

CHAPTER 10.10 FISHING REGULATIONS

§ 10.10.010. Fish and Wildlife Committee.

There is created a single Chehalis Fish and Wildlife Committee to address fisheries, hunting and shellfishing issues of the Tribe and the regulation of the Tribe's fishing, hunting and shellfishing.

(Prior code § 9.1.2.010; Res. 1984-33; Res. 2006-63; Res. 2011-020; Res. 2018-36)

§ 10.10.015. Bylaws and code terms for the Fish and Wildlife Committee.

Attached hereto and incorporated herein are the Bylaws of the Fish and Wildlife Committee which shall govern all matters concerning the formation, membership and operation of the Fish and Wildlife Committee.

(Res. 2018-36)

§ 10.10.020. Fisheries Manager.

The Business Committee shall appoint a Fisheries Manager who shall be suitably skilled and capable of working with the Business Committee, the Fish and Wildlife Committee, Tribal fishermen, and biologists. The Fisheries Manager shall be responsible for managing the Chehalis Tribal Fishery, assisting the Fish and Wildlife Committee to prepare fishing regulations covering the management periods for anadromous fish species, directing fisheries enhancement efforts and carrying out other duties delegated by the Business Committee.

(Prior code § 9.1.2.020; Res. 1984-33; Res. 2006-63; Res. 2011-020; Res. 2018-36)

§ 10.10.030. Conviction as bar to membership.

No person who has been convicted of a conservation violation of Chapters 10.05 through 10.15 CTC or regulations adopted under it shall be allowed to serve on the Fish and Wildlife Committee or as Fisheries Manager for a period of two years after his or her conviction. Any person convicted of a conservation violation during his or her term of office on the Fish and Wildlife Committee or employment as Fisheries Manager may be removed by the body that made his or her appointment to the Committee.

(Prior code § 9.1.2.030; Res. 1984-33; Res. 2006-63; Res. 2011-020; Res. 2016-17; Res. 2018-36)

§ 10.10.040. Members.

Only members of the Chehalis Tribe may exercise Tribal fishing rights under the authority of Chapters 10.05 through 10.15 CTC, except as otherwise provided in this section through CTC § 10.10.100.

(Prior code § 9.1.3.010; Res. 1984-33; Res. 2006-63; Res. 2011-020; Res. 2016-17)

§ 10.10.050. Nonmember relatives.

A member of the Chehalis Tribe who is eligible to fish under Chapters 10.05 through

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10.15 CTC may be assisted by his or her spouse, child, grandchild, or sibling even if that relative is not a member of the Chehalis Tribe. The nonmember relative has no right to exercise Chehalis Tribal fishing rights. The right to be assisted belongs to the Tribal member and is subject to regulation by the Tribe. A nonmember relative assisting a Chehalis Tribal member must be accompanied by the Tribal member or have the Tribal member's fishing permit in his or her possession during any fishing activity. The member must accompany the assisting nonmember relative during an off-Reservation fishing activity.

(Prior code § 9.1.3.020; Res. 1984-33; Res. 2006-63; Res. 2011-020)

§ 10.10.060. Minors.

No person under the age of 14 years shall exercise Tribal fishing rights under Chapters 10.05 through 10.15 CTC or assist an eligible Tribal member unless accompanied by the eligible Tribal member.

(Prior code § 9.1.3.030; Res. 1984-33; Res. 2006-63; Res. 2011-020; Res. 2016-17)

§ 10.10.070. Biologists.

Any biological personnel of the Chehalis Tribe may take and possess fish for scientific management and/or enhancement purposes; provided, that he or she provides the Fisheries Manager with a cumulative record of the fish taken. Fish taken under this section shall be the property of the Chehalis Tribe.

(Prior code § 9.1.3.040; Res. 1984-33; Res. 2006-63; Res. 2011-020)

§ 10.10.080. Nonmembers.

Because the depletion of fish has a direct adverse effect on the economic security and health, safety and welfare of the Chehalis Tribal members and their families, the number of Guide Permits and Individual Permits, as defined in CTC § 10.10.410 through § 10.10.450 may be restricted by the Business Committee or the Fisheries Manager.

(Prior code § 9.1.3.050; Res. 1984-33; Res. 2006-63; Res. 2011-020; Res. 2020-112)

§ 10.10.090. Assistance by unauthorized persons prohibited.

It shall be unlawful for a member to allow a nonmember to assist in a Tribal fishery unless the nonmember is authorized to do so under Chapters 10.05 through 10.15 CTC. A nonmember found on a boat operated by a member exercising Tribal fishing rights shall be presumed to be engaged in illegal fishing.

(Prior code § 9.1.3.060; Res. 1984-33; Res. 2006-63; Res. 2011-020)

§ 10.10.100. Residence requirement.

The Business Committee may adopt regulations that designate residency requirements for Tribal members who wish to engage in net fishing within the boundaries of the Chehalis Indian Reservation.

(Prior code § 9.1.3.070; Res. 1984-33; Res. 2006-63; Res. 2011-020; Res. 2016-17)

§ 10.10.110. Tribal identification cards and permits – Required.

No person shall exercise any fishing rights under Chapters 10.05 through 10.15 CTC or engage in the sale of fish caught by a person fishing under Chapters 10.05 through 10.15 CTC unless he or she possesses valid, current identification and permits as required in this section through CTC § 10.10.150.

(Prior code § 9.1.4.010; Res. 1984-33; Res. 2006-63; Res. 2011-020)

§ 10.10.120. Tribal identification cards and permits – Examination upon demand.

Any person fishing under Chapters 10.05 through 10.15 CTC shall produce for examination the applicable identification cards and permits required by CTC § 10.10.110 through § 10.10.150 upon demand of any Tribal, State or Federal law enforcement officer.

(Prior code § 9.1.4.020; Res. 1984-33; Res. 2006-63; Res. 2011-020)

§ 10.10.130. Tribal identification cards and permits – Required when.

The following permits and identification are required for the fishing activities indicated:

- A. Commercial, subsistence or ceremonial net fishing: Tribal identification card;
- B. Hook and line: Tribal identification card;
- C. Nonmember hook and line: Nonmember hook and line permit;
- D. Biological personnel: Biological personnel card;
- E. Purchasing fish for resale: Fish buyer's permit.

(Prior code § 9.1.4.030; Res. 1984-33; Res. 2006-63; Res. 2011-020)

§ 10.10.140. Tribal identification cards and permits – Fees and time limits.

Every person eligible to fish or to buy fish under Chapters 10.05 through 10.15 CTC who wishes to engage in fishing or in buying fish shall purchase the appropriate permit or renewal from the Business Committee's authorized delegate. The General Council may establish fees for each type of permit. All permits shall be nontransferable and shall expire on October 1st. No permit shall be issued or renewed unless the fisher or buyer has paid all relevant permit fees, Tribal fish taxes and all fines levied by the Tribal Court for fishing violations during the previous seasons. The Business Committee may adopt regulations limiting the time period during which permits may be sold.

(Prior code § 9.1.4.040; Res. 1984-33; Res. 2006-63; Res. 2011-020; Res. 2016-17)

§ 10.10.150. Tribal identification cards and permits – Property of Tribe.

All identification cards and permits are the property of the Chehalis Tribe.

(Prior code § 9.1.4.050; Res. 1984-33; Res. 2006-63; Res. 2011-020)

§ 10.10.160. General closure.

All usual and accustomed fishing grounds and stations and areas fished by the Chehalis Tribe are closed to the taking of anadromous fish by any gear except hook and line unless they are specifically opened by regulation. Areas opened by regulations are only opened to fishing in accordance with Chapters 10.05 through 10.15 CTC and all applicable regulations.

(Prior code § 9.1.5.010; Res. 1984-33; Res. 2006-63; Res. 2011-020)

§ 10.10.170. Annual and seasonal regulations.

The Fish and Wildlife Committee, with the Fisheries Manager and with the consultation of the Tribal biologist, shall prepare annual and seasonal regulations for each species of fish to be managed by the Tribe, including but not limited to the following:

- A. Times and places that the taking of fish shall be permitted or restricted;
- B. Gear that shall be allowed and under what circumstances; allocations and related limitations; regulations otherwise implementing Chapters 10.05 through 10.15 CTC or dealing with any other matters the Fisheries Manager, the Business Committee, or the General Council refer to the Fish and Wildlife Committee. In proposing regulations under Chapters 10.05 through 10.15 CTC, the Fish and Wildlife Committee shall, to the fullest extent practical, use biological and other data available from Federal agencies, other tribes, tribal agencies, Tribal biologists, State agencies, Tribal fishermen and other sources.

(Prior code § 9.1.5.020; Res. 1984-33; Res. 2006-63; Res. 2011-020; Res. 2016-17; Res. 2018-36)

§ 10.10.180. Annual and seasonal regulations – Procedure.

The Fish and Wildlife Committee shall submit the proposed annual and seasonal regulations to the General Council for review. If the General Council fails to approve, reject or modify a regulation within 30 days after submission, the regulation shall be considered to have been approved and it shall become effective and enforceable unless rejected or modified by the Business Committee within an additional seven days. The Business Committee may establish procedures consistent with this section to implement this section. All proposed and adopted regulations shall be prominently posted on the Reservation sufficiently in advance of applicable seasons to ensure adequate notice.

(Prior code § 9.1.5.030; Res. 1984-33; Res. 2006-63; Res. 2011-020; Res. 2018-36)

§ 10.10.190. Emergency regulations.

The Fisheries Manager, or in his or her absence, the Fish and Wildlife Committee, may adopt emergency regulations when necessary to ensure proper management of the fishery. This includes the power to close a Tribal fishery when necessary to meet conservation or allocation needs. No emergency change shall be made unless the Fisheries Manager has made a good faith effort to consult with the Fish and Wildlife Committee and a biologist. Emergency regulations shall be effective upon their issuance or according to their terms and shall remain effective according to their terms or

until modified or rescinded by the Business Committee. No penalties shall be imposed for violation of emergency regulations until the violator has had actual notice of the regulations or until the regulation has existed for 24 hours, whichever occurs first.

Regardless of this 24-hour period or the presence or lack of actual notice, any regulation may be enforced from its effective time.

(Prior code § 9.1.5.040; Res. 1984-33; Res. 2006-63; Res. 2011-020; Res. 2018-36)

§ 10.10.200. Gear and boat identification.

Unattended fishing gear shall be conspicuously marked to identify the Tribal fisher using the gear. It shall be marked in a way that does not necessitate the removal of the gear from the water. Boats shall be conspicuously marked with the owner's Tribal I.D. number. (Prior code § 9.1.6.010; Res. 1984-33; Res. 2006-63; Res. 2011-020)

§ 10.10.210. Restrictions.

The following restrictions on gear shall be applicable to all persons exercising Chehalis Tribal fishing rights unless otherwise specified by regulations adopted by the General Council:

- A. Each fisher shall be limited to the use of three nets at any one time.
- B. Set nets shall not be placed so that they cover more than one-third of the wetted area of the stream channel.
- C. Set nets shall be checked at least once every 24 hours. All marine drift nets shall be attended to by the fisher at all times.
- D. Nets shall not be set on the same side of the river within 250 feet of a net lawfully in place.
- E. River-set nets and drift nets shall not exceed the length specified in annual regulations.
- F. All fishing gear, except pole fishing gear, shall be removed from the water's edge no later than one week from the date a fishing season for a particular species or run is closed. The fishing gear must be at least 100 yards from the water's edge. Fishing boats do not have to be removed under this section, except that boats that contain gear that must be removed under this section are subject to seizure along with the fishing gear they contain.

(Prior code § 9.1.6.020; Res. 1984-33; GC vote 4/18/1989; Res. 2006-63; Res. 2011-020; Res. 2016-17)

§ 10.10.220. Marine boats.

All boats used for fishing in marine waters shall conform to Coast Guard lighting and safety equipment regulations.

(Prior code § 9.1.6.030; Res. 1984-33; Res. 2006-63; Res. 2011-020)

§ 10.10.230. Test fishing – Authorization.

The Fisheries Manager shall have the power to authorize a test fishery when in his or her professional opinion such a fishery is justified. Participants in a test fishery shall be selected by lottery.

Only Chehalis Tribal members with current valid Tribal fishing permits shall be permitted to participate in a test fishery.

(Prior code § 9.1.7.010; Res. 1984-33; Res. 2006-63; Res. 2011-020; Res. 2016-17)

§ 10.10.240. Test fishing – Regulations.

The General Council may adopt regulations consistent with Chapters 10.05 through 10.15 CTC establishing procedures for selection of test fishery participants.

(Prior code § 9.1.7.020; Res. 1984-33; Res. 2006-63; Res. 2011-020)

§ 10.10.250. Map of river fishing sites.

The Fish and Wildlife Committee shall prepare and keep current a map indicating the assignment of fishing sites on the Chehalis River.

(Prior code § 9.1.8.010; Res. 1984-33; Res. 2006-63; Res. 2011-020; Res. 2018-36)

§ 10.10.260. Abandonment of sites and new sites – Preferences.

If a fishing site is abandoned or relinquished or if a new site develops as a result of changes in the river's course, the General Council shall designate a new user of the site. In the case of the death of the user, preference for reassigning the site shall be given to a member of the deceased's family. No person shall use more than three sites. Any person wishing to be assigned an abandoned, relinquished or new site shall apply to the General Council. A fishing site shall be considered abandoned if it is not fished for a period of one year.

(Prior code § 9.1.8.020; Res. 1984-33; Res. 2006-63; Res. 2011-020)

§ 10.10.270. Settlement of disputes.

Disputes regarding assignment of fishing sites shall be resolved by the General Council.

(Prior code § 9.1.8.030; Res. 1984-33; Res. 2006-63; Res. 2011-020)

§ 10.10.280. Sale of fish.

All sales of fish shall be recorded on fish tickets. Each fisher shall present his Tribal Identification Card to the fish buyer at the time of each sale of fish. It is the fisher's responsibility to be sure that the fish ticket is filled out accurately.

(Prior code § 9.1.9.010; Res. 1984-33; Res. 2006-63; Res. 2011-020)

§ 10.10.290. Fish catch reporting.

The Fisheries Manager shall specify time intervals by which every person fishing under Chapters 10.05 through 10.15 CTC must report the total amount of his or her purchases

from persons fishing under Chapters 10.05 through 10.15 CTC.
(Prior code § 9.1.9.020; Res. 1984-33; Res. 2006-63; Res. 2011-020)

§ 10.10.300. Unlawful acts.

- A. It is unlawful for any person purporting to fish under Chapters 10.05 through 10.15 CTC, but not possessing a current valid Tribal net fishing permit, to sell fish.
 - B. It is unlawful to provide false information to be recorded onto fish tickets.
 - C. It is unlawful to sell fish to any buyer who does not have a Tribal fish buyer's permit.
- (Prior code § 9.1.9.030; Res. 1984-33; Res. 2006-63; Res. 2011-020)

§ 10.10.310. Tribal fish sales tax imposed.

There is hereby imposed, upon the first sale after capture of all fish caught by a person exercising Tribal rights under Chapters 10.05 through 10.15 CTC, a tax in the amount of three percent of the sales price shown on the ticket or the actual sale price, whichever is greater.
(Prior code § 9.1.10.010; Res. 1984-33; Res. 2006-63; Res. 2011-020)

§ 10.10.320. Tax collection.

The fish sales tax shall be collected by the fish buyer at the time of sale. All fish sales taxes shall be paid by the fish buyer no later than the end of each permit year.
(Prior code § 9.1.10.020; Res. 1984-33; Res. 2006-63; Res. 2011-020)

§ 10.10.330. Use of tax money.

Proceeds from the collection of this tax shall be paid into a special Tribal account and disposed of only by decision of the Business Committee after consultation with the Fish and Wildlife Committee. The Fisheries Manager shall maintain an accounting of the collection and disbursement of fish sales tax monies, which shall be available for public inspection by Tribal members. The funds when allocated shall be at least 50 percent for fisheries enhancement activities.
(Prior code § 9.1.10.030; Res. 1984-33; GC vote 4/4/1989; Res. 2006-63; Res. 2011-020; Res. 2016-17; Res. 2018-36)

§ 10.10.340. Fish buyers – Permit required.

In order to ensure effective self-regulation of the Tribal fishery, accurate reporting is essential. It is therefore necessary to regulate the activity of fish buyers purchasing fish from persons fishing under Chapters 10.05 through 10.15 CTC. All persons engaged in the business of purchasing fish for commercial resale from persons fishing under Chapters 10.05 through 10.15 CTC shall obtain an annual fish buyer's permit as provided in CTC § 10.10.110 through § 10.10.150.
(Prior code § 9.1.11.010; Res. 1984-33; Res. 2006-63; Res. 2011-020)

§ 10.10.350. Reporting required.

Persons buying fish caught by persons fishing under Chapters 10.05 through 10.15 CTC shall provide copies of all fish tickets to the Fisheries Manager or by the annual regulations.

(Prior code § 9.1.11.020; Res. 1984-33; Res. 2006-63; Res. 2011-020)

§ 10.10.360. Bond and security deposit required.

Every fish buyer, before being issued an annual permit, shall file with the Tribal Treasurer a bond executed by the buyer as principal, payable to the Chehalis Tribe and conditioned upon payment of all fish sales taxes collected by the buyer during the permit year. No recoveries on any bond shall invalidate any bond and no revocation of any permit shall affect the validity of any bond, but the total recoveries under any one bond shall not exceed the amount of the bond. Any surety on a bond shall be released from any liability to the Tribe accruing on the bond at the end of the permit year upon certification by the Tribal Treasurer that all fish taxes collected by the buyer have been paid to the Tribe. In place of a bond, a fish buyer may deposit with the Tribal Treasurer an amount of money or other security, which shall be segregated from other Tribal assets and which shall remain the property of the fish buyer unless recovered by the Tribe by order of the Tribal Court. At the end of the permit year, the money or security shall be returned to the buyer if all fish taxes collected by the buyer during that year have been paid to the Tribe. (Prior code § 9.1.11.030; Res. 1984-33; Res. 2006-63; Res. 2011-020; Res. 2016-17)

§ 10.10.370. Action on bond or security deposit.

If a fish buyer fails to pay any fish taxes collected during the permit year, the Tribal Treasurer shall send written notice by certified mail to the fish buyer stating that the amount of the money owed must be paid within seven days or an action will be filed in Tribal Court. If the fish buyer still fails to pay the money owed, the Tribal Treasurer shall file an action in Tribal Court to recover the fish tax owed from the bond or the security deposited.

(Prior code § 9.1.11.040; Res. 1984-33; Res. 2006-63; Res. 2011-020)

§ 10.10.380. No permit where taxes unpaid.

No fish buyer permit shall be issued to any fish buyer who has failed to pay all fish taxes collected or owed during previous permit years by the end of that permit year.

(Prior code § 9.1.11.050; Res. 1984-33; Res. 2006-63; Res. 2011-020)

§ 10.10.390. Waiver of bond or security deposit.

The Business Committee may waive the requirements of CTC § 10.10.360 if a fish buyer has established a record of timely payment of all fish taxes through his or her past business with the Chehalis Tribe or other Indian tribes.

(Prior code § 9.1.11.060; Res. 1984-33; Res. 2006-63; Res. 2011-020)

§ 10.10.400. Fish sales to Tribe.

The General Council shall have the authority to require that all commercial sales of fish caught by persons exercising rights under Chapters 10.05 through 10.15 CTC be made to the Chehalis Tribe. The purpose of this section is to provide a way to support and promote any Tribal business enterprises involving the processing, marketing, or sale of fish that may be established by the Chehalis Tribe.

(Prior code § 9.1.12.010; Res. 1984-33; Res. 2006-63; Res. 2011-020; Res. 2016-17)

§ 10.10.410. Regulations concerning non-Chehalis Tribal members fishing within the exterior boundaries of the Chehalis Reservation.

Notwithstanding anything in Chapters 10.05, 10.10, and 10.15 CTC herein to the contrary, no non-Tribal member person shall fish within the exterior boundaries of the Chehalis Reservation without first obtaining a valid fishing permit from the Tribe as follows:

- A. Fishing permits shall be issued by the Accounting Department of the Tribe; and
- B. The fishing permit shall only be for hook and line fishing only; and
- C. The fishing permit shall be valid only for those days on which the Chehalis Tribe has opened the Chehalis River and/or Black River to fishing; and
- D. Information regarding the status of the fishery openings can be obtained by calling the Tribe's Natural Resource Department; and
- E. The Chehalis Tribe shall have available two types of fishing permits:
 - 1. **Guide Permit:** A permit for an individual that takes a person or persons on a boat to allow while floating or stationary upon the Chehalis and/or Black River, in return for a fee in money, goods, services, or any other kind of compensation or consideration. A Guide Permit includes the Individual Permit for the named individual and a Tribal Business License;
 - 2. **Individual Permit:** A permit to allow fishing from the bank, in guide boat, or in a personal boat.
- F. The fee for a Guide Permit pursuant to this section shall be \$500.00 per non-Tribal member person per each individual identified fishery.
- G. The fee for a Individual Permit pursuant to this section shall be \$45.00 per non-Tribal person per each individual season fishery.
- H. The individual identified fisheries for which a boat and/or bank permits shall be valid, when the Chehalis River and/or the Black River is open as set forth herein,

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shall be the Fall Chinook Fishery, the Coho Fishery, the Steelhead Fishery, and trout or other game fisheries.

- I. Notwithstanding anything herein to the contrary, a Chehalis Tribal member may, on any day the river is open, assist one individual holding an Individual Permit to fish on the waters of the Chehalis and/or Black Rivers without paying for a Guide Permit.
- J. Non Tribal members may not use a boat launch area or any other bank area on the Reservation to either tie up or launch his/her/their boat or other water conveyance.
(Res. 2020-112)

§ 10.10.420. Violation and civil regulatory penalty.

Notwithstanding anything in Chapters 10.05, 10.10, and 10.15 CTC to the contrary, any non-Tribal member person who violates CTC § 10.10.410 shall be subject to the following civil regulatory penalties:

- A. Citation with a mandatory civil regulatory fine of \$500.00 per violation; and
- B. Forfeiture of all fishing gear, fishing boat(s), and fish caught without a valid permit.
- C. The civil regulatory procedures set forth in Chapter 10.15 CTC shall apply to violations of CTC § 10.10.410.
(Res. 2020-112)

§ 10.10.430. Posting notice concerning CTC § 10.10.410 and § 10.10.420.

The Tribe shall post a notice on land visible from the Chehalis and Black Rivers at each end of the Reservation that gives notice to non-Tribal member fishermen floating on the Chehalis Black Rivers as follows:

- A. Entering the Chehalis Reservation.
- B. You must obtain a fishing permit from the Chehalis Tribe pursuant to CTC § 10.10.410.
- C. Subject to fine and civil forfeiture if you fish without a Chehalis fishing permit.
(Res. 2020-112)

§ 10.10.440. Civil regulatory violation and penalty regarding interfering with Tribal fishermen nets.

- A. It shall be a civil regulatory offense for any non-Tribal member fishing permit holder as set forth in CTC § 10.10.410 or any non-Tribal member fishing without a permit to interfere and/or damage in any fashion a Tribal member's lawfully placed fishing net in the Chehalis and/or Black Rivers. The civil regulatory violation shall be dealt with by citation with a mandatory civil regulatory fine of \$750.00 per incident and the seizure and forfeiture of all fishing gear.
- B. The civil regulatory procedures set forth in Chapter 10.15 CTC shall apply to violations of this section.

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(Res. 2020-112)

§ 10.10.450. Nonmember fishing with a Tribal member.

A nonmember with an Individual Permit from the Tribe may engage in hook and line sport fishing on the Chehalis or Black Rivers if accompanied in the boat by a Chehalis tribal member fisherman. A Chehalis tribal member fisherman may only accompany one nonmember with an Individual Permit at a time.¹

(Res. 2020-112)

1. Editor's Note: Appendix A Fish and Wildlife Committee Bylaws is included as an attachment to this title.