

TITLE 14. FISHING

Chapter 14.3

HUNTING

Sections:

- 14.3.1 Jurisdiction.
- 14.3.2 Policies and Purpose.
- 14.3.3 Scope.
- 14.3.4 Definitions.
- 14.3.5 Eligible Hunters.
- 14.3.6 Designated Hunters.
- 14.3.7 Identification Card.
- 14.3.8 Annual Permit.
- 14.3.9 Tags and Reporting.
- 14.3.10 Hunting Committee.
- 14.3.11 Responsibilities of Fisheries Director.
- 14.3.12 General Closure.
- 14.3.13 Application of USC 1165.
- 14.3.14 Posted Areas.
- 14.3.15 Hunting for Ceremonial Purposes.
- 14.3.16 Annual Regulations.
- 14.3.17 In-season Regulations.
- 14.3.18 Intergovernmental Agreements.
- 14.3.19 Manner of Hunting.
- 14.3.20 Prohibited Acts.
- 14.3.21 Elk Season Restrictions.
- 14.3.22 Muzzle-loading Rifles.
- 14.3.23 Cooperation with Federal and State Agencies.
- 14.3.24 Producing Identification.
- 14.3.25 Game Officers.
- 14.3.26 Enforcement Procedures.
- 14.3.27 Marine Mammals.

14.3.1. Jurisdiction. The Suquamish Tribal Court shall have jurisdiction, pursuant to Suquamish Tribal Code Chapter 3.2, over all actions arising under this chapter. (Res. 88-007 (part), passed Jan. 28, 1988: amended by Res. 94-156 (part), passed Nov. 21, 1994)

14.3.2. Policies and Purpose. (a) It is the policy of the Suquamish Tribe and the purpose of this chapter to protect, enhance, and conserve game resources used by members of the tribe. Hunting by members of the tribe should be primarily for the purpose of providing food for Suquamish Indian families and preserving the Suquamish culture. It should be only secondarily sport and recreation.

(b) This chapter is intended to promote and protect the exercise of the tribe's rights under the Treaty of Point Elliott; and nothing in it shall be construed as a relinquishment or limitation of any such rights. (Res. 88-007 (part), passed Jan. 28, 1988)

14.3.3. Scope. This chapter shall apply to all persons within the boundaries of the Port Madison Indian Reservation and on all other lands owned by or held in trust for the Suquamish Tribe. It shall further apply to all persons purporting to exercise the right to hunt off reservation which is secured to the Suquamish Tribe by the Treaty of Point Elliott. (Res. 88-007 (part), passed Jan. 28, 1988)

14.3.4. Definitions. When used in this chapter, the following terms have the following meanings:

(a) "Adult" means any person who is eighteen years old or older.

(b) "Bag limit" means the maximum number of animals which may lawfully be taken, caught, killed, or possessed by one person during a particular period of time. The limit may include limits on size and sex as well as species.

(c) "Big game" means elk, deer, mountain goat, mountain sheep, cougar or mountain lion, and bear.

(d) "Closed area" means any place where this chapter and regulations issued pursuant to this chapter make it unlawful to hunt.

(e) "Closed season" means all times during the year except those times designated by regulation as open for hunting.

(f) "Game" means all animals defined as "big game" or "marine mammals" and all waterfowl.

(g) "Game officer" or "game agent" means any person authorized by the Suquamish Indian Tribe to enforce this chapter and regulations issued pursuant to this chapter.

(h) "Hunt" and its derivatives, "hunting," "hunted," etc. and "trap" and its derivatives mean any effort to kill, injure, capture, or disturb a wild animal or wild bird. "Hunting" refers also to and includes "trapping."

(i) "Marine mammals" means all those species of marine mammals which are resident or migratory through the tribe's treaty-reserved fishing and hunting area.

(j) "Non-member" means any person who is not enrolled in the Suquamish Tribe.

(k) "Open season" means those times established by regulation for lawful hunting and trapping. "Open season" includes the first and last days of the established time, unless otherwise specified in the regulation.

(l) "Public roads" means those roads maintained by the State of Washington or any of its subdivisions.

(m) "Regulation" means any rule governing hunting or trapping which is issued pursuant to and as provided in this chapter.

(n) "Suquamish tribal member" means a person enrolled in the Suquamish Indian Tribe.

(o) "Tag" means a card, label, or other identification device to be attached to the carcass of any game animal.

(p) "Tribal council" means the governing council of the Suquamish Indian Tribe.

(q) "Tribe" means the Suquamish Indian Tribe.

(r) "Wildlife" means all species of animals, including birds, which exist within the areas covered by this chapter except fish and domesticated animals. (Res. 88-007 (part), passed Jan. 28, 1988; amended by 95-048, passed July 24, 1995; renumbered for consistency Jun. 27, 2007)

14.3.5. Eligible Hunters. The following persons shall be eligible to exercise hunting and trapping rights under the authority of this chapter:

(a) Enrolled members of the Suquamish Tribe who are eighteen years old or older;

(b) Enrolled members of the Suquamish Tribe under the age of eighteen years who have been awarded a certificate of satisfactory completion of a firearms safety course approved by the tribe or by any other Indian tribe or state; provided that a minor under the age of fourteen years shall hunt or trap only when accompanied by his or her parent or guardian or by an adult approved by his or her parent or guardian; and

(c) Persons not members of the tribe who are legally married to Suquamish tribal members; provided that such non-members shall hunt or trap only when accompanied by their spouses or by their adult children who are Suquamish tribal members; and provided further that the non-member spouses shall not exercise hunting rights under the authority of any other Indian treaty tribe. (Res. 88-007 (part), passed Jan. 28, 1988; amended by Tribal Council Sept. 27, 1993; renumbered for consistency Jun. 27, 2007)

14.3.6. Designated Hunters. (a) Upon finding that a member of the Suquamish Tribe is unable to hunt for himself or herself, the fisheries director may issue a permit which allows a designated hunter to hunt for the disabled person.

(b) Any adult member of the tribe possessing a valid Suquamish hunting permit may request that the fisheries director place his or her name on a list of designated hunters. The fisheries director shall list as designated hunters those persons who have demonstrated hunting ability, have not been convicted of a tribal hunting offense for the two previous years, and have not been prohibited by federal, tribal, or state law from carrying a firearm. Each year, as part of the annual regulations established pursuant to §14.3.5, the tribal council shall establish the number of designated hunter permits to be issued. That number of designated hunters shall be selected by lot from the total number of hunters whose names have been placed on the list provided for in this section. (Res. 88-007 (part), passed Jan. 28, 1988)

14.3.7. Identification Card. Before hunting or trapping under authority of this chapter, every person shall obtain a tribal treaty fishing and hunting identification card or spouse identification card as provided in Chapter 14.1. A hunter or trapper must have this identification card in his or her possession while hunting, while traveling to or from hunting, and while transporting or dressing game. (Res. 88-007 (part), passed Jan. 28, 1988)

14.3.8. Annual Permit. No person shall hunt or trap pursuant to this chapter without first obtaining from the tribal fisheries director an annual hunting permit. The tribal council may establish a license fee for each category of permit. (Res. 88-007 (part), passed Jan. 28, 1988)

14.3.9. Tags and Reporting. (a) A person desiring to hunt or trap a big game animal shall first obtain a game tag from the tribal fisheries department. The tag shall be attached to the carcass of each animal immediately after the animal is killed. Every tag issued by the fisheries department, whether the hunter bagged an animal or not, shall be returned to the fisheries department no later than three days after the hunting season for that species closes.

(b) Every person who bags a game animal under authority of this chapter shall report the number and species of the animals bagged and the location of the taking to the tribal fisheries department no later than thirty days after the hunting season for that species closes. (Res. 88-007 (part), passed Jan. 28, 1988)

14.3.10. Hunting Committee. (a) The Suquamish Tribal Council shall appoint a hunting committee to advise the council and the fisheries director. The committee's responsibilities shall include:

- (1) Representing the views of the hunters;

(2) Attending meetings which involve the development of game conservation and enhancement strategies, of annual hunting regulations, and of the hunting ordinance; and

(3) Communicating to tribal hunters the hunting policies and rules of the tribe.

(b) Any member of the Suquamish Tribe eligible to vote in tribal elections is eligible for appointment to the hunting committee; provided that no person may serve simultaneously on the hunting committee and the fish committee established in STC Chapter 14.1; and provided further that no more than one person in an immediate family may serve on the committee at a time. An immediate family consists of parents and guardians, spouses, and children, including adult children.

(c) The hunting committee shall be composed of five persons appointed for three-year terms. The tribal council shall try to appoint to the hunting committee persons who are familiar with hunting techniques and with the game resources within the tribe's jurisdiction. (Res. 88-007 (part), passed Jan. 28, 1988)

14.3.11. Responsibilities of Fisheries Director. The tribal fisheries director shall be responsible for the implementation of this chapter, including:

(a) Jointly with the hunting committee, recommending annual regulations;

(b) Adopting in-season regulations, as provided in §14.3.16 of this chapter;

(c) Overseeing the enforcement of this chapter and regulations issued pursuant to this chapter; and

(d) Carrying out other duties related to hunting as delegated by the tribal council. (Res. 88-007 (part), passed Jan. 28, 1988; renumbered for consistency Jun. 27, 2007)

14.3.12. General Closure. (a) The Port Madison Indian Reservation and all off-reservation areas within the scope of this chapter are closed to hunting and trapping by persons eligible to hunt or trap pursuant to this chapter unless those areas have been specifically opened to hunting by regulations adopted as provided in this chapter.

(b) All areas of the Port Madison Indian Reservation are closed to hunting and trapping by persons who are not members of the Suquamish Tribe except spouses eligible to hunt pursuant to §14.3.5. (Res. 88-007 (part), passed Jan. 28, 1988)

14.3.13. Application of 18 USC 1165. Any person who hunts or traps on the Port Madison Indian Reservation in violation of the provisions of this chapter or regulations adopted pursuant to this chapter shall be deemed to be hunting on the reservation without lawful authority or permission, as those terms are used in 18 USC 1165. (Res. 88-007 (part), passed Jan. 28, 1988)

14.3.14. Posted Areas. No person subject to the Suquamish Tribe's jurisdiction shall enter with the intent of hunting or trapping an area whose limits are posted with signs indicating that the owner of the land has prohibited hunting there. (Res. 88-007 (part), passed Jan. 28, 1988)

14.3.15. Hunting for Ceremonial Purposes. The fisheries director may issue short-term permits for the hunting of animals needed for funerals, religious ceremonies, and tribal community ceremonies. Such a permit shall specify the species, sex, and number of animals to be taken; the name of the hunter; and the dates during which the permit is valid. Permits may be issued under this section for hunting during a closed season. (Res. 88-007 (part), passed Jan. 28, 1988)

14.3.16. Annual Regulations. No later than one month before each hunting season, the fisheries director and hunting committee shall recommend to the tribal council annual regulations necessary to carry out the purposes of this chapter. The regulations may establish open areas, open seasons, bag limits, limitations on methods of taking game, and other measures to ensure the wise use and conservation of game resources. Before proposing annual regulations, the fisheries director shall obtain available information on the abundance and territories of various wildlife species within the areas covered by this chapter, shall consult with the Washington State Department of Wildlife on game conservation needs in those areas, and shall obtain the recommendations of the hunting committee regarding the proposed regulations. (Res. 88-007 (part), passed Jan. 28, 1988)

14.3.17. In-season Regulations. (a) The fisheries director, after consulting with as many members of the hunting committee as is practicable, may adopt emergency in-season regulations governing hunting when he or she receives information that changes in the annual regulations are necessary for the conservation of game resources.

(b) Emergency in-season regulations shall take effect at the time specified in the regulations and shall remain in effect until they lapse by their own terms or until the tribal council withdraws them; provided that the fisheries director shall promptly notify the tribal council of the regulations' adoption.

(c) An in-season regulation adopted pursuant to this section shall not be enforced against a hunter unless it has been personally served on the hunter before the alleged violation or unless it has been posted at several public locations for at least twenty-four hours. (Res. 88-007 (part), passed Jan. 28, 1988)

14.3.18. Intergovernmental Agreements. The fisheries director is authorized to negotiate agreements relating to the management and protection of game with the government of any other treaty tribe, the State of Washington, or the United States Government. No such agreement shall be binding unless approved by the Suquamish Tribal Council. (Res. 88-007 (part), passed Jan. 28, 1988)

14.3.19. Manner of Hunting. All hunting and trapping pursuant to this chapter shall be done in a safe and respectful manner. (Res. 88-007 (part), passed Jan. 28, 1988)

14.3.20. Prohibited Acts. Each of the following acts shall be an offense punishable as indicated here.

(a) Failure to obtain and possess an annual hunting and trapping permit:
\$750.00/120 days;

(b) Hunting during a closed season: \$750.00/120 days;

(c) Taking an animal in any manner or by any means contrary to this chapter or regulations: \$300.00/90 days;

(d) Hunting within the boundaries of a closed area: \$750.00/120 days;

(e) Exceeding the bag limit set by annual regulations issued under this chapter:
\$750.00/120 days;

(f) Failure to report the number, species, sex, and location of all game killed:
\$100.00/30 days;

(g) Causing or permitting game killed or trapped to go to waste: \$300.00/90 days;

(h) Taking wildlife from another person's trap without permission or damaging, removing, or possessing another person's trap without permission: \$500.00/90 days;

(i) Selling killed or trapped animals or their meat: \$750.00/120 days;

(j) Transporting big game without a tag: \$250.00/60 days;

(k) Transporting a loaded firearm in or on a motor vehicle: \$500.00/90 days;

(l) Discharging a firearm or an arrow from, across, or within twenty feet of a public road: \$250.00/60 days;

(m) Hunting from within or on a motor vehicle or pursuing game with a motor vehicle: \$500.00/90 days;

(n) Hunting with an artificial light: \$500.00/90 days;

(o) Hunting deer or elk while accompanied by a dog: \$250.00/60 days;

(p) Hunting while under the influence of alcohol or illegal drugs: \$300.00/90 days;

(q) Permitting or failing to prohibit hunting by a child under the age of fourteen for whom the adult has legal guardianship responsibility: \$250.00/60 days;

(r) Killing, catching, confining, or injuring any eagle, eagle's nest, or eagle egg: \$1,000.00/1 yr. jail (365 days);

(s) Laying or setting out any bait to lure wildlife for hunting: \$500.00/90 days;

(t) Laying or setting out any drug, explosive, or poison that may endanger, injure, or kill wildlife: \$500.00/90 days;

(u) Mutilating wildlife so that the species or sex cannot be determined visually: \$300.00/90 days;

(v) Shooting at any person or domestic animal while hunting: \$1,000.00/180 days;

(w) Destroying, defacing, tearing down, or concealing any signs or other printed matter placed and posted under authority of this chapter to assist the enforcement of hunting regulations: \$300.00/90 days;

(x) Discarding any object, debris, or waste on any public or private property, except in designated trash receptacles, while engaged in or on the way to or from hunting: \$100.00/30 days;

(y) Resisting or obstructing any game agent in the discharge of his duties under this chapter: \$500.00/60 days;

(z) Permitting, aiding, and abetting another person to engage in conduct which is unlawful under this chapter or a regulation issued pursuant to this chapter: \$250.00/60 days;

(aa) Violating any provision of this chapter or any regulation adopted pursuant to this chapter not specifically referenced elsewhere: \$300.00/90 days;

(bb) Hunting big game with any of the following:

(1) A fully automatic firearm: \$300.00/90 days;

(2) A rifle with a bore diameter less than .240 of an inch (6 mm) or a barrel length less than 16 inches: \$300.00/90 days;

(3) A rifle cartridge with a bullet weighing less than 85 grains or that develops less than 900 foot pounds of energy at 100 yards: \$300.00/90 days;

(4) A rifle cartridge containing a bullet other than mushrooming or expanding type designed for big game hunting: \$250.00/60 days;

(5) A shotgun, except that a shotgun which is 20 gauge or larger and uses shells loaded with slugs or buckshot size #1 or larger may be used to hunt deer and bear: \$300.00/90 days;

(6) A hand gun, except that deer, bear, or cougar may be hunted with a .30-.30 rifle/pistol, a .44 magnum, or a .45 Winchester magnum, with a minimum barrel length of 6 inches and which develops a minimum of 1,000 ft. lbs. of energy at the muzzle: \$300.00/90 days;

(7) A bow that possesses less than 40 pounds of pull, measured at 28 inches of draw in length: \$300.00/90 days;

(8) Any arrows except those having sharp broadhead blade or blades at least 5/8 inches wide: \$300.00/90 days;

(cc) Hunting with a crossbow: \$500.00/120 days;

(dd) Hunting small game animals with a shotgun larger than a 10 gauge: \$300.00/90 days;

(ee) Hunting game birds with lead shot, with a shotgun larger than 10 gauge, or with a rifle or pistol, except that blue grouse, spruce grouse, and ruffed grouse may be hunted with a rifle or pistol: \$300.00/90 days; or

(ff) Entering for the purpose of hunting or trapping an area posted with signs prohibiting hunting: (Res. 88-007 (part), passed Jan. 28, 1988; amended by Res. 95-048, passed July 24, 1995; renumbered for consistency Jun. 27, 2007)

14.3.21. Elk Season Restrictions. During open season for elk, no person shall hunt in areas where elk may reasonably be expected unless one of the following conditions is met:

(a) He has in his possession the proper permits, tags, and firearms for hunting elk;

(b) The deer and elk seasons are open at the same time, and he has proper permits, tags, and firearms for hunting deer; or

(c) He is hunting game birds with a shotgun containing size 4 or smaller shot.

Violation of this section is an offense punishable by a fine not to exceed \$300.00 or imprisonment for a period not to exceed ninety days or both. (Res. 88-007 (part), passed Jan. 28, 1988; renumbered for consistency Jun. 27, 2007)

14.3.22. Muzzle-loading Rifles. A muzzle-loading rifle means a single or double barrel wheel lock, matchlock, flintlock, or percussion rifle with exposed ignition in which the black powder and ball or bullet must be loaded from the muzzle. No person shall carry or possess a muzzle-loading rifle which does not meet the following requirements: If the rifle has a removable breech plug, such removal must require the use of tools. Minimum barrel length is 20 inches and minimum caliber is 40, such measurement to be taken from land to land in a barrel. Ignition shall be wheel lock, matchlock, flintlock, or percussion using original style percussion caps that fit on the nipple and are exposed to the elements. Sights must be metal. Telescopic sights or sights containing glass are prohibited. This section shall not apply to carrying a muzzle-loading pistol. Violation of this section is an offense punishable by a fine not to exceed \$300.00 or imprisonment for a period not to exceed ninety days or both. (Res. 88-007 (part), passed Jan. 28, 1988)

14.3.23. Cooperation with Federal and State Agencies. Authorized federal and state game conservation officials may monitor tribal hunting activities outside the Port Madison Reservation but only to the extent that the monitoring is reasonable and necessary for game conservation purposes. Persons hunting under authority of this chapter shall not interfere with the monitoring activities of such officials. (Res. 88-007 (part), passed Jan. 28, 1988)

14.3.24. Producing Identification. Any person hunting or purporting to hunt under authority of the Suquamish Tribe shall produce for examination the identification card and permits required by this chapter upon demand of a tribal game agent, tribal police officer, or state or federal official. Failure to produce the required identification and/or permits shall be probable cause to believe that the person has no right to exercise tribal hunting rights. (Res. 88-007 (part), passed Jan. 28, 1988)

14.3.25. Game Officers. (a) The Suquamish Tribal Council shall appoint one or more persons to serve as tribal game officers. The tribal law enforcement officers and fisheries patrol officers shall also have the authority to enforce the provisions of this chapter and all regulations adopted pursuant to the chapter. In addition, the council may appoint or deputize persons to assist the game officers in the performance of their duties on a temporary basis.

(b) The tribal game officers shall regularly patrol the Port Madison Reservation and off-reservation areas where tribal hunters are engaged in hunting. They shall have authority to enforce the provisions of this chapter and all annual and emergency regulations adopted pursuant to this chapter. (Res. 88-007 (part), passed Jan. 28, 1988)

14.3.26. Enforcement Procedures. The procedures for enforcing this chapter and all regulations adopted pursuant to this chapter shall be the same as those provided in the Suquamish Fishing Ordinance, STC §14.1.37 through STC §14.1.48. (Res. 88-007 (part), passed Jan. 28, 1988)

14.3.27 Marine Mammals. (a) It is prohibited to harass, kill, harvest, or take any marine mammal except as otherwise provided by this chapter, Suquamish tribal regulation promulgated under the authority of this chapter, or federal law.

(b) Deterring Harm – Lethal Acts. Nothing herein shall prohibit a licensed tribal owner/operator of fishing gear or catch, or an employee or agent of such owner/operator, or tribal fisheries enforcement officer from:

(1) Deterring a marine mammal from damaging such gear or catch;

(2) Deterring a marine mammal from damaging private or tribal property;

or

(3) Deterring a marine mammal from endangering personal safety

by any lethal means; provided, however, that all reasonable steps to deter such marine mammal which do not result in death or serious injury to the mammal have been taken and, provided further, that all such lethal takings are reported to the tribal fisheries office or fisheries enforcement officer as provided herein.

(c) Self-defense. Nothing herein shall prohibit the taking, killing, or injury of a marine mammal if such taking, killing, or injury is imminently necessary in self-defense or to save the life of a person in immediate danger.

(d) Commercial Harvest. Except as permitted by this chapter or annual regulations or by federal law, the intentional taking of any marine mammal for commercial purposes is prohibited. Any permitted commercial harvest of marine mammals shall include a plan for monitoring and reporting of the tribal harvest and shall be consistent with §14.3.2 (conservation needs of the resource). Tribal harvesters shall be required to comply with harvest reporting requirements contained in this chapter or annual regulations.

(e) Ceremonial and Subsistence Harvest. Marine mammals may be harvested for ceremonial and subsistence purposes as provided for in annual or in-season emergency regulations. However, no marine mammal shall be harvested except by a permit duly issued by the Suquamish Fisheries Department. Such permit shall authorize the taking of the specific species listed and shall be deemed revoked automatically when the total number of animals harvested has met the number designated by permit or the total season limit as determined in annual or emergency regulations, whichever is reached first.

(f) Incidental Injury or Death of Marine Mammals. Nothing herein shall prohibit the incidental injury or death of a marine mammal due to entanglement within fishing gear operated in accordance with the provisions of Chapter 14.1.

(g) Reporting Incidents and Delivery of Marine Mammals. Any member or owner/operator of a Suquamish tribal fishing vessel, where applicable, shall report all incidents which occur under any provisions of this chapter which result in incidental mortality or serious injury to marine mammals to the Suquamish Fisheries Department or a Suquamish fisheries enforcement officer within forty-eight hours of the incident.

(h) Delivery of Carcass. The carcass of any marine mammal killed pursuant to subsections (c) and (f) of this section shall be detained if reasonably possible and given over to the Suquamish Fisheries Department or a Suquamish fisheries enforcement officer as soon as possible. (Res. 95-048 (part), passed July 24, 1995)