorporated as Tribal law, as periodically amended by the Oregon State Legislature:

(i) ORS Title 41 (Wildlife) Chapter 496; 496.004 (Wildlife laws – Definitions), 496.007 (Game Birds Defined), 496.009 (Game fish defined), 496.018 (Person with disability under wildlife laws), 496.375 (Nongame wildlife defined).

(ii) ORS Title 16 (Crimes and Punishments) Chapter 166; 166.630 (Discharge weapon on or across highway), 166.645 (Hunting in cemeteries), 166.663 (Casting artificial light from vehicle while possessing certain weapons). ORS Title 41 (Wildlife) Chapter 498; 498.032 (Angling or hunting for compensation in violation of wildlife laws or rules), 498.036 (Possession in field of skinned or plucked wildlife), 498.042 (Removal of parts of wildlife and waste of wildlife), 498.046 (Making toxic substances accessible to wildlife), 498.056 (Aiming rifle from moving vehicle), 498.102 (Use of dogs to hunt or track game mammals or birds), 498.136 (Hunting from motor-vehicle), 498.142 (Hunting with artificial light), 498.146 (Shining artificial light while in or near motor vehicle and while in possession of weapon), 498.170 (Visually impaired hunters), 498.208 (Use of electricity or foreign substances to take game fish), 498.216 (Angling from fishways).

(iii) ORS Title 41 (Wildlife) Chapter 496; 496.695 (Counseling, aiding assisting or sharing in violation), 496.731 (Attracting potentially habituated wildlife), 496.994 (Obstructing taking of wildlife), Chapter 498; 498.006 (Chasing or harassing wildlife), 498.012 (Taking wildlife causing damages, health risk or public nuisance), 498.016 (Killing crippled or helpless wildlife), 498.022 (Purchase, sale or exchange of wildlife), 498.172 (Trap check requirements), 498.222 (Transportation or release of fish without permit), Chapter 509; 509.006 (Food fish violations), 509.011 (Prohibited activities during closed season).

(iv) Division 44; 635-044-0130 (Nongame wildlife protected), Division 50; 635-050-0045 (General furbearer regulations), 635-050-0060 (Times, places, bag limits, species, sex, and manner of taking), 635-050-0170 (Pursuit seasons), Division 65; 635-065-0735 (Vehicle, boats, aircraft), 635-065-0740 (Hunting prohibited), 635-065-0745 (Prohibited methods), 635-065-0750 (Disguising sex, waste, and sale), 635-065-0760 (Other restrictions), 635-065-0765 (Tagging, possession, transportation and evidence of sex).

(v) Division 65; 635-065-0700 (Rifles), 635-065-0703 (Shotguns), 635-065-0705 (Muzzle loading rifles), 635-065-0710 (Handguns), 635-065-0720 (Bows and arrows), 635-065-0725 (Other weapons), 635-065-0730 (Shooting hours), 635-065-0733 (Decoys and calls).

(vi) All references in the Chapters 496 – 509 to State of Oregon agencies or positions shall be replaced with the Tribal counterpart where appropriate.

(vii) All references in the Divisions 44 – 65 to State of Oregon agencies or positions shall be replaced with the Tribal counterpart where appropriate.

(viii) Each succeeding edition of these laws, including all amendments and revisions thereto, shall automatically supersede all previous editions thereof and revisions thereto. These laws shall apply as Tribal law except where this Ordinance or other Tribal or federal law imposes other requirements. Where a law is not directly applicable to activities on Tribal lands, it should be disregarded by those interpreting, implementing, or enforcing this Ordinance.

(B) *Seasons.* The Tribal Wildlife Management Plan hunting and fishing seasons established by the Tribal Council apply to hunting and fishing conducted pursuant to this subsection.

(C) *License Required.*

(i) Hunting. Tribal hunters on Tribal lands must possess a valid Tribal hunting license.

(ii) Fishing. Tribal fishers on Tribal lands must possess a valid Tribal fishing license.

(D) *Tag Required.*

(i) Hunting. Tribal hunters must possess a valid Tribal Wildlife Management Plan Hunting Tag as distributed by the Natural Resources Department. Hunting tags shall not be issued to any Tribal member who does not possess a valid Tribal hunting license.

(ii) Fishing Tag and Harvest Card Required. Tribal fishers must possess a valid Tribal Wildlife Management Plan Fishing Tag as distributed by the Natural Resources Department. Fishing tags shall not be issued to any Tribal member who does not possess a valid Tribal Fishing license.

(E) *Reporting.*

(i) Hunting. When wildlife is taken with a Tribal Wildlife Management Plan tag, the tag shall be promptly attached to the animal. The information listed on the tag shall be reported to the Natural Resources Department within ten (10) calendar days of the last day of the hunt.

(ii) Fishing. When a fish is taken with a Tribal Wildlife Management Plan tag, the tag shall be promptly attached to the fish. The information listed on the tag shall be reported to the Natural Resources Department within ten (10) calendar days of the last day of the season.

(F) *Specific Species.*

(i) Lamprey. Lamprey harvest is authorized within Tribally-designated fishing areas and shall be subject to applicable Tribal regulation. A valid Tribal fishing license and tag is required.

(ii) Crayfish. Crayfish harvest is authorized within Tribally-designated fishing areas and shall be subject to applicable Tribal regulation.

(iii) Specialty Game Fish. Specialty Game Fish harvest is authorized within Tribally-designated fishing areas subject to Tribal regulation. A valid Tribal fishing license and tag is required.

(4) Lamprey Harvest at Willamette Falls. Tribal members may harvest lamprey within designated areas of Willamette Falls, in accordance with State regulation and OAR 635-044-0130. A valid Tribal enrollment identification card and a State harvest card is required.

(5) State or Federal Fish Distribution. The Tribe has the right to receive surplus fish harvested by the State or the Federal Government. The Natural Resources Department shall, at its option, participate in the final selection of the fish, after the State or Federal Government has determined which are available for tribes. The Natural Resources Department is responsible for the pickup and storage of the fish. The Natural Resources Department staff shall obtain fish at the location designated by the State or Federal Government and distribute the fish to Tribal members.

(g) REGULATION OF TRIBAL HUNTING AND FISHING.

(1) General.

(A) *Record-keeping and Administration*. The Natural Resources Department is charged with administration of this Ordinance and all associated record-keeping.

(B) *Distribution of Tribal Licenses*. Tribal members must obtain a Tribal hunting or fishing license prior to engaging in that activity. Licenses shall be available to all Tribal members twelve (12) years and older who are otherwise eligible, not trespassed from Tribal lands, and are not prohibited by any other regulatory body from the activity for which they are applying for the license. Tribal members must complete the application prepared by the Natural Resources Department and certify they will comply with all provisions of this Ordinance and applicable laws as applicable. Additionally, for hunting licenses, Tribal members between the ages of twelve (12) and seventeen (17) must submit a copy of the hunter's safety certificate, as approved by the Natural Resources Department. Licensees have a continual obligation to notify the Natural Resources Department of any wildlife violations licensee receives. At a minimum, the license provided by the Natural Resources Department shall show the Tribal member's name, photograph, and enrollment number. Tribal licenses are not transferrable to another enrolled Tribal member under any circumstances. When requested, the license must be presented to any Tribal or State law enforcement officer.

(i) Licenses will be automatically suspended for one year by the Natural Resources Department if:

- a. Licensee receives a hunting, fishing, or gathering violation that results in a fine of over \$500 or any jail time;
- b. Licensee receives more than three hunting, fishing, or gathering violations within a five-year period; or
- c. Licensee fails to report a harvest within the required 10-day period for a Trask Unit tag or a Tribal Wildlife Management Plan tag.

(ii) Any party whose license has been denied or suspended has the right to appeal the denial or suspension to the Tribal Court, but only on grounds that the decision was arbitrary and capricious or a violation of Tribal Constitutional rights. A notice of appeal must be filed with the Court in writing on or before the fourteenth (14th) calendar day following receipt of the denial. The Tribal Court shall review, on the record, the action of the Natural Resources Department. The party appealing the Natural Resources Department decision shall have the burden of persuasion. The Tribal Court shall give due deference to the rule of nonprejudicial error and matters within the expertise or judgment of the Natural Resources Department. The Tribal Court shall recognize the obligations of the Tribe and the Natural Resources Department under relevant wildlife laws and management plans. The only remedy which the Tribal Court may order in matters appealed under these bylaws is referring the matter back to the Natural Resources Department for reconsideration in light of the Tribal Court's ruling in such matter. No appeal beyond the Tribal Court may be had.

(C) *Distribution of Tribal Hunting Tags.* The Natural Resources Department shall have the authority to issue Tribal tags, and may devise any rules, forms, information sheets, record systems, or other documents deemed necessary for tag administration.

(2) Trask Unit Hunting and Fishing Pursuant to Consent Decree.

(A) *Distribution of Trask Unit Tribal Hunting Tags.* The Natural Resources Department administers distribution of Trask Unit Tribal Hunting Tags. To be eligible to receive a tag, Tribal members may be required to fill out a Trask Unit Tribal Hunting Tag application for each tag requested and submit it to the Natural Resources Department for lottery selection. The Natural Resources Department will perform a lottery selection for each season and distribute the tags accordingly.

(i) *Transferability.* Tribal elders or Tribal members who are Physically Unable to Hunt may transfer a Trask Unit Tribal Hunting Tag. The tag can only be transferred to another licensed, enrolled Grand Ronde

Tribal member. Any disability accommodations that hunter may be eligible for under ORS 498.136 do not transfer. The transferor remains responsible for returning the hunter report card.

(B) *Trask Unit Tribal Fishing; Distribution of Fishing Tags in the Trask Unit.* Tribal members may use their Tribal fishing license to harvest non-specialty game fish within the Trask Unit and no State issued license is required; however, all other State laws and regulations apply. Further, if the Oregon Department of Fish and Wildlife requires tags for specialty game fish, Tribal members may use their Tribal fishing license to acquire those tags from the State of Oregon.

(C) *Regulations.* Trask Unit hunting and fishing is subject to Oregon Department of Fish and Wildlife regulations published annually.

(3) Ceremonial Hunting and Fishing.

(A) *Distribution of Ceremonial Hunting Tags.* The Natural Resources Department receives Ceremonial Hunting Tags from the State annually. The Ceremonial Hunting Board will determine the number of tags it would like to issue for ceremonial hunting seasons, considering the amount of ceremonial meat that is available and the anticipated need for the coming year. Following the Board's receipt of the tags, it will perform a fair selection of Ceremonial Hunters for each hunt. The Natural Resources Department will distribute the tags.

(B) *Distribution of Ceremonial Fishing Tags.* The Natural Resources Department will receive Ceremonial Fishing Tags from the State in accordance with the request process. The Ceremonial Hunting Board will determine the number of tags it would like to issue for ceremonial fishing, considering the Tribe's needs for fish. Following the Board's receipt of the tags, it will perform a fair selection of Ceremonial Fishers. The Natural Resources Department will distribute the tags.

(C) *Regulations.* At appropriate times each year, the Ceremonial Hunting Board, in coordination with the Natural Resources Department, shall issue the following by resolution:

(i) Ceremonial hunting requirements that prescribe the amount of each wildlife species that may be taken and possessed in terms of sex, size and other physical characteristics and the manner it may be taken.

(ii) Ceremonial fishing requirements that prescribe the times, places, sex, size and other physical characteristics and the manner in which fish may be taken and the amounts of each of those species.

(4) Tribal Wildlife Management Plan Hunting and Fishing.

(A) *Distribution of Tribal Wildlife Management Plan Hunting Tags.* The Natural Resources Department administers distribution of Tribal Wildlife Management Plan Tags. To be eligible to receive a tag, Tribal members are required to fill out a tag application for each tag requested and submit it to the Natural Resources Department. The Natural Resources Department will distribute the tags in accordance with a fair selection process.

(B) *Distribution of Tribal Wildlife Management Plan Fishing Tags.* The Natural Resources Department administers distribution of Tribal Wildlife Management Plan Fishing Tags. To be eligible to receive a tag, Tribal members are required to fill out a tag application for each tag requested and submit it to the Natural Resources Department. The Natural Resources Department will distribute the tags in accordance with a fair selection process.

(C) *Transferability.* Tribal Wildlife Management Plan Tags may not be transferred under any circumstances.

(D) *Tutorials for Hunting and Fishing on Tribal Lands.* Prior to receiving a Tribal Wildlife Management Plan tag, Tribal members are required to successfully complete an education tutorial as evidenced by receipt of a certificate. The tutorial will address tag rules, regulations, applications, and reporting and participants will receive associated materials. Tutorials are administered by the Natural Resources Department.

(E) *Regulations.* After investigation of the supply and condition of wildlife with due consideration to sustainability, the Natural Resources Department, at appropriate times each year, shall present to Tribal Council for Rules for adoption by Resolution that:

(i) Prescribes the times, places and manner in which wildlife may be taken by angling, hunting, trapping or other method and the amounts of each of those wildlife species that may be taken and possessed.

(ii) Prescribes such other restrictions or procedures regarding the angling, taking, hunting, trapping or possessing of wildlife as the commission determines will carry out the provisions of wildlife laws.

(iii) Prescribes the amount of each wildlife species that may be taken and possessed in terms of sex, size and other physical characteristics.

(iv) Prescribes such regular and special time periods and areas closed to the angling, taking, hunting and trapping of any wildlife species when the Natural Resources Department determines such action is necessary to protect the supply of such wildlife.

(v) Prescribes regular and special time periods and areas open to the angling, taking, hunting and trapping of any wildlife species, and establishing procedures for regulating the number of persons eligible to participate in such angling, taking, hunting or trapping, when the Natural Resources Department determines such action is necessary to maintain properly the supply of wildlife, alleviate damage to other resources, or to provide a safe and orderly recreational opportunity.

(vi) Prescribes any associated fees.

(h) ENFORCEMENT; SEIZURE; FORFEITURE. The Tribal Council hereby authorizes the Tribal Police Department to enforce this Ordinance and issue citations for violations.

(1) Seizure. In addition to citing violators as provided herein, the Tribal Police may at any time, without warrant, seize and take possession of:

(A) Any wildlife that has been caught, taken or killed, or had in possession or under control, which may have been killed, had in possession or shipped, in any time, in any manner or for any purpose contrary to wildlife laws.

(B) Any guns, boats, fishing or other apparatus used for the purpose of hunting or fishing, at any time, in any manner or for any purpose contrary to wildlife laws.

(2) Forfeiture. All wildlife taken by, or in the possession of any person in violation of the wildlife laws, and all guns, boats, traps, fishing apparatus and implements used in angling, hunting or trapping or taking any wildlife in violation of the wildlife laws may be seized by any person authorized to enforce the wildlife laws, and may be forfeited. If forfeited, such property shall be turned over to the Tribal Police Department by order of the Court at the time of passing sentence for the violation. The Tribal Police Department may dispose of such property in manner it considers proper, and the proceeds, if any, are to be deposited in the Tribe's General Fund. The Tribal Police shall transfer all wildlife taken in violation of the wildlife laws to the Natural Resources Department to be disposed of forthwith or used for food purposes.

(i) CIVIL PENALTIES.

(1) Class A Civil Penalties.

(A) The Tribal Police Department is authorized to assess a civil penalty in the form of a Class A civil penalty for any violations of the regulations set forth in (f)(2)(A)(ii) or (f)(2)(A)(iv) above or for any violation of the Regulations adopted by Tribal Council pursuant to Section (g)(4)(E) or the Ceremonial Hunting Board pursuant to Section (g)(3)(C).

(B) Commercial Use. No wildlife taken or acquired under Section (f)(3) shall be used for commercial purposes. Any violation of this provision is a Class A Civil violation.

(C) Any person who commits a Class A violation shall be subject to a civil penalty of not less than five hundred dollars (\$500) and not more than two thousand dollars (\$2,000) per violation.

(2) Class B Civil Penalties.

(A) The Tribal Police Department is authorized to assess a civil penalty in the form of a Class B civil penalty for any violations of the regulations set forth in (f)(3)(A)(iii) or (f)(3)(A)(v) above.

(B) Any person who commits a Class B violation shall be subject to a civil penalty of not less than fifty dollars (\$50) and not more than five hundred dollars (\$500) per violation.

(3) Class C Civil Penalties.

(A) The Tribal Police Department is authorized to assess a civil penalty in the form of a Class C civil penalty for any violation of a licensing or procedural requirement set forth herein.

(B) Any person who commits a Class C violation shall be subject to a civil penalty of not more than fifty dollars (\$50) per violation.

(4) Other Penalties. In addition to any other penalty provided by law, a person responsible for violation of any of the provisions of this Ordinance may be ordered by the Tribal Court to have his or her Tribal license suspended or revoked or to have fines doubled as set forth below.

(A) *Suspension or Revocation.* The Tribal Court may order suspension or permanent revocation of a Tribal member's hunting or fishing license. The Tribal Police Department shall send a copy of the citation to the Natural Resources Department and request a recommendation as to whether that violation should result in the suspension or revocation of the hunting or fishing license of the cited Tribal member. This recommendation will be provided by the Tribal Police Department at the hearing on the violation.

(B) *Repeat or Egregious Violations.* Any fine listed above in Sub-sections (1), (2), or (3) above may be doubled by the Tribal Court upon a finding that a violation was repeated or otherwise egregious. The Tribal Police Department will review the violation to determine if it is repeat or egregious. This determination will be provided by the Tribal Police Department at the hearing on the violation.

(j) DUTY TO REPORT VIOLATIONS. Any Tribal member or Tribal employee aware of a violation of this Ordinance shall report the violation to the Tribal Police Department orally or in writing. If the report is provided in writing, the report shall be in detail and include a list of witnesses, if applicable, and must be signed by the person making the report.

(k) TRIBAL COURT. Any person who receives a civil citation from the Tribal Police Department must appear at the Court on the date and time listed on the citation for a hearing on the violation. The Tribal Court will conduct a hearing in accordance with its Rules and assess penalties in accordance with Section (i) above. The Court will provide the Natural Resources Department with a copy of any order suspending or revoking a Tribal member's license.

(l) SEVERABILITY. If any provision of this Ordinance or application of this Ordinance to any person or circumstance is determined to be invalid, such invalidity shall not affect other provisions or application of this Ordinance to other persons or circumstances which can be given without the invalid provision or application. To this end, the provisions of this Ordinance are declared to be severable.

I certify this to be a true copy of the Confederated Tribes of the Grand Ronde Community of Oregon Fish and Wildlife Ordinance.



Tribal Council Secretary

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