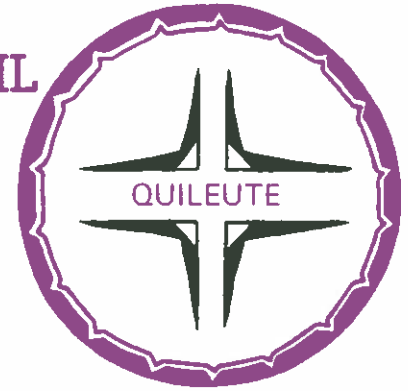




# QUILEUTE TRIBAL COUNCIL

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## QUILEUTE TRIBE REGULATIONS FOR CEREMONIAL AND SUBSISTENCE HARVEST OF CLAMS AND SHELLFISH

### RESOLUTION OF THE QUILEUTE TRIBAL COUNCIL RESOLUTION No.- 2009 A-61 LA PUSH, WASHINGTON

WHEREAS, the Quileute Tribe is an organized Indian Tribe, incorporated and chartered under the Indian Reorganization Act; and the Quileute Tribal Council is the duly constituted governing body of the Quileute Indian Tribe by authority of Article III of the Constitution and By-laws of the Quileute Indian Tribe approved by the Secretary of Interior on November 11, 1936; and

WHEREAS, the present –day Quileute Tribe enjoys the rights reserved to them by the Treaty of Olympia (12Stat. 97, II Kappler 719); and

WHEREAS, the Quileute Tribe retains its sovereignty and exercises jurisdiction and natural resource management over its members within the exterior boundaries of the Reservation; and within the lands ceded under treaty, where gathering rights were reserved under said Treaty in all open and unclaimed lands;

WHEREAS, the Quileute Tribal Council (Council) has authority to enact ordinances and regulations under the authority provided by Article VI of the Quileute Constitution;

WHEREAS, it is within the Council's authority to regulate the harvest of marine food resources by its tribal members within the Tribe's Usual and Accustomed Area, and its Reservation, to provide for the safe and orderly exercise of treaty-secured harvest rights of Quileute Tribal members in accordance with said Treaty of Olympia;

WHEREAS, the Quileute Tribe has an elected Quileute Natural Resource Committee that advises the Tribal Council on natural resource policy issues, including but not limited to ordinances and resolutions; and Quileute Natural Resources has a professional staff to assist the committee in management and regulation of our natural resources;

WHEREAS, on September 09, 2009 the Quileute Natural Resource Committee approved language for a new Clam and Shellfish Regulation; and such regulation specifies fines for violations of harvest or other conditions and clarifies other matters therein; including the

requirement (as before) that such regulations are only for C & S (Ceremonial and Subsistence) and that commercial harvests of clams are not allowed;

NOW, THEREFORE, the Quileute Tribal Council promulgates the following Quileute Indian Tribe Shellfish and Clamming Regulation, which shall supersede any previous regulations regarding harvest of clams for C & S, and these shall be valid on the date of approval, after signature by the Chair of the Quileute Tribal Council, until otherwise modified, amended or revoked by action of the Tribal Council for the Quileute Indian Tribe.

1. **These regulations are promulgated under the authority of a current ordinance for Quileute fishing 2006-A-95.**

2. **FISHERY PURPOSE:** To establish Ceremonial and Subsistence shellfish and clam harvest regulations for shellfish and clam harvest for all enrolled Quileute Tribal members.

3. **AREA:** All on reservation fishing areas, and all off-reservation areas within the Quileute Tribe's Usual and Accustomed Fishing Areas: All on reservation fishing areas, and all off-reservation areas within the Quileute Tribe's Usual and Accustomed Fishing Areas: north to Sand Point (latitude 48° 07' 36"N) and south to the Queets River (latitude 47° 31' 42"N), and westward out to longitude 125° 44' 42" W.

4. **SEASON:** Open season year round, seven days per week and 24 hours a day.

5. **EFFORT:** 2 days /month with up to 20 people/day

6. **ESTIMATED HARVEST:** 1000 razor clams/month.

7. **LEGAL GEAR:** Hand held fork, rake, shovel, and other gear that the tribe deems is not environmentally harmful.

8. **SPECIES AND LIMITS:** Allowed species and limits are provided below:

Razor Clams 75 clams per person per day

Steamers 50 lbs. per person per day

Butter clams 50 lbs. per person per day

Mussels 50 lbs. per person per day

Misc Species 50 lbs. per person per day

9. **ENFORCEMENT:** Violation of any part of this regulation will be prosecuted in accordance with provisions set forth in the Ordinance for Quileute fishing; 2006-A-95, or any amendment to it or replacement ordinance for Quileute Fishing. Authority for enforcement of this regulation shall be vested in the Quileute Natural Resources (QNR) Enforcement Officers, including both its chief and its enforcement officers. They may

issue citations for such violations, and review of the judgment on such citations will be by the Quileute Tribal Court.

10. **RECORD KEEPING:** The Quileute Tribe will monitor C & S shellfish harvest through interviewing and information reported directly to QNR.
11. **IN GENERAL:** This regulation supersedes any previous Shellfish and Clamming Regulation of the Quileute Tribe. This regulation shall not expire but continue year to year and may be amended at any time, upon the recommendation of the Quileute Natural Resources Committee and approval of the Quileute Tribal Council.
12. All tribal members harvesting clams and other shellfish are encouraged to check in with QNR prior to harvest, for information on biotoxin test levels to ensure shellfish are safe for consumption. Individuals are also encouraged to contact the Quileute Shellfish Hotline at (360) 374-5636 before harvesting. Authorized tribal fisherman must have in their possession a Tribal identification card.

  
Carol Hatch, Chair  
Quileute Tribe Council

CERTIFICATION

The foregoing Resolution was adopted at a regular meeting of the Quileute Tribal Council at which a quorum was present at La Push, Washington, the Quileute Indian Reservation, on the 8 day of October, 2009, by a vote of    FOR,    AGAINST, and    ABSTAIN.

by consensus

  
Authorized Representative  
Quileute Tribal Council

Approved by consensus #2485  
and will get approved by #  
motion # 2706  
at the next QTC mtg.