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QUILEUTE TRIBE HUNTING REGULATIONS UNDER TREATY OF OLYMPIA 2019 - 2020 (as adopted January 2, 2020)

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Attachment A: Map of Ceded Lands under the Treaty of Olympia

Attachment B: Trapper's report form

Attachment C: Quileute Law and Order Code, 13.20.8 with map of Reservation

Applicable penalties will be found in the same section as the rule, definition, or requirement.

Washington State hunting regulations referenced herein can be viewed online at <https://wdfw.wa.gov/hunting/regulations/> and copies will also generally be available at QNR.

I. Authorized Hunters

- A.** Persons conducting treaty hunting within the Treaty of Olympia Ceded Lands as shown in Attachment A, attached hereto and made a part hereof for all purposes, must have valid hunting permits or other written authorization to conduct treaty hunting, as permitted by applicable law, from the Hoh Indian Tribe, Quileute Tribe, or Quinault Indian Nation. By way of clarification and not limitation, "written authorization" includes satisfaction of the listed tribes' respective codified requirements to conduct treaty hunting in the subject tribe's treaty hunting areas under tribal law.

Hunting in the Treaty of Olympia Ceded Lands in violation of this paragraph threatens the political integrity, the economic security, and the health and welfare of the Quileute Tribe by eliminating treaty resources that are spiritually, culturally, and economically vital to the Tribe and upon which Quileute members have relied since time immemorial for economic betterment and for subsistence.

- B.** An enrolled member of the Quileute Tribe must meet the following qualifications to hunt in the Treaty of Olympia Ceded Lands:

- 1. Identification.** The member must have been issued a Bureau of Indian Affairs ("BIA") treaty identification card and must have their BIA identification card in his/her possession at all times while hunting.
- 2. Age:**
 - a.** The hunter must be at least 18 years of age; or
 - b.** If 16-17 years of age, the hunter must also have completed a hunter safety course of the Quileute Tribe or other qualified state or tribal safety course, and have proof of completion of that class; or
 - c.** If under 16 years of age, the hunter must show proof that he/she has successfully completed a firearms safety course meeting the conditions of I.B.2(b), above; and must be accompanied by an adult or guardian (either of whom is at least 18 years of age and is otherwise authorized under these regulations) while hunting.

C. Civil Penalties

- 1.** Indians conducting treaty hunting within the Treaty of Olympia Ceded Lands (as shown in Attachment A) without a permit or other written authorization from a tribe listed in Section I, Paragraph A above may be assessed a civil penalty by the Quileute Tribe of up to \$150 for each such violation.
- 2.** No civil penalty may be assessed under this subsection unless the person accused of the violation is given notice and opportunity for a hearing with respect to the violation.
- 3.** Review of civil penalty. Any person against whom a civil penalty is assessed under this section may obtain review thereof in Quileute Tribal Court by

requesting review in such court within 15 days after the date of citation in accordance with the instructions on the citation.

D. Criminal penalties

1. It is a misdemeanor to hunt in the Treaty of Olympia Ceded Lands in violation of Section I, Paragraph A. Subject to Article 13.25 of the Quileute Tribal Code, upon conviction, a person shall be punished by imprisonment for a maximum term fixed by the court of not more than three months, or by a fine in an amount fixed by the court of not more than \$1,000, or by both imprisonment and fine.
2. It is a misdemeanor to be in violation of Section I, Paragraph B. Subject to Article 13.25 of the Quileute Tribal Code, upon conviction, a person shall be punished by imprisonment for a maximum term fixed by the court of not more than three months, or by a fine in an amount fixed by the court of not more than \$1,000, or by both imprisonment and fine.
3. A repeat violation of Section I, Paragraph B within 3 years of a conviction date shall be a gross misdemeanor. For any repeat conviction within 3 years of a person's previous conviction for violating Section I, Paragraph B, the person shall be punished by imprisonment for a maximum term fixed by the court of not more than one year, or by a fine in an amount fixed by the court of not more than \$3,000, or by both imprisonment and fine; provided, however, the court shall have no discretion to impose a term of imprisonment less than 2 days actually served.
4. "Three strikes": Upon conviction for violating Section I, Paragraph B three or more times (regardless of time span involved), in addition to any other penalty, there shall be revocation of hunting privileges for one year. This revocation shall be added on to any currently applicable revocation.
5. No criminal penalty may be assessed under this subsection unless the person accused of the violation is given all appropriate due process as provided in Titles (sometimes also referenced as "Articles") 10, 11, and 12 of the Quileute Law and Order Code.

E. Forfeiture of Wildlife. All wildlife hunted in violation of Section I shall be subject to forfeiture to the Quileute Tribe.

F. Referral of Lacey Act Violations to Appropriate Federal Authorities

1. Violations of Section I, Paragraph A that also constitute violations of the Lacey Act, 16 U.S.C. §§ 3371 et al., will be referred to appropriate federal authorities.
2. Such referral may result in additional criminal and civil penalties and sanctions.

II. Applicability, Protected Wildlife, Waste

- A. Persons covered:** Sections I, II.A-C, III, XVII, XVIII, XIX, XX, and XXI of these regulations apply to all Indians conducting treaty hunting within the Treaty of Olympia Ceded Lands (as shown in Attachment A). All sections are applicable to persons purporting to exercise Quileute treaty hunting rights.
- B. Animals and types of treaty hunting covered:** These regulations apply to the hunting of wildlife as defined in Paragraph C.3 below. They apply to subsistence hunting except where indicated for ceremonial hunting.
- C. Definitions**
1. **“Hunting”** or **“Hunt”** means any effort to kill, capture, injure, or harass wildlife as defined in Section II.C.3.
 2. A person acts **“knowingly”** when he or she engages in prohibited conduct when aware of facts or circumstances described by statute, regulation, or ordinance as prohibited; or, when a reasonable person in the same situation would be so aware.
 3. **“Wildlife”** means any wild mammal, bird, reptile, or amphibian, whether or not bred, hatched, or born in captivity, and includes any part, product, egg, or offspring thereof.
 4. **“Protected Wildlife”** shall include any species of wildlife as defined in Section II.C.3 or any insect that is listed as threatened or endangered by the State of Washington or the United States Fish and Wildlife Service.
 5. The following shall constitute **“big game”** when such term is used below: deer, elk, black bear, cougar, and mountain goat.
 6. The following shall constitute **“small game”** when such term is used below: bobcat, coyote, racoon, fox, rabbit, and hare.
- D. Protected Wildlife.** It is illegal to kill or possess (including parts) of any Protected Wildlife, except as provided for in Section II.G.1(a).
- E. Waste:** No person shall kill any wildlife (as defined in Section II.C.3 above) and then intentionally or negligently cause it to go to waste. Waste is presumed if the wildlife:
1. is left where killed rather than harvested;
 2. is not timely used for food before it becomes unconsumable; or
 3. in the case of wildlife trapped for their hides or parts, not timely treated by taxidermy methods or recovered for appropriate use of the parts.
- F. Hunting Ethics.** No hunter or helper under these regulations shall engage in any behavior that is cruel or unnecessarily abusive to wildlife, while hunting.

➤ G. Penalties:

1. Penalty for violation of Section II, Paragraph D, Protected Wildlife:
 - a. It is a felony offense to hunt, shoot, or possess any Protected Wildlife. Subject to Article 13.25 of the Quileute Tribal Code, upon conviction, a person shall be punished by imprisonment for a maximum term fixed by the court of not more than three years, or by a fine of not more than \$5,000, or by both imprisonment and fine; provided, however, that the court shall have no discretion to impose a term of imprisonment less than 5 days actually served unless the record clearly establishes that the person so convicted has committed no previous felonies. In addition, the sentence shall carry an automatic revocation of all hunting privileges for no less than two years. Notwithstanding the foregoing, it shall not be a violation, and no penalty shall apply to the following:
 - (i) eagles obtained from incidental take or natural death on the Reservation, or any parts thereof passed down through families for ceremonial usage; and
 - (ii) incidental take of fishers in trapping.
 - b. Any repeat conviction of II.D shall be a felony. Subject to Article 13.25 of the Quileute Tribal Code, for any repeat conviction, a person shall be punished by imprisonment for a maximum term fixed by the court of not more than three years, or by a fine of not more than \$5,000, or by both imprisonment and fine; provided, however, that the court shall have no discretion to impose a term of imprisonment less than 5 days actually served. In addition, the person shall be subject to automatic revocation of all hunting privileges for a period of not less than three (3) years, such revocation to apply consecutively if an existing revocation term is still in operation.
2. Penalty for violation of Section II, Paragraph E, Waste:
 - a. It is a gross misdemeanor to kill wildlife and then intentionally or negligently cause it to go to waste. Subject to Article 13.25 of the Quileute Tribal Code, upon conviction of this offense, a person shall be punished by imprisonment for a maximum term fixed by the court of not more than one year, or by a fine in an amount fixed by the court of not more than \$3,000, or by both imprisonment and fine; provided, however, the court shall have no discretion to impose a term of imprisonment less than 2 days actually served unless the record clearly establishes that the person so convicted has committed no previous crimes; in addition, the person shall receive an automatic and mandatory revocation of hunting privileges for no less than one year.
 - b. It is a gross misdemeanor to repeat this offense (i.e., violate II.E) within three years of a conviction date. Subject to Article 13.25 of the Quileute Tribal Code, upon conviction, a person shall be punished by imprisonment for a maximum term fixed by the court of not more than one year, or by a fine in an amount fixed by the court of not more than \$3,000, or by both imprisonment and fine; provided, however, the court shall have no discretion to impose a term of imprisonment less than 2 days actually

served. Revocations will be added onto any previous revocations still in effect and applied consecutively.

3. Penalty for violation of Section II, Paragraph F, Hunting Ethics:
 - a. It is a gross misdemeanor to commit cruelty or abuse of wildlife while hunting. Subject to Article 13.25 of the Quileute Tribal Code, upon conviction of this offense, a person shall be punished by imprisonment for a maximum term fixed by the court of not more than one year, or by a fine in an amount fixed by the court of not more than \$3,000, or by both imprisonment and fine; provided, however, the court shall have no discretion to impose a term of imprisonment less than 2 days actually served unless the record clearly establishes that the person so convicted has committed no previous crimes; in addition, the person shall receive an automatic and mandatory revocation of hunting privileges for no less than one year.
 - b. It is a gross misdemeanor to repeat this offense (i.e., violate II.F.) within three years of a conviction date. Subject to Article 13.25 of the Quileute Tribal Code, upon conviction of this offense, a person shall be punished by imprisonment for a maximum term fixed by the court of not more than one year, or by a fine in an amount fixed by the court of not more than \$3,000, or by both imprisonment and fine; provided, however, the court shall have no discretion to impose a term of imprisonment less than 2 days actually served. Revocations will be added onto any previous revocation still in effect and applied consecutively.
4. “Three strikes”: Upon conviction for violating any same provision of Section II three or more times (regardless of time span involved), in addition to any other penalty, there shall be revocation of hunting privileges for one year. This revocation shall be added on to any other revocation penalty applicable upon conviction.

III. Applicable time. The provisions herein are effective from January 2, 2020 to June 30, 2020.

IV. Safety, Weapons, Gear, Animals, Guides and Vehicles used in Hunting

A. Hunting Safety

1. Hours: No hunting at night (1/2 hour after sunset to 1/2 hour before sunrise).
2. Spotlighting: Hunting with artificial light is prohibited except as provided in Section IV.H.
3. Shooting across roadways or from vehicles:
 - a. On reservation: Pursuant to the Quileute Law and Order Code, §13.20.8(1): No person shall discharge any firearm or airgun or throw any destructive device within a settled community along or across any public road or highway or any other place where any person might be endangered by such action, even if no injury results. (See Attachment C to

- c. Shotguns- Deer, bear, and cougar may be hunted with 20 gauge to 10 gauge shotguns shooting slugs or #1 or larger buckshot. Other big game may be hunted with 10 or 12 gauge shotguns using slugs.
- 4. For birds:
 - a. Shotguns no greater than 10 gauge.

C. Archery. Bow and arrow requirements

- 1. It is unlawful to hunt big game with a bow that possesses less than 40 pounds of pull measured at 28 inches or less draw length.
- 2. It is unlawful to hunt big game with broadhead blade or blades less than seven-eighths inch wide.
- 3. It is unlawful to hunt big game with any arrow measuring less than 20 inches in length or weighing less than 6 grains per pound of draw weight with a minimum arrow weight of 300 grains.
- 4. Birds may be taken with bow and arrow.

D. Crossbows

- 1. It is unlawful to hunt big game with a crossbow with a draw weight less than 125 pounds
- 2. It is unlawful to hunt big game with any arrow or bolt weighing less than 350 grains.
- 3. It is unlawful to hunt big game with broadhead blade or blades less than seven-eighths inch wide.

E. Muzzleloading firearms

- 1. Muzzleloading firearm means a firearm that is loaded from the muzzle and uses black powder or black powder substitute as recommended by the manufacturer.
- 2. A Muzzleloading firearm shall be considered loaded if a powder charge and projectile, either shot or single projectile are in the barrel and the barrel or breech is capped or primed.
- 3. Muzzleloading Rifles: Big game, except deer, must be hunted with a minimum of 45 caliber. Deer may be hunted with any caliber greater than 40.
- 4. Muzzleloading Handguns: Big game may be hunted with a rifled barrel of 8 inches or more. The firearm must be of 45 caliber or greater and be capable of being loaded with 45 grains or more of black powder or black powder substitute.

F. Guides

It is lawful to guide other Quileute enrolled members in hunting. Those hunters must be authorized to hunt per Section I of these Regulations and have the appropriate permit per Section IX of these Regulations.

G. Use of dogs

1. Dogs may be used in hunting in the Quileute hunting areas where designated (lawful areas) under Section VI hereof.
2. Dogs may be used to hunt black bear, cougar, bobcat, coyote, raccoon, fox, rabbits, and hare.

H. Use of Lights

Only coyote, raccoon, bobcat and cougar may be hunted using artificial light.

➤ **I. Penalties**

1. A violation of Paragraphs A.1, A.3, or A.4 of Section IV shall be a gross misdemeanor (any use of weapons from a vehicle, other than Law and Order Code provision for reservation). Subject to Article 13.25 of the Quileute Tribal Code, upon conviction of this offense, a person shall be punished by imprisonment for a maximum term fixed by the court of not more than one year, or by a fine in an amount fixed by the court of not more than \$3,000, or by both imprisonment and fine; provided, however, the court shall have no discretion to impose a term of imprisonment less than 2 days actually served unless the record clearly establishes that the person so convicted has committed no previous crimes.
2. A violation of Paragraph A.2 or any provision of Paragraphs B through G of Section IV shall be a misdemeanor. Subject to Article 13.25 of the Quileute Tribal Code, upon conviction, a person shall be punished by imprisonment for a maximum term fixed by the court of not more than three months, or by a fine in an amount fixed by the court of not more than \$1,000, or by both imprisonment and fine.
3. A repeat violation of any same provision under Section IV within 3 years shall be a gross misdemeanor. Subject to Article 13.25 of the Quileute Tribal Code, for any repeat conviction of the above within 3 years of the last conviction for such offense, a person shall be punished by imprisonment for a maximum term fixed by the court of not more than one year, or by a fine in an amount fixed by the court of not more than \$3,000, or by both imprisonment and fine; provided, however, the court shall have no discretion to impose a term of imprisonment less than 2 days actually served.
4. "Three strikes": Upon conviction for violating any same provision of Section IV three or more times (regardless of time span), in addition to any other penalty, there shall be revocation of hunting privileges for one year. This revocation shall be added on to any currently applicable revocation.

V. Individual Bag Limits

A. One big game animal in 24-hr. period. No more than one “big game” animal (as defined under Paragraph II hereof) of the same species may be taken in any 24-hour period. For example, a hunter may take one deer and one elk in 24 hours, but not two elk. Bear, cougar and mountain goats are exceptions to this requirement. There is no limit to how many bear, cougar or mountain goats may be taken in a day, except for the season limit imposed in Paragraph B, below.

B. Season limits, big game. For big game, the season limit is as follows:

Deer: 1 deer per season (antlered only). (See also Section VII.C)

Elk: 2 elk per season, only one of which may be antlerless.

NOTE THAT IN THE MONTH OF AUGUST, NO ANTLERLESS ELK MAY BE TAKEN. (*This means that if you hunt all your season quota of elk in August, you are limited to 2 antlered elk.*)

Exception to the above bag limit for ceremonial hunting. (See also Section VII.B)

Advisory: QNR has a study project on elk and has collared some cows. This is an expensive and time-consuming process. Please make every effort not to shoot a collared elk.

Cougar: 6 cougars per season (See also Section VII.E)

Bear: 6 bears per season (See also Section VII.D)

Mt. Goat: no limit (See also Section VII.A)

C. Other Bag Limits are as follows (see also Section VII. Paragraphs E-G)

Bobcat		No limit
Coyote		No limit
Raccoon		No limit
Fox		No limit
Rabbits and Hare		Daily mixed bag limit of 10 rabbits

Bag limits and seasons set forth in Washington state regulations for all other species limits, including birds such as ducks, coots, snipe, Canada geese, grouse, quail, and pheasant, are incorporated by reference.

➤ **D. Penalties**

1. It is a gross misdemeanor to be in violation of bag limits. Each animal in excess of the bag limit shall be considered to be a separate violation. Subject to Article 13.25 of the Quileute Tribal Code, upon conviction of this offense, a

person shall be punished by imprisonment for a maximum term fixed by the court of not more than one year, or by a fine in an amount fixed by the court of not more than \$3,000, or by both imprisonment and fine; provided, however, the court shall have no discretion to impose a term of imprisonment less than 2 days actually served unless the record clearly establishes that the person so convicted has committed no previous crimes.

2. A repeat violation of a bag limit provision within 3 years of a conviction for this offense is a gross misdemeanor. Subject to Article 13.25 of the Quileute Tribal Code, upon conviction of this offense, a person shall be punished by imprisonment for a maximum term fixed by the court of not more than one year, or by a fine in an amount fixed by the court of not more than \$3,000, or by both imprisonment and fine; provided, however, the court shall have no discretion to impose a term of imprisonment less than 2 days actually served.
3. "Three strikes": Upon conviction for violating the same bag limit of Section V three or more times (regardless of time span involved), in addition to any other penalty, there shall be revocation of hunting privileges for one year. This revocation shall be added on to any currently applicable revocation.

VI. Hunting Areas (and where one can't hunt)

ADVISORY:

While no federal court has defined the scope of treaty hunting in Washington, under the Washington State Supreme Court's Buchanan decision, 138 Wash. 2d 186 (1999), tribal hunters may face arrest and/or civil and criminal penalties if hunting off-reservation outside the Ceded Lands of their respective treaty.

A. Areas allowed

1. Hunting areas (Ceded Lands under the Treaty of Olympia) are shown on the map labeled Attachment A, made a part hereof for all purposes. Pursuant to these regulations, areas open to authorized Quileute hunters include:
 - a. federal lands,
 - b. state lands,
 - c. any private lands otherwise open to non-Indian hunters within the Tribe's Ceded Lands, and
 - d. Any lands expressly opened to or reserved for hunting by Quileute hunters under a memorandum of understanding, lease, or other agreement arranged by the Quileute Tribe, in which case hunters must comply with the terms of the memorandum, lease or agreement.

Note: Federal lands are open for hunting except that the Quileute Tribe's current policy is to not hunt in Olympic National Park at this time.

2. The Quileute Tribe may on occasion secure agreements for authorized Quileute hunters to gain access to lands behind locked gates on federal, state,

or private lands. Access to locked gates on such lands will be administered through the Quileute Natural Resource Department.

3. Hunting on the Reservation by authorized Quileute hunters is allowed under very special circumstances. (These are exceptions to the Quileute Law and Order Code, attached at the end of these Regulations as Attachment C and made a part hereof for all purposes.)

- a. Hunting is allowed in remote areas of the Thunder Road area, “remote” meaning the area known as the First Field, or sometimes, Smith Field. You are advised to keep close to the First Field. If in doubt of boundaries, consult Enforcement at Quileute Natural Resources before hunting.

Permits, gear, bag limits, or other requirements are same as for off-reservation.

- b. Hunting birds or other small game is allowed on the reservation as limited by Section VI.B below, but only if the activity is at least 100 yards from a paved road, dwelling, business, or human activity such as sports, picnics, or the like. (Visualize 100 yards as equivalent to a football field.) Even if you are 100 yards from a road or building, or business, if people are engaged in an activity within 100 yards of where you want to hunt, you must not hunt there at that time.

Permits, gear, bag limits, or other requirements are same as for off-reservation.

➤ 4. **Penalties**

- a. Except as provided in Section VI.A.4(d) below, it is a misdemeanor to be in violation of any provision of Section VI.A, which discusses *allowed areas* for hunting off and on-Reservation. Subject to Article 13.25 of the Quileute Tribal Code, upon conviction, a person shall be punished by imprisonment for a maximum term fixed by the court of not more than three months, or by a fine in an amount fixed by the court of not more than \$1,000, or by both imprisonment and fine..
- b. Except as provided in Section VI.A.4(d) below, it is a gross misdemeanor to repeat an area violation of a provision of Section VI.A within 3 years of prior conviction for this offense. Subject to Article 13.25 of the Quileute Tribal Code, upon conviction of this offense, a person shall be punished by imprisonment for a maximum term fixed by the court of not more than one year, or by a fine in an amount fixed by the court of not more than \$3,000, or by both imprisonment and fine; provided, however, the court shall have no discretion to impose a term of imprisonment less than 2 days actually served.
- c. “Three strikes”: Upon conviction for violating the same provision of Section VI.A three or more times (regardless of time span involved), in addition to any other penalty, there shall be revocation of hunting

privileges rights for one year. This revocation shall be added on to any currently applicable revocation.

- d. Failure to return a key provided by the Quileute Natural Resources Department for access to hunt on state Department of Natural Resources lands behind a locked gate pursuant to Section VI.A.2 is an infraction as defined by Quileute Law and Order Code Section 13.25.4 and subject to a mandatory fine of \$1,000.00 (one thousand dollars). Permission to hunt and additional keys to hunt or gather behind locked gates pursuant to Section VI.A.2 shall be denied to any person who has failed to pay the fine required by this paragraph until such fine has been paid in full.

B. Areas not allowed on the Reservation (see map Attachment C). The following is for public safety reasons and to comply with the Quileute Tribal Council's Law and Order Ordinance 13.20.8 regarding use of firearms. This applies to hunting *on the Reservation*.

1. Hunters subject to these regulations may not hunt within the city limits (settled areas, trafficked roads--paved or unpaved) of La Push.
2. The Quileute Law and Order Code, Section 13.20.8, states that persons must not "willfully discharge any firearm or airgun or throw any destructive device within a settled community, along or across any public road or highway or any other place where any person might be endangered by it, although no injury results." Exceptions to that Code apply here. A copy of Section 13.20.8 is Attachment C to these Regulations and made a part for all purposes.
3. There must be no hunting on the Reservation within 100 yards (visualize a football field, for 100 yards) of a paved road, dwelling, business, or human activity such as picnic, sport, or the like. (See Section VI.A above to see where hunting *is* allowed.)

➤ **4. Penalties**

- a. A violation of Section VI.B above is a misdemeanor. Subject to Article 13.25 of the Quileute Tribal Code, upon conviction, a person shall be punished by imprisonment for a maximum term fixed by the court of not more than three months, or by a fine in an amount fixed by the court of not more than \$1,000, or by both imprisonment and fine.
- b. A repeat violation of the same provision of Section VI.B is a gross misdemeanor. Subject to Article 13.25 of the Quileute Tribal Code, upon conviction of this offense, a person shall be punished by imprisonment for a maximum term fixed by the court of not more than one year, or by a fine in an amount fixed by the court of not more than \$3,000, or by both imprisonment and fine; provided, however, the court shall have no discretion to impose a term of imprisonment less than 2 days actually served.
- c. "Three strikes": Upon conviction of a violation of the same provision of Section VI.B three or more times (regardless of time span involved), in

addition to any other penalty, there shall be revocation of hunting rights for one year. This revocation shall be added on to any currently applicable revocation.

VII. Quileute Tribe's Hunting Season and Bag Limits for Large and Small Game

In accordance with Sections IX (Permits) and XIV (Ceremonial Permits), and under the authority of these regulations, the Annual Quileute 2019 – 2020 hunting seasons and limits as to number for species (see also Paragraph C of Section V) are as follows:

A. Mountain goat: July 1, 2019 through June 30, 2020, seven days a week.

no limit

B. Elk:

Tribal members are entitled to two elk for the season. See table below for restrictions.

1. Ceremonial hunts	throughout the year	no restrictions
2. Subsistence hunts	August 1, 2019 to Feb. 29, 2020	Two elk, of which only one may be antlerless. Note that in the month of August only Antlered elk may be harvested.

C. Deer

Tribal members are entitled to one deer for the season. See table below for restrictions.

1. Ceremonial hunts	throughout the year	Antlered deer only
2. Subsistence hunts	August 1, 2019 to Feb. 29, 2020	<i>One antlered deer only for the season. No antlerless deer</i>

D. Bear

1. Six (6) bears may be taken from July 1, 2019 until June 30, 2020. Hounds are permitted to be used in this hunt.
2. Trapping: throughout the year by block snares.

E. Cougar

1. Six (6) cougars are allowed from July 1, 2019 until June 30, 2020.
2. Trapping: throughout the year by block snares.
3. Hounds may be used in the hunt.
4. All successful harvest of cougar must be reported to QNR Enforcement Officers within 48 hours of kill. All successful hunters must present the unfrozen pelt and skull of the cougar to QNR Enforcement Officers for tagging and tooth extraction within five (5) days of kill. The small upper premolar teeth must be extracted by a department employee from the skull of a cougar for age determination.
5. If the cat was trapped, then it must be presented to QNR enforcement for seals or export documents.

F. Small Game and Other Hunting Seasons

1. The hunting season for small game shall be July 1, 2019 through June 30, 2020 (i.e., all year).
2. The hunting season for grouse is as set forth in Washington State regulations.

G. Waterfowl other than Protected Wildlife

Species, seasons, and bag limits, or any other limitations, shall be the same as those established by the federal government for migratory fowl. These conditions appear in the Washington State regulations.

➤ H. Penalties

1. It is a gross misdemeanor to hunt during closed season as established by these Regulations. Subject to Article 13.25 of the Quileute Tribal Code, upon conviction of this offense, a person shall be punished by imprisonment for a maximum term fixed by the court of not more than one year, or by a fine in an amount fixed by the court of not more than \$3,000, or by both imprisonment and fine; provided, however, the court shall have no discretion to impose a term of imprisonment less than 2 days actually served unless the record clearly establishes that the person so convicted has committed no previous crimes.
2. It is a gross misdemeanor to repeat this offense within 3 years of the first conviction date. Subject to Article 13.25 of the Quileute Tribal Code, upon conviction of this offense, a person shall be punished by imprisonment for a maximum term fixed by the court of not more than one year, or by a fine in an amount fixed by the court of not more than \$3,000, or by both imprisonment and fine; provided, however, the court shall have no discretion to impose a term of imprisonment less than 2 days actually served.

3. “Three strikes”: Upon conviction for hunting during closed season three or more times (regardless of time span involved), in addition to any other penalty, there shall be revocation of hunting privileges for one year. This revocation shall be added on to any currently applicable revocation.

VIII. Sex of Game

A. The following terrestrial game may be taken:

1. Antlered deer: only deer as set forth in Paragraph VII.C, above. Note restrictions on antlerless deer due to conservation measures.
2. Either sex of elk as set forth in Paragraph VII.B, above. Note antlerless elk restrictions in August.
3. Either sex of bear during tribal hunting season.
4. All other game animals as set out in Washington State regulations.

➤ B. Penalties

1. It is a misdemeanor to take game in violation of this Section VIII. Subject to Article 13.25 of the Quileute Tribal Code, upon conviction, a person shall be punished by imprisonment for a maximum term fixed by the court of not more than three months, or by a fine in an amount fixed by the court of not more than \$1,000, or by both imprisonment and fine.
2. It is a gross misdemeanor to repeat this offense within 3 years of the first conviction date. Subject to Article 13.25 of the Quileute Tribal Code, upon conviction of this offense, a person shall be punished by imprisonment for a maximum term fixed by the court of not more than one year, or by a fine in an amount fixed by the court of not more than \$3,000, or by both imprisonment and fine; provided, however, the court shall have no discretion to impose a term of imprisonment less than 2 days actually served.
3. “Three strikes”: Upon conviction of a violation of the same provision of Section VIII three or more times (regardless of time span involved), in addition to any other penalty, there shall be revocation of hunting privileges for one year. This revocation shall be added on to any currently applicable revocation.

IX. Permits

- A. Permits are required for ceremonial hunts and special assistance hunts.
- B. No permits or tags are required for hunting bobcat, coyote, raccoon, fox, rabbits, or hare. See Section X for species requiring tags.
- C. Permit holders must carry their permits with them when hunting under the permit. See paragraphs C and D, below. (For tags, see X.D. Tags must be carried as well, when hunting.)

- D. Ceremonial permits are required for ceremonial purposes at any time of the year (See Section XIV).
- E. Completion of penalty terms to keep permits operative. No permit is effective if any aspect of a penalty assessed by the court, whether fine, jail term, or revocation of hunting privileges, has not been completed. Therefore, if one hunts after a conviction and the fine has not been paid in full, the jail term not fully served, or the revocation period not completed, the person shall be deemed to be hunting without a permit, regardless of the type of permit.

➤ **E. Penalties**

1. It is a misdemeanor to take game in violation of this Section IX, on permits. Subject to Article 13.25 of the Quileute Tribal Code, upon conviction, a person shall be punished by imprisonment for a maximum term fixed by the court of not more than three months, or by a fine in an amount fixed by the court of not more than \$1,000, or by both imprisonment and fine..
2. It is a gross misdemeanor to repeat a violation of the same provision of Section IX within 3 years. Subject to Article 13.25 of the Quileute Tribal Code, upon conviction of this offense, a person shall be punished by imprisonment for a maximum term fixed by the court of not more than one year, or by a fine in an amount fixed by the court of not more than \$3,000, or by both imprisonment and fine; provided, however, the court shall have no discretion to impose a term of imprisonment less than 2 days actually served.
3. “Three strikes”: Upon conviction of violating the same provision of Section IX three or more times (regardless of time span involved), in addition to any other penalty, there shall be revocation of hunting privileges for one year. This revocation shall be added on to any currently applicable revocation.

X. Hunting Tags and Reports

- A. **Trapping:** Except for bears and cougars, no tag is required for trapped wildlife. QNR will supply trappers with necessary pelt seals. The pelt seals need not be returned.
- B. **Trap reports:** Trappers are required to return a trapping report form at least quarterly. An example is attached as Attachment B hereto and made a part hereof for all purposes.
- C. **What must be tagged.** For animals hunted rather than trapped – all deer, elk, bears, mountain goats, and cougars taken by treaty hunters under this regulation must be tagged with a **current** Quileute Tribe tag, immediately upon killing of the animal. For animals trapped rather than hunted only bear and cougar are required to be tagged in the same manner. It is unlawful to use older tags from previous hunting seasons.

- D. Tags required even if hunting by permit(s) for special circumstances.** Tags are our means of keeping track of the harvest. Even if one is hunting by means of a special permit for the disabled, a helper permit, or C&S permit, one must still have a tag for any animal that would require a tag under paragraph C, above, and carry it while hunting.
- E. Species tags.** Ordinarily, no hunter may have more than one tag in his or her possession at any time, for each species, except bear, cougars, and mountain goats, for which one can have two tags. When a person is hunting in his/her own capacity, then he/she may have, for example, only one elk and one deer tag in his or her possession, but two bear tags. However, note that in paragraph D, above, there are situations where one may be hunting for another, under a permit. For each permit situation, the permittee may again have two tags for bear, cougar and mountain goat, and one tag for each other species, in the permittee's possession, at any one time.
- F. Tagging includes properly notching the tag and attaching it to the animal.** The tag must remain on the animal until butchering is completed. An untagged game kill is in violation of these regulations and is subject to confiscation.
- G. Reports.** Each tag will have an information report card that must be completed and turned in to the Quileute Natural Resources Department. The following are mandatory:
1. The report must be turned in within ten days after a successful hunt.
 2. The report must indicate the species, sex, number, and location of all game (except birds).
 3. The completed report card must be turned in before a new tag can be issued to that hunter.
- H. Returning tags after a kill.** The hunter must return a tag within 10 days after a kill whenever a tag is required under these regulations.
- I. Returning unused tags**
1. It is important for the Tribe to keep data on wildlife resources, and for that reason, Tribal hunters are required to return unused tags to Quileute Natural Resources by the end of the hunting season.

However, for deer and elk, please turn in your tags no later than the end of April so we can do necessary harvest reports.
 2. There will be a \$5.00 fee charged for each tag that is not returned. This fee will be assessed the next time a hunter seeks a tag, and no new tags will be issued to any hunter who has not paid all outstanding fees beforehand. The fee

goes into the same account as the hunting fines under these regulations. (See Section XVII.I.)

J. Failure to return tags after convictions. It is unlawful for a person after conviction of a hunting violation, to fail to turn in unused tags.

K. Penalties

1. Except for a violation of Section X.I, any violation under this Section X is a misdemeanor. Furthermore, for the report forms, each omission of required data may be considered a separate violation (e.g., sex, species, location, number) at the discretion of the citing officer. Subject to Article 13.25 of the Quileute Tribal Code, upon conviction, a person shall be punished by imprisonment for a maximum term fixed by the court of not more than three months, or by a fine in an amount fixed by the court of not more than \$1,000, or by both imprisonment and fine.
2. Any repeat conviction of an offense under this Section X will be a gross misdemeanor. Subject to Article 13.25 of the Quileute Tribal Code, upon conviction of this offense, a person shall be punished by imprisonment for a maximum term fixed by the court of not more than one year, or by a fine in an amount fixed by the court of not more than \$3,000, or by both imprisonment and fine; provided, however, the court shall have no discretion to impose a term of imprisonment less than 2 days actually served.
3. "Three strikes": Upon conviction of violating the same provision of Section X three or more times (regardless of time span involved), in addition to any other penalty, there shall be revocation of hunting privileges for one year. This revocation shall be added on to any currently applicable revocation.

XI. Trapping

A. Trapping schedule:

Red Fox:	November 15, 2019 through February 15, 2020 (rare on the Peninsula)
Weasel:	November 15, 2019 through January 31, 2020
Marten:	November 15, 2019 through January 31, 2020
Raccoon:	November 15, 2019 through January 31, 2020
Mink:	November 15, 2019 through January 31, 2020
Muskrat:	November 15, 2019 through January 31, 2020
Beaver:	November 15, 2019 through January 31, 2020

**River Otter: November 15, 2019 through January 31, 2020
(requires attached tag)**

Coyote: October 1, 2019 through March 15, 2020

- B. No holding live wildlife for sale.** Wildlife may not be taken from the wild and held alive for sale or personal use.
- C. Release of wildlife trapped out of season.** Any wildlife trapped out of season must be released, if it is possible to do so without injury to the wildlife and/or the trapper. If the wildlife cannot be released safely, notify QNR Enforcement for release or destruction of the wildlife.
- D. Release or Dispatch of lawfully trapped wildlife.** Lawfully trapped wildlife must be lethally dispatched or immediately released. A firearm may be used for dispatch.
- E. Trappers are urged to:**
1. take the QNR trapper education course; and
 2. bring all comments and questions to QNR that would assist in establishing a successful trapping program.
- F. Traps and Bait**
1. The following traps are lawful:
 - a. foothold traps
 - b. cage (live) traps
 - c. modern snare, so long as functioning blocks are installed on the snares
 - d. Notwithstanding the above, block snares must be used for trapping bears or cougars. Snares must be at least 50 yards from any usable road.
 2. It is unlawful to use pole-spring traps.
 3. Spread requirements for lawful traps are as follows:
 - a. maximum spread on steel traps of 7 1/2 inches
 - b. for instant kill traps below a water surface, greater than 7 1/2 inches is allowable
 - c. for #3 or larger traps, there must be a sprung gap of at least 3/16 of an inch when the set is not capable of drowning the wildlife. Such traps may not have teeth when the set is not capable of drowning the wildlife.
 4. Checking traps; removal of animals:
 - a. All land traps must be checked and all wildlife removed within 48 hours of set.
 - b. All water traps must be checked and wildlife removed within 72 hours of set.

5. All traps must be tagged with a metal tag and marked with the Quileute Indian Tribe ("QNR") ID # for the trapper, or the trapper's name and address.
6. Signs: Within their general trapping area, land trappers are encouraged to post a red diamond sign developed by the Washington State Trappers Association. If used, signs should be removed at the end of the trapping seasons. Signs will be provided free to Quileute trappers from QNR.
7. Bait:
 - a. It is unlawful to use game birds, game fish, or game animals for bait in trapping, except that non-edible parts of these may be used when buried or concealed from plain view.
 - b. Exposed meat may be used as bait only if covered from the sight of raptors; e.g., falcons, hawks and eagles.

➤ **G. Penalties**

1. A violation of any required provision under Section XI is a misdemeanor. Subject to Article 13.25 of the Quileute Tribal Code, upon conviction, a person shall be punished by imprisonment for a maximum term fixed by the court of not more than three months, or by a fine in an amount fixed by the court of not more than \$1,000, or by both imprisonment and fine.
2. A repeat violation of the same provision under this Section XI within 3 years of a conviction date is a gross misdemeanor. Subject to Article 13.25 of the Quileute Tribal Code, upon conviction of this offense, a person shall be punished by imprisonment for a maximum term fixed by the court of not more than one year, or by a fine in an amount fixed by the court of not more than \$3,000, or by both imprisonment and fine; provided, however, the court shall have no discretion to impose a term of imprisonment less than 2 days actually served.
3. "Three strikes": Upon conviction of violating the same provision of Section XI three or more times (regardless of time span involved), in addition to any other penalty, there shall be revocation of hunting privileges for one year. This revocation shall be added on to any currently applicable revocation.

XII. Commercial Sale

- A. Restriction on commercial sale of meat** from any wildlife, including large game; and **on any sale of wildlife parts** except as provided under B, below. All Quileute hunting (other than trapping) is for subsistence, ceremonial purposes, and cultural purposes (e.g., trade for parts) only. The commercial sale of meat from deer, elk, bear, goat and cougar and any other game animals is expressly forbidden, as are commercial sales of velvet antlers and animals' internal organs.
- B. Permitted sales:** The following are lawful commercial sales: the pelts and inedible (e.g., claws, teeth, and non-velvet antlers) parts of such game animals may be sold for commercial purposes. However, no wildlife may be taken exclusively to harvest these non-edible parts, except for the hunting or trapping of

wildlife for fur. To do so shall be both a violation of this paragraph and of the paragraph on waste, under Section II Paragraph E.

➤ **C. Penalties**

1. It is a gross misdemeanor to engage in the commercial sale of game meat or parts except as allowed under Section XII.B hereof. Subject to Article 13.25 of the Quileute Tribal Code, upon conviction of this offense, a person shall be punished by imprisonment for a maximum term fixed by the court of not more than one year, or by a fine in an amount fixed by the court of not more than \$3,000, or by both imprisonment and fine; provided, however, the court shall have no discretion to impose a term of imprisonment less than 2 days actually served unless the record clearly establishes that the person so convicted has committed no previous crimes. A conviction will also result in automatic and mandatory revocation of hunting privileges for no less than one year.
2. It is a gross misdemeanor to repeat this offense within 3 years of a conviction date. Subject to Article 13.25 of the Quileute Tribal Code, upon conviction of this offense, a person shall be punished by imprisonment for a maximum term fixed by the court of not more than one year, or by a fine in an amount fixed by the court of not more than \$3,000, or by both imprisonment and fine; provided, however, the court shall have no discretion to impose a term of imprisonment less than 2 days actually served. A conviction will also result in revocation of hunting privileges for one year. Revocations will be added onto previous ones and applied consecutively.
3. "Three strikes": Upon conviction of violating the same provision of Section XII three or more times (regardless of time span involved), in addition to any other penalty, there shall be revocation of hunting privileges for one year. This revocation shall be added on to any currently applicable revocation.

XIII. Helper Provision. Enrolled members of the Quileute Tribe may have a helper. "Helper" means any person actively assisting in the hunt, but not the act of hunting itself (see C and D, below). Helpers are subject to the following conditions:

A. ID cards.

1. All helpers who are enrolled members of the Quileute Tribe must carry their own BIA identification cards.
2. Non-Quileute helpers who are members of other tribes must carry their own BIA identification cards. Any actual hunting with a non-Treaty of Olympia Indian is a violation of these regulations.

B. Non-Indian Helpers. Non-Indians may be helpers if they carry their own valid form of identification.

- C. **Types of Help.** Helpers are limited to the following forms of assistance: removing/packing game and transporting hunters, including operation of a vehicle.
 - D. **Helpers May Not Hunt.** Helpers may not be actively engaged in the act of hunting but may be present during such act.
 - E. **Other Conditions.** All other conditions, requirements, and provisions contained in these regulations apply equally to Quileute, non-Quileute tribal helpers, and non-Indians helpers who participate under these provisions.
 - F. **Penalties.**
 - 1. It is a misdemeanor to violate any required provision of this Section XIII. Subject to Article 13.25 of the Quileute Tribal Code, upon conviction, a person shall be punished by imprisonment for a maximum term fixed by the court of not more than three months, or by a fine in an amount fixed by the court of not more than \$1,000, or by both imprisonment and fine.
 - 2. It is a gross misdemeanor if the same violation is repeated within 3 years of a conviction date. Subject to Article 13.25 of the Quileute Tribal Code, upon conviction of this offense, a person shall be punished by imprisonment for a maximum term fixed by the court of not more than one year, or by a fine in an amount fixed by the court of not more than \$3,000, or by both imprisonment and fine; provided, however, the court shall have no discretion to impose a term of imprisonment less than 2 days actually served.
 - 3. “Three strikes”: Upon conviction of violating the same provision of Section XIII three or more times (regardless of time span involved), in addition to any other penalty, there shall be revocation of hunting privileges for one year. This revocation shall be added on to any currently applicable revocation.
- XIV. Ceremonial Hunting Permits.** The Tribe may authorize special hunting for ceremonial purposes any time during the year upon issuance of a special ceremonial permit.
- A. **Notice to QNR.** Persons engaging in a ceremonial hunt must notify Quileute Natural Resources Enforcement before starting out on the hunt.
 - B. **Applications.** Applications must be made at least two working days prior to the anticipated hunt. These are obtained from Quileute Natural Resources.
 - C. **Approval.** Applications are approved by the Quileute Natural Resources Committee and must be further approved by the Tribal Council, if not allowed under Paragraph D.
 - D. **Allowable purposes for ceremonial permits.** Authorized ceremonial purposes include Elders Week, funerals, graduations, or other special events approved by the Tribal Council, but not birthdays or family parties.

- E. **Information required on the permit.** The ceremonial permit must specify the dates of the hunt along with the sex (if it can be determined), number, and species authorized to be taken and the general area where such hunts shall occur.
- F. **Return of report cards and unused tags.** Data report cards and unused tags from the hunt *must* be returned to Quileute Natural Resources Department within three (3) days following the hunt.
- G. **Species tagging for ceremonial hunting.** When a group of Quileute hunters (may not exceed four) hunts for ceremonial purposes, permits and tags may be issued to the group upon request. Such permits must specify the names of enrolled members in the hunting group and the number of animals (not to exceed one per member) authorized to be taken. This group rule supersedes the bag limit rule under Section V, because of the group hunting.

➤ **H. Penalties**

1. A violation of any of the required provisions of this Section XIV is a misdemeanor. Subject to Article 13.25 of the Quileute Tribal Code, upon conviction, a person shall be punished by imprisonment for a maximum term fixed by the court of not more than three months, or by a fine in an amount fixed by the court of not more than \$1,000, or by both imprisonment and fine.
2. It is a gross misdemeanor to violate the same provision again within 3 years. Subject to Article 13.25 of the Quileute Tribal Code, upon conviction of this offense, a person shall be punished by imprisonment for a maximum term fixed by the court of not more than one year, or by a fine in an amount fixed by the court of not more than \$3,000, or by both imprisonment and fine; provided, however, the court shall have no discretion to impose a term of imprisonment less than 2 days actually served.
3. "Three strikes": Upon conviction of violating the same provision of Section XIV three or more times (regardless of time span involved), in addition to any other penalty, there shall be revocation of hunting privileges for one year. This revocation shall be added on to any currently applicable revocation.

XV. Special Assistance Permit Hunters. An enrolled member of the Quileute Tribe who is either an elder or physically disabled and therefore unable to exercise his or her hunting rights may delegate such rights to a "special assistance permit hunter", under the following terms and conditions.

- A. **Advance Notice of Two Days.** Applications must be made at least two working days prior to the anticipated hunt.
- B. **Approval.** Applications are approved by the Quileute Natural Resources Committee. There must be a consensus of at least four persons on the Committee.

- C. **Only enrolled Quileute.** Only enrolled members of the Quileute Tribe may serve as special permit hunters.
- D. **Applications and permits.** The Tribal Member requesting a special permit hunter hereunder must apply for and obtain an approved application and hunting permit from the Quileute Natural Resources Committee prior to any hunting.
- E. **Carry BIA ID and approval on the hunt.** All special assistance permit hunters hunting under the terms of this Paragraph must have in their possession their own BIA identification cards and a copy of the approved application authorizing him or her to hunt as a special permit hunter.
- F. **Marking Tags.** Special assistance permit hunters must mark their hunting tags as special permit tags and write on the tag the name of the enrolled Quileute member on whose behalf he or she is hunting.
- G. **Penalties**
 - 1. A violation of any of the required provisions of this Section XV is a misdemeanor. Subject to Article 13.25 of the Quileute Tribal Code, upon conviction, a person shall be punished by imprisonment for a maximum term fixed by the court of not more than three months, or by a fine in an amount fixed by the court of not more than \$1,000, or by both imprisonment and fine.
 - 2. Any repeat violation of the same provision under Section XV within 3 years of conviction for this offense shall be a gross misdemeanor. Subject to Article 13.25 of the Quileute Tribal Code, upon conviction of this offense, a person shall be punished by imprisonment for a maximum term fixed by the court of not more than one year, or by a fine in an amount fixed by the court of not more than \$3,000, or by both imprisonment and fine; provided, however, the court shall have no discretion to impose a term of imprisonment less than 2 days actually served.
 - 3. “Three strikes”: Upon conviction of violating the same provision of Section XV three or more times (regardless of time span involved), in addition to any other penalty, there shall be revocation of hunting privileges for one year. This revocation shall be added on to any currently applicable revocation.

XVI. Hunting While Intoxicated or Under the Influence of Illegal Drugs.

- A. **No hunting while under the influence of drugs or alcohol.** It is a violation of these Regulations to hunt while intoxicated (0.08% blood alcohol level) or while under the influence of illegal drugs.
- B. **Penalties**

1. It is a gross misdemeanor to hunt in violation of this Section XVI. Subject to Article 13.25 of the Quileute Tribal Code, upon conviction of this offense, a person shall be punished by imprisonment for a maximum term fixed by the court of not more than one year, or by a fine in an amount fixed by the court of not more than \$3,000, or by both imprisonment and fine; provided, however, the court shall have no discretion to impose a term of imprisonment less than 2 days actually served unless the record clearly establishes that the person so convicted has committed no previous crimes. A conviction will also result in automatic and mandatory revocation of hunting privileges for no less than one year.
2. For any repeat conviction within 3 years of a conviction decision, the mandatory fine shall be \$500.00. Revocations will be added onto previous ones and applied consecutively.
3. "Three strikes": Upon conviction of violating Section XVI three or more times (regardless of time span involved), in addition to any other penalty, there shall be revocation of hunting privileges for one year. This revocation shall be added on to any currently applicable revocation.

XVII. Legal Process.

A. Enforcement Officers

1. Quileute Natural Resources Enforcement Officers are authorized to enforce these regulations as well as any other regulations applicable to hunting under the Quileute Law and Order Code. They may issue citations and/or make arrests for any alleged violation of them, whether on the Reservation or in the Quileute Ceded Lands or Marine Usual and Accustomed Area.
2. Quileute Natural Resources Enforcement Officers may forward a copy of their report to other applicable tribal, state, or federal law enforcement agencies for appropriate action.
3. La Push Police are cross-deputized with Quileute Natural Resources Enforcement Officers and have the same authority to enforce these regulations as does a Quileute Natural Resources Enforcement Officer.

B. Confiscation of evidence. If wildlife is hunted or trapped allegedly in violation of any of the above Regulations, the citing officer may confiscate that wildlife as evidence.

C. Donation of meat taken as evidence. Edible confiscated wildlife shall be donated to any established Quileute Tribe food program, including but not limited to Seniors, Commodities, or the Food Bank.

D. Issuance of replacement permit if not guilty. If the hunter is found to be innocent in a court of competent jurisdiction, he/she shall be entitled to a new permit, the category to match that for the wildlife that was confiscated.

- E. **Applicable Court.** Citations under these regulations will be heard by the Quileute Tribal Court.
- F. **Fines cannot be replaced by service.** All fines levied by the Tribal Court for hunting violations must be paid in *cash*. Community service shall *not* be a lawful substitute for the cash fine.
- G. **Requirements to return tags after conviction.** Pursuant to Section X.J, if a hunter who has been convicted still has tags in his or her possession, he/she must immediately surrender those tags to Quileute Natural Resources Enforcement Officer, and such tags will be held by QNR until the fines are paid in full. Any Quileute Tribe hunter who has been convicted of a hunting violation must pay an assessed fine in full before being reissued any tags. (See also IX.D regarding loss of permit until fines are paid in full.)
- H. **Special tribal account for fines.** All fines paid under this regulation are to be placed in a separate tribal account for the sole purpose of wildlife enhancement, mitigation, or litigation related to Quileute wildlife hunting rights and protection, except that fines paid for failure to return a key as provided for in Section VI.A.4(d) shall be used to pay for the purchase and installation of new locks.

XVIII. Severability. If any provision of these regulations (or portion thereof) is determined by a court of competent jurisdiction to be invalid or otherwise unenforceable, such provision (or part thereof) shall be deemed to be deleted from these regulations, while the remainder of these regulations shall continue in full force and remain in effect according to its stated terms and conditions.

XIX. Sovereign Immunity and Enforcement Authority. Nothing in these regulations shall be deemed to be a waiver of the sovereign immunity of the Quileute Tribe or any of its agents, entities or instrumentalities, unless such immunity has been expressly waived in accordance with applicable law. Nothing in these regulations shall be deemed to be an admission regarding the scope of treaty hunting areas, jurisdiction, or enforcement authority of the Quileute Tribe.

XX. Enforcement. The Quileute Natural Resources Enforcement staff, or any Quileute police cross-deputized to work with such staff, is authorized to issue citations on behalf of the Quileute Tribe, regarding violations described hereunder. Nothing herein prohibits state or federal enforcement officers from exercising their legal authority to cite for alleged violations in the Ceded Lands, as well.

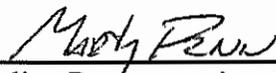
XXI. Signed and Authorized. These regulations are promulgated by the Quileute Tribal Council after being recommended by the Quileute Natural Resources Committee, signed by the Director of Natural Resources and the Policy Representative of said Committee, and approved by the Quileute Tribal Council.



Frank Geyer, Director
Quileute Natural Resources Department

1-2-20

Date



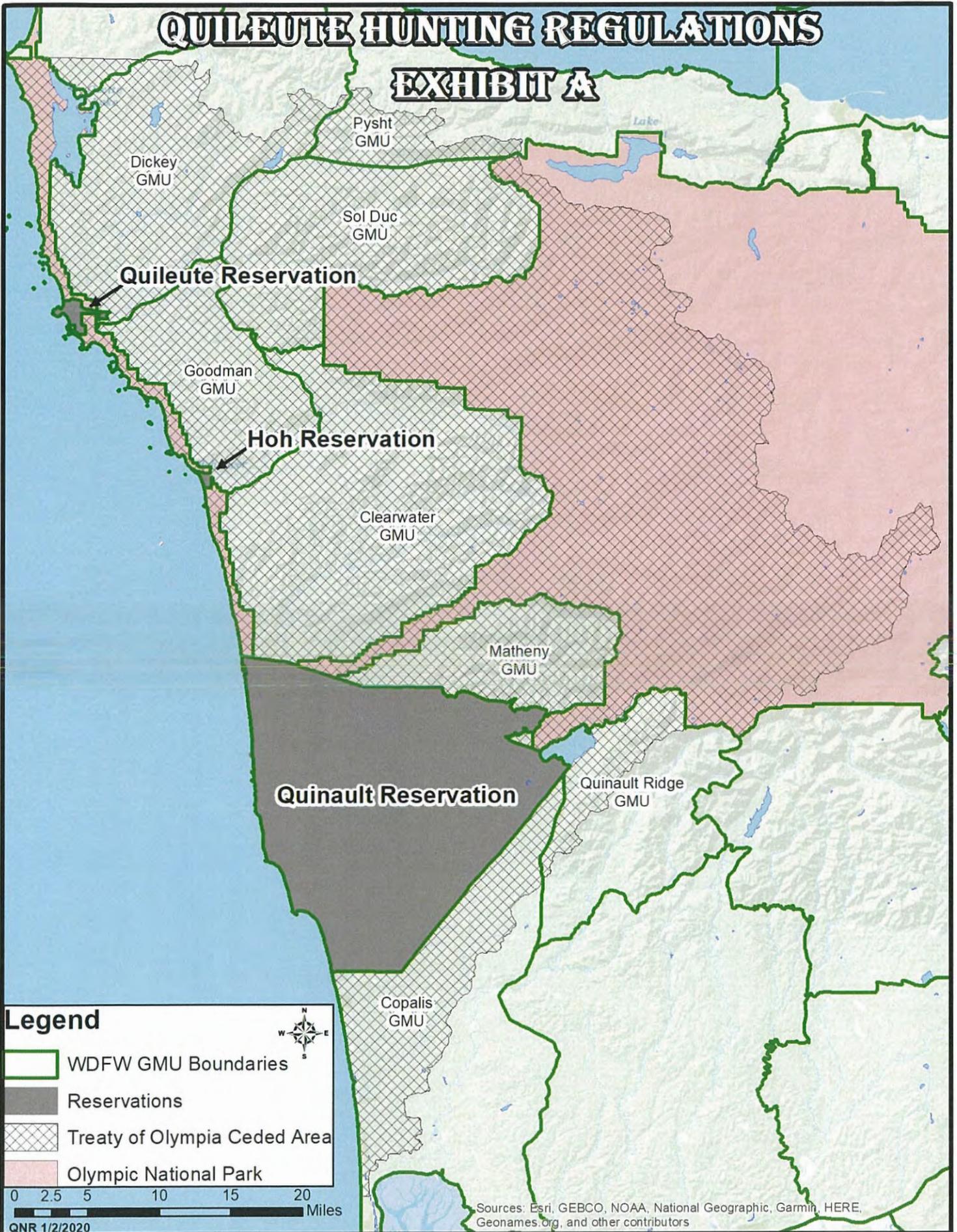
Policy Representative
Quileute Natural Resource Committee

1/2/20

Date

QUILEUTE HUNTING REGULATIONS

EXHIBIT A



**ATTACHMENT C TO QUILEUTE HUNTING REGULATIONS:
FROM QUILEUTE LAW AND ORDER CODE—**

13.20.8 Aiming or Discharging Firearms.

- (1) No person shall willfully discharge any firearm or airgun or throw any destructive device within a settled community, along or across any public road or highway or any other place where any person might be endangered by it, although no injury results.**
- (2) No person shall aim a firearm, whether loaded or not, at or toward any person.**
- (3) No firearms may be used to hunt on the reservation, save and except those lands in Section 5 ("Eastern Tract") per the attached "Boundary Map", which are to be part of the reservation upon completion of requirements under PL 112-97. The subparagraphs (a) through (c) that follow explain the types of hunting that may occur on the reservation where firearms are forbidden.**

- (a) Hunting on the Reservation (other than in Section 5) must be either by traps or gear other than firearms *of any kind*.**

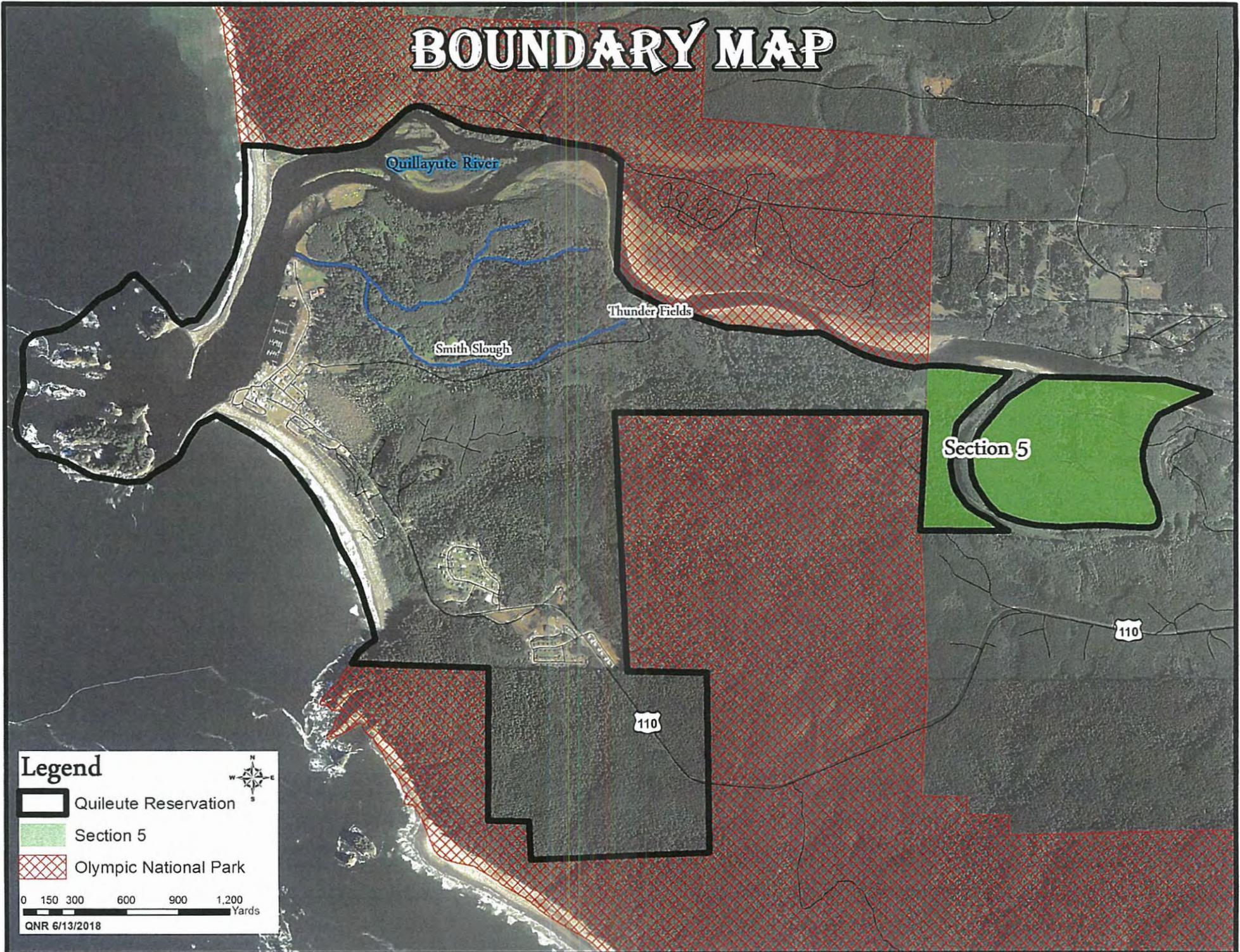
Smaller game in the Smith Slough area, such as geese, may also be taken. However, when hunting animals in or along the slough or river, which are less remote, the activity must be at least 100 yards (visualize a football field) from a paved road, dwelling, business, or human activity such as sports, picnics, or the like. No firearm may be used, and if bow and arrow or crossbows are used, they must not be shot across water, only downward toward the intended game.

Any hunting is subject to conditions and penalties in the Quileute Hunting Regulations (season, types of permits, appropriate weapons, bag limits, quotas, sex, etc.).

- (b) Gear. Other than in Section 5, no firearm of any kind may be used *on the Reservation*. For other gear, consult the Hunting Regulations.**
- (c) Action by law enforcement personnel. Any action by authorized law enforcement personnel, whether tribal, state, or federal, to protect human life or property endangered by criminal behavior or by a wild animal that has come onto the Reservation or is in Reservation waters, is lawful under this Ordinance.**

- (4) Any violation of this Section 13.20.8 shall be a misdemeanor.**

BOUNDARY MAP



Quillayute River

Thunder Fields

Smith Slough

Section 5

110

110

Legend

-  Quillayute Reservation
-  Section 5
-  Olympic National Park

0 150 300 600 900 1,200
Yards

QNR 6/13/2018

LAW AND ORDER CODE REFERENCED IN
HUNTING REGULATIONS

9.03 Copies of Laws

The Tribal Court shall be provided with copies of the Tribal Code, all Ordinances of the Council, and such Regulations as may be applicable to the conduct of the business of the Court.

ARTICLE X. RULES OF CRIMINAL PROCEDURE PRETRIAL PROCEDURE

10.01 Rules to Govern

These rules govern the procedures in all criminal cases in the Quileute Tribal Court. These rules are intended to provide for the just determination of every criminal proceeding. They shall be construed to secure simplicity in procedure, fairness in administration and the elimination of unjustifiable expenses and delay.

10.02 Complaint

Any criminal complaint filed in the court to be valid shall state the following facts:

(a) The name of complaining witness, the name of the defendant and a statement whether the defendant is within the exterior boundaries of the Quileute Indian Reservation.

(b) A short statement of the acts constituting the offense in ordinary language, including the time and place of the acts and the names of all witnesses.

(c) The name of the judge who filed the complaint and the date of filing. A complaint shall be signed by the complaining witness and the judge.

(d) No complaint shall be filed charging the commission of any offense defined by this Code unless such offense shall have been committed within a one-year period prior to the date of the complaint.

10.03 Warrant to Apprehend

(a) An arrest warrant shall be issued by a judge, after a complaint has been filed from which it appears that there is probable cause to believe that an offense has been committed and that the defendant has committed it.

(b) The warrant shall contain the following information:

(1) The name of the person to be arrested, or if his name is unknown, any name or description by which he can be identified with reasonable certainty; and

(2) The offense or offenses charged in the complaint and,

(3) The date of issuance and signature of the judge.

10.04 Execution of Warrant

No law enforcement officer shall arrest any person for any offense defined in this Ordinance unless:

(a) The offense was committed in the presence of a law enforcement official, or

(b) The law enforcement Officer had reasonable cause to believe that the person has committed such an offense, or

(c) A warrant has been issued for the arrest of the person.

10.06 Warnings

When any person is arrested, he shall

(a) Be informed of the right to remain silent and that any statement made by him may be used against him.

(b) Be informed of his right to retain a spokesperson.

(c) Be informed of the complaint against him.

(d) If arrested pursuant to a warrant, receive a copy of the warrant at the time of arrest or as soon thereafter as possible.

10.07 Bail, Bonds and Fines

Except as provided for herein, every person charged with any offense before the Tribal Court may be admitted to bail. Bail shall be by cash deposit or by assurance of two reliable members of the community who shall execute an agreement in compliance with the form provided therefor to the effect that they will pay any bail forfeited. In no case shall the bail specified in the agreement exceed twice the maximum penalty set by the section of this Code for the offense for which the accused has been charged. The cash or bond agreement shall be executed before the court clerk, or any bonded employee authorized by the Tribal Council to accept bail. All such bonds shall be promptly filed with the Clerk of the Court.

*

(a) Personal Recognizance. In lieu of bail, a person charged with any offense may be released on his personal recognizance (PR) without posting bail or bond, pursuant to the discretion of the Court. In determining whether to grant PR, the Court may consider the following factors:

(1) Whether the person had identified himself satisfactorily;

(2) Whether detention appears necessary to prevent imminent bodily harm to himself or to another, injury to property, or breach of the peace;

(3) Whether the person has ties to the community or is a local resident, so as to provide reasonable assurance of his appearance before the Trial Court, or whether there is substantial likelihood that he will refuse to appear for trial; and

(4) In any case, to secure his release the person must give his written promise to appear in Court as required by this citation.

(b) Bail Schedule. The Chief Judge may establish a bail schedule for all offenses under this Code and any other regulations, resolutions or ordinances promulgated by the Quileute Tribal Council. Any person arrested and taken into custody for violation of such Code and regulations may be released upon posting the specified bail with the clerk, or other person authorized by the Court to receive bail, unless released on personal recognizance or detention as ordered by the Court.

(c) Denial of Bail. The Court may deny a person release on bail if it appears reasonably certain that the person will pose a serious threat to the safety and well-being of himself, the Reservation, or its residents, if released, or if there is a substantial likelihood that the person will not appear for trial.

(d) Fine Schedule. The Chief Judge may also establish a schedule for fines for specified violations of this Code or any other resolutions, ordinances or regulations of the Quileute Tribe within the limits prescribed by the Code and the section establishing the offense.

(e) Payment of Fine Without Trial. The Court in its discretion may allow the payment of a fine without trial. A fine may be paid by the defendant advising the court, either in person, by telephone, or in writing, that he is willing to enter a guilty plea and pay the stated fine. In such cases, no court appearance shall be required, provided, the fine must be paid prior to the date set for the defendant's trial.

10.08 Forfeiture.

Upon good cause shown, the Tribal Court may increase or decrease the bail originally set. In no event shall the bail be set for more than \$5,000. If the defendant fails to appear before the Tribal Court as lawfully required, the Court may direct an entry of such failure to be made in the record, order the forfeiture of the bond or cash deposit and issue a warrant for the arrest of the defendant.

10.09 Return of Safety

Any cash or other property given as security by the surety or defendant shall be returned by the Court upon the appearance of the defendant on the date set for trial.

10.10 Detention and Arraignment

No person shall be detained, jailed or imprisoned under this Code for a period longer than 24 hours (exclusive of Saturdays and Sundays and holidays) without a hearing before a judge of the Tribal Court or release from custody. At the arraignment:

(1) The complaint shall be read to the defendant.

(2) The judge shall explain the offense and the penalties prescribed by this Code to the Defendant and shall determine that the defendant understands the nature of the charges and possible penalties.

(3) The judge shall advise the defendant of his right to remain silent and to have a spokesperson.

(4) The judge shall ask the defendant to plead not guilty, guilty or no consent.

10.11 Citation in Lieu of Detention

Whenever a person is arrested for a violation of this Code or any other resolution, ordinance or regulation of the Quilleute Tribe, the arresting officer, or any other authorized law enforcement officer, may serve upon the arrested person a citation and notice to appear in court, in lieu of keeping the person in custody or requiring bail or bond. In determining whether to issue a citation and notice to appear, the enforcement officer may consider the following factors: (1) whether the person has identified himself satisfactorily; (2) whether detention appears reasonably necessary to prevent imminent bodily harm to himself or to another, injury to property, or breach of the peace; (3) whether the person has ties to the community or is a local resident, so as to provide reasonable assurance

AMENDMENT TO QUILEUTE LAW AND ORDER ORDINANCE NO. 74-A7

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 Reservation by authority of Article III of the Constitution and bylaws of the Quileute Indian Tribe approved by the Secretary of the Interior on November 11, 1936; and,

WHEREAS, the Tribal Council has authority to enact ordinances under the revisions of Article VI of the Quileute Constitution; and,

WHEREAS, the Quileute Tribal Council enacted Ordinance No. 74-A7 on October 9, 1974, which ordinance has been amended several times, the last amendment dated April 27, 1989,

WHEREAS, the Quileute Tribal Council finds it necessary to strengthen the laws of the Quileute Reservation and to amend the Law and Order code to facilitate the handling of cases in the Tribal Court System,

NOW, THEREFORE, The Quileute Tribal Council hereby promulgates the Quileute Law and Order Code by amending Ordinance No. 74-A7 as follows: Revising 10.04.

10.14 Trial Date

If the defendant enters any other plea, the judge shall set a date for trial not less than seven days nor more than -95 ninety days from the date of arraignment, provided that the trial may be set for less than seven days if an emergency exists and the defendant would not be unduly prejudiced thereby.

of his appearance before the Tribal Court, or whether there is substantial likelihood that he will refuse to respond to the citation; and (4) whether the person has previously failed to appear in response to a citation issued pursuant to this section or to other lawful process of the Tribal Court.

(1) The citation written to the offender shall include the name of the person, his address, the date of birth and sex, the date, time, and place and description of the offense charged, the date on which the citation was issued, and the name of the citing officer. A space shall be provided for the person to sign a promise to appear. To secure his release, the person must give his written promise to appear in court as required by the citation. The citation shall also state the time and place at which the person is to appear in Tribal Court to hear the charges against him and post bail, which shall be not less than 72 hours after the date of the citation, nor more than 35 days after the date of citation.

(2) The citation when completed by the officers shall serve as the complaint for the purpose of prosecution in Tribal Court. If a defendant fails to appear, the Chief Judge shall issue warrant of arrest and shall order any bail deposited by the defendant as hereafter set forth forfeited.

10.12 Failure to Plead

If the defendant fails to plead, the judge shall order the entry of a plea of Not Guilty,

10.13 Sentencing

If the defendant pleads Guilty, the judge shall sentence the defendant immediately or within a reasonable period.

10.14 Trial Date

If the defendant enters any other plea, the judge shall set a date for trial not less than seven days nor more than ~~thirty five~~ days from the date of arraignment, provided that the trial may be set for less than seven days if an emergency exists and the defendant would not unduly prejudiced thereby.

10.15 Release

The defendant shall be eligible for release from custody in accordance with the provisions of this Code.

10.16 Order for Detention.

*thirty
days
-6/90*

Unless so released, the judge may order the detention of the defendant by signing a written order to that effect.

10.17 Commitments.

There shall be issued for each person held for trial, a temporary commitment and for each person held after sentence, a final commitment.

10.18 Search and Seizure - Warrant

Every judge of the Quileute Tribal Court shall have the power to issue warrants for search and seizure of property within the jurisdiction of the Court provided that no warrant shall be issued except:

(a) Upon probable cause that an offense has been committed, supported by oath or affirmation signed by the complaining witness naming or describing the person and particularly describing the items or articles to be seized, the place to be searched and the reasons for its issuance; and,

(b) To a law enforcement officer to be served between 7:00 a.m. and 7:00 p.m. unless the judge for good cause authorizes service at another time and such authorization is noted on the warrant.

(c) If, in an emergency situation, the Chief Judge is not on the Reservation, the Chief Judge may authorize the Clerk of the Court by telephone to issue a warrant in the name of the Chief Judge.

10.19 Search and Seizure - No Warrant

No law enforcement officer shall search or seize any property without a warrant unless:

(a) He has reasonable cause to believe that the person in possession of such property is engaged in the commission of an offense; or

(b) The search is incidental to a lawful arrest and is reasonably related to the offense for which the defendant is taken into custody.

10.20 Extradition

(a) If a person is charged with a violation of the laws of any other tribe or reservation or the federal or a state government, the Tribal Court may order that such person be delivered up to the proper authorities, provided, that a

copy of warrant or proof of its existence, is presented to a judge of the Quileute Tribal Court, and that such appears to be in the best interests of justice.

(b) On receipt of a valid warrant, the judge may issue a court order directed to the Law and Justice Administrator, instructing him that the person named shall be apprehended by a member of the tribal police and delivered over to the proper authority.

(c) When such a person is apprehended, it shall be the duty of the Law and Justice Administrator or the arresting officer to notify the proper authority of the apprehension of the subject, and the subject may be detained in the tribal jail for a period not to exceed 24 hours from the time of apprehension. If the lawful authority requesting the apprehension of the subject after first being notified, does not take possession of the person within 24 hours, the Court shall not honor the same warrant for the person but shall require a new warrant to be presented and shall require the requesting authorities representative to accompany the tribal police officer to apprehend the person on the warrant and take immediate custody over the apprehension by the tribal police officer.

ARTICLE XI. RULES OF CRIMINAL PROCEDURE -- TRIAL PROCEDURE

11.01 Right to Jury

Cases shall be tried by the Court unless the defendant demands a jury trial. Any person accused of an offense punishable by imprisonment may demand a jury trial. Such demand may be made by oral demand in open court or by filing a written demand with the Clerk of the Court. In any case, such demand must be made at least one week before the date set for trial, or the right shall be deemed waived. The verdict of the jury shall be unanimous and shall be returned by the jury to the judge in open court.

11.02 Trial

The Tribe shall prosecute the charge by presenting the evidence against the defendant by the testimony of the law enforcement officer and any other witnesses called to support the charge, and in presenting such evidence, the Tribe may make use of either a tribal official, Law and Justice Administrator or arresting officer, or a professional attorney approved as a spokesperson pursuant to this Code. The Court shall require the charge to be proved beyond a reasonable doubt. The defendant shall be afforded a full opportunity to present his evidence. Trial shall be conducted as follows:

- (a) The Clerk shall read the complaint and state the defendant's plea.
- (b) The opening statement shall be made by the prosecutor.
- (c) Evidence shall be presented in support of the charge, and the defendant or his spokesperson shall have the right to cross-examine any witnesses called by the prosecution.
- (d) Testimony of witnesses shall be taken orally in open court, or by properly executed affidavits. Physical evidence shall be introduced and admitted only after a proper foundation has been laid.
- (e) The defendant may make a motion for judgment of acquittal at the close of the evidence offered by the prosecution or the close of all evidence. If the evidence is not sufficient to support a conviction of the offenses charged, the Court shall order the entry of judgment of acquittal of the offense charged.
- (f) The Court may also enter a judgment of acquittal on its own motion after the evidence on either side is closed, and shall do so if the evidence is not sufficient to support a conviction of the offense charge.
- (g) The defendant or his spokesperson shall present the defense and evidence in support thereof, and the prosecution shall have the right to cross-examine any witnesses called by the defendant or his spokesperson.
- (h) The parties may then offer rebutting testimony only, except that the Court may in the interest of justice permit the introduction of new evidence.
- (i) The prosecution and the defendant or his spokesperson may argue the case, the prosecution having the right to open and close.
- (j) The judge shall charge the jury orally or in writing stating the law applicable to the case as provided in this Code.
- (k) Objections to the instructions not made before the jury retires to determine its verdict shall be waived.
- (l) The defendant may be found guilty of a lesser offense, necessarily included in the offense charged without the necessity of having been formally charged with such lesser offense.

11.03 Rights of Defendant

In all criminal prosecutions, the defendants shall have the following rights:

(a) The right to be present throughout the proceeding and to defend himself in person or by a spokesperson.

(b) The right to know the nature and cause of the charge and to receive a copy of the complaint.

(c) The right to meet the witnesses against him face to face.

(d) The right to compulsory process to obtain the testimony of witnesses in his behalf and physical evidence.

(e) The right to a speedy public trial by an impartial jury or judge.

(f) The right not to testify. The failure of the defendant to testify shall not be construed against him or be commented upon by the prosecution.

ARTICLE XII. RULE OF CRIMINAL PROCEDURE -- POST TRIAL PROCEDURE

12.01 Directed Verdict

At any time after the close of the evidence the Court may direct a verdict of acquittal. After the charge, the jury shall retire to determine a verdict. The jury must render a verdict on every allegation in the complaint. After the verdict of the jury has been announced to the judge, he shall discharge the jury.

12.02 Acquittal

If the Court finds for the defendant or the jury brings in a verdict of not guilty on all counts of the complaint, a judgment of acquittal shall be announced by the Court and entered in the official records by the Clerk of Court, along with the names of the jurors in the case, and the defendant shall be immediately discharged.

12.03 Conviction and Sentencing

A sentence shall be imposed at once or, in the discretion of the judge, at a later date not to exceed thirty (30) days from the day of judgment. After a pre-sentencing investigation as the judge may direct, the judge shall

sentence the defendant in conformity with the applicable provisions of this Code, and deliver to the law enforcement officer a signed copy of the sentence. The judgment of conviction shall state the charge, the plea, the verdict and the sentence. The judgment shall be signed by the judge and entered in the official records by the clerk. The judgement shall direct that the prisoner be held in custody until the prisoner has satisfied the sentence according to law.

12.04 Payment of Fine

When the defendant is sentenced to pay a fine, the Court may permit payment within a definite period or by installment. In the absence of such permission, a fine shall be payable forthwith. Fines and any installment thereof shall be payable to the Clerk of the Court. At the option and discretion of the Court the fine or a portion thereof in lieu of cash may be paid through work on public projects, if such work is available.

12.05 Motion for New Trial

A motion for a new trial to be held in the Tribal Court may be made by the defendant within 7 days after judgment. The Court shall grant a motion for a new trial if good cause is shown and if such trial is required in the interest of justice.

12.06 Right of Appeal

After imposing sentence in a case which has gone to trial on a plea of not guilty, the Court shall advise the defendant of his right to appeal. All appeals shall be made in accordance with this Ordinance.

12.07 Probation

After conviction of an offense, the Court may upon such reasonable terms and conditions as it considers necessary, suspend any sentence and release the prisoner on probation. In granting probation, the judge shall consider the prior criminal record of the prisoner, his background, character, financial conditions, family obligations and other reasonable and relevant circumstances.

12.08 Violation of Probation

If any person shall violate his probation, he may be required to serve his original sentence plus any additional penalty for violation of his probation, but the Court shall

not revoke probation except after a hearing at which the defendant shall be present and advised of the grounds on which such action is proposed. The defendant may be admitted to bail pending such hearing.

12.09 Liberal Construction

This Title shall be liberally construed to the end that persons convicted of a crime shall be dealt with in accordance with their individual characteristics, circumstances, needs, and potentialities; that dangerous offenders shall be correctively treated in custody for longer terms as needed; and that other offenders shall be dealt with by probation, suspended sentence, or fine whenever such disposition appears practicable and not detrimental to the needs of public safety, and the welfare of the individual and the Tribe.

13.24.2.5. Use of Evidence re Request for Treatment

Evidence pertaining to or resulting from the defendant's request and/or the evaluation is inadmissible in any trial on the charges but may be used after conviction in determining a sentence.

13.24.2.6. Effect of Defendant's Noncompliance with Treatment Plan

If a defendant in a deferred prosecution program fails or neglects to fulfill any term or condition of the treatment plan, the facility or agency administering the treatment shall immediately report the breach to the court. Upon receiving such a report, the court shall hold a hearing to determine whether the defendant should be removed from the deferred prosecution program. If removed from deferred prosecution, the defendant shall be arraigned on the original charge.

13.25. SENTENCING

13.25.1. Felony

Every person convicted of a felony shall be punished by imprisonment for a maximum term fixed by the court of not more than one year, or by a fine in an amount fixed by the court of not more than \$5,000, or both imprisonment and fine; provided however and notwithstanding § 13.25.10.2 below, that the court shall have no discretion to impose a term of imprisonment less than 5 days actually served unless the record clearly establishes that the person so convicted has committed no previous felonies.

13.25.2. Gross Misdemeanor

Every person convicted of a gross misdemeanor shall be punished by imprisonment for a maximum term fixed by the court of not more than one year, or by a fine in an amount fixed by the court of not more than \$3,000, or by both imprisonment and fine; provided however and notwithstanding § 13.25.10.2 below, that the court shall have no discretion to impose a term of imprisonment less than 2 days actually served unless the record clearly establishes that the person so convicted has committed no previous crimes..

13.25.3. Misdemeanor

Every person convicted of a misdemeanor shall be punished by imprisonment for a maximum term fixed by the court of not more than three months, or by a fine in an amount fixed by the court of not more than \$1,000, or by both imprisonment and fine.

13.25.4. Infraction

Every person convicted of an infraction shall be punished by a fine in an amount fixed by the court of not more than \$1,000.

13.25.5. Restitution

If a person has gained money, or property, or caused a victim to lose money or property through the commission of a crime, in addition to the sentence identified above, the court may order the defendant to pay an amount not to exceed double the amount of the defendant's gain or victim's loss to provide restitution to the victim. In the event that restitution is ordered, the court must hold a separate hearing to determine the amount of the defendant's gain or victim's loss.

13.25.6. Enhancement of Penalties for Multiple Domestic Violence Offenses

When a defendant admits to, pleads guilty to, or is convicted of two or more crimes involving domestic violence within 5 years, the court shall enhance the penalty one degree above the penalty otherwise required for that offense.

13.25.7. Enhancement of Penalties for Street Gang Activities

See § 13.22.2, above.

13.25.8. Exercise of Enhanced Sentencing Authority under the Tribal Law and Order Act of 2010

Upon the court making the findings in § 13.25.8.3, below, the court may enhance penalties as follows:

13.25.8.1. Enhanced Sentencing Authority for Conviction of a Felony

Upon the court's exercise of enhanced sentencing authority under this Section and supported by findings required in § 13.25.8.3, the court may sentence a person convicted of a felony to imprisonment for a maximum term of not more than 3 years, or by a fine of not more than \$15,000, or both imprisonment and fine; provided however and notwithstanding § 13.25.10.2 below, that the court shall have no discretion to impose a term of imprisonment less than 5 days actually served.

13.25.8.2. Enhanced Sentencing Authority for Conviction of a Gross Misdemeanor

Upon the court's exercise of enhanced sentencing authority under this Section and supported by findings required in § 13.25.8.3, the court may sentence a person convicted of a gross misdemeanor to imprisonment for a maximum term of not more than 2 years, or by a fine in an amount fixed by the court of not more than \$2,000, or by both imprisonment and fine; provided however and notwithstanding § 13.25.10.2 below, that the court shall have no discretion to impose a term of imprisonment less than 2 days actually served.

13.25.8.3. Findings Required to Support Enhanced Sentencing Authority

Prior to exercising enhanced sentencing authority under this Section, the court shall conduct a sentencing hearing at which the convicted offender shall have all rights to which he is entitled at trial of the offense; provided, however, that the evidentiary standard for determining the following matters shall be clear and convincing rather than beyond a reasonable doubt. The court shall determine that:

- (1) the person convicted had, at all times during the proceeding, the assistance of an attorney licensed to practice law in any jurisdiction of the United States;
- (2) the judges presiding over all proceedings on the charges for which the person is convicted are licensed to practice law in any jurisdiction of the United States; and
- (3) the Quileute Tribe has published its criminal laws or made such laws and documents interpreting those laws publicly available.

13.25.8.4. Serving Sentences Imposed by Enhanced Sentencing Authority

In the exercise of its enhanced sentencing authority under this Section, the court may require a convicted offender to serve the sentence

(1) in a tribal correctional center that has been approved by the Bureau of Indian Affairs for long-term incarceration, in accordance with guidelines developed by the Bureau of Indian Affairs, in consultation with Indian tribes; or

(2) In the nearest appropriate federal facility, at the expense of the United States pursuant to a memorandum of agreement with the Bureau of Prisons pursuant to § 304(4) of the Tribal Law and Order Act of 2010 and 25 U.S.C. § 1302 as amended by that Act,

(3) in a state or local government-approved detention or correctional center pursuant to an agreement between the Quileute Tribe and the state or local government; or

(4) in accordance with article VII (Bill of Rights) of the QUILEUTE CONSTITUTION and the Indian Civil Rights Act, § 1302, as amended by the Tribal Law and Order Act of 2010, to serve an alternative form of punishment, as determined by the judge of the Quileute Tribal Court in accordance with this Title and other applicable Quileute law.

13.25.9. Discretion to Impose Concurrent or Consecutive Sentences

The Quileute Tribal Court shall have discretion to require that any sentence made hereunder be either concurrent or consecutive; provided, however, that the court may not impose any consecutive sentence longer than 9 years.

13.25.10. Suspending Sentences

13.25.10.1. Authorization

Subject to the felony and gross misdemeanor sentencing provisions above, whenever any person shall be convicted of any crime, the court may in its discretion, at the time of imposing sentence upon such person, direct that such sentence, or any part of it, be stayed and suspended until otherwise ordered by the court, and that the sentenced person be placed under the charge of the tribal court clerk during the term of such suspension, upon such terms as the court may determine; provided however, that as a condition to suspension of sentence, the court may require the convicted person to make such monetary payments, on such terms as the court deems appropriate under the circumstances, as are necessary to meet the expenses of the prosecution of terms of suspension.

13.25.10.2. Use Encouraged

The court is encouraged to investigate the use of suspended sentences in all cases, including the use of community service work, alcohol or drug treatment facilities, and all other available alternatives to imposition of fines and/or imprisonment.

13.25.10.3. Failure to Comply

Upon failure of an offender to comply with the terms of a suspension of his sentence, the court clerk is required to bring such failure to the attention of the court. After a hearing to investigate the allegations, at that the offender has the rights available to him that he had at trial, the court may revoke the suspension and order all orders of fines, and/or imprisonment immediately imposed; continue the suspension in effect charged; or continue the suspension in effect under new terms.

13.26. OTHER LAW

As to any matters that are not covered by the traditional customs and usages of the Quileute Tribe, or by-laws, codes, ordinances and resolutions of the Tribal Council, or by applicable federal laws and regulations, the tribal court may be guided by common law as developed by state and federal courts.

13.27. DISPOSITION OF FINES

All fines and fees collected by the court under the provisions of this Title shall be held in a special account of the Quileute tribal court to be used for solely for maintenance of the tribal court.

13.28. FORFEITURE

In any case where contraband, fruits of a crime, or instrumentalities of crime have been seized, the court may order the forfeiture of such property. Any property forfeited shall be sold, destroyed or assigned to a branch of tribal government as directed by written court order.

13.29. EFFECTIVE DATE

This Title XIII A shall take effect and be enforced immediately upon the approval, pursuant to Quileute Constitution, art. IV, § 1(j), of the Secretary of the Interior or his designee.

13.30. BIA APPROVAL

Pursuant to Quileute Constitution, art. IV, § 1(j), this Title XIII A is approved by the Secretary of the Interior, or his designee, on this 20th day of May, 2011.