

## TITLE 4 NATURAL RESOURCES AND ENVIRONMENT

### CHAPTER 4-1 FISH AND WILDLIFE

#### GENERAL PROVISIONS

##### 4-1-1 Title

This Chapter shall be known as the Colville Tribal Fish and Wildlife Chapter of this Code.

##### 4-1-2 Policy

It is the policy of the Confederated Tribes of the Colville Reservation (Confederated Tribes, Colville Tribes, Tribes) to restore, preserve, protect and perpetuate the fish and wildlife resources on the Colville Indian Reservation, the North Half, and off the Colville Reservation to the extent that wildlife passes through or would pass through the traditional territories and aboriginal lands of the Tribes.

(Amended xx/xx/24, Resolution 2024-xxx)

##### 4-1-3 Legislative Intent

(a) Pursuant to the power vested in it by Article V of the Constitution of the Confederated Tribes of the Colville Reservation, the Business Council of the Tribes recognizes the spiritual, cultural, and economic value of the fish and wildlife resources of the Colville Reservation, the North Half, and within the aboriginal and traditional territories of the Colville Confederated Tribes are an irreplaceable tribal asset. The unregulated use of the resources of the Tribes would threaten the political integrity, economic security, and health and welfare of the Tribes. It is the duty of the Tribes to regulate, manage, and properly harvest fish and wildlife resources and hereby enacts this Fish and Wildlife Chapter to ensure proper management of and support for these vital resources.

(b) The Colville Tribal people have the absolute, inherent, retained right to use and enjoy the Colville Reservation and the resources located thereon. In regulating fish and wildlife resources, the Colville Business Council intends that tribal members shall be afforded the greatest possible freedom to use and enjoy these resources consistent with the conservation and improvement of these resources for future generations. Although fish and wildlife are not culturally considered as property which someone can own, all fish and wildlife found on the Reservation, whether resident or migratory or introduced, is under the jurisdiction of the Colville Tribes and shall be regulated by the Tribes, and may be taken only at such times, in such places, and in such a manner as provided by tribal law and outlined in this Chapter.

(c) Of secondary importance is the policy of permitting the limited use of the wildlife resources of the Reservation by non-members for the economic benefit of the Tribes as a whole, and for the promotion of intercultural education and good will.

(d) The Tribes has a special duty to manage the fish and wildlife resources located off the Reservation, and on the North Half of the Colville Reservation in order to ensure that tribal members have a fair and equitable opportunity to gather fish and wildlife where available, ensure the proper conservation of fish and wildlife located off the Reservation, provide for public safety in the gathering of such fish and wildlife and to work for the mitigation and enhancement of the resources available so to guarantee that fish and wildlife will be available into the future.

(Amended xx/xx/24, Resolution 2024-xxx)

(Amended 8/6/09, Resolution 2009-580)

##### 4-1-4 Scope and Coverage of Chapter

This Chapter and all regulations adopted under this Chapter shall apply to all persons who gather fish and/or wildlife, or engage in any activity related to hunting or fishing on the Colville Indian Reservation, to members gathering fish and/or wildlife on the North Half, and to members who gather fish and/or wildlife off-Reservation pursuant to rights held by the Confederated Tribes of the Colville Reservation to the full extent of the Colville Tribes' authority and jurisdiction.

(Amended xx/xx/24, Resolution 2024-xxx)

##### 4-1-5 Jurisdiction and Management

(a) Except as otherwise provided by this Chapter, the Colville Tribes, through the Colville Business Council, Tribal Court, and such other tribal entities as are designated by tribal law, shall have absolute,

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original, and exclusive jurisdiction to regulate and adjudicate all matters pertaining to fish and wildlife (whether resident, migratory, native, or introduced) found on the Reservation, such other lands as have been or may be added to the Reservation, allotments, and all other lands owned by the Tribes (whether in fee or trust) wherever, located.

(Amended xx/xx/24, Resolution 2024-xxx)

(b) To the greatest extent permissible by law, the provisions of this Chapter shall apply to any person on lands in the North Half and on other lands where the Colville Confederated Tribes may be authorized to enforce its interests or rights and to any member asserting rights held by the Tribes without regard to location. By agreement approved by the Colville Business Council such authority may be delegated, or carried out through cross deputization agreements as deemed necessary.

(Amended xx/xx/24, Resolution 2024-xxx)

(c) The Colville Tribal Court or such other tribunal as designated by the Colville Business Council shall have exclusive jurisdiction over all violations of this Chapter and any regulation adopted pursuant thereto except as this Chapter reserves that authority to the Colville Business Council or allows for potential federal prosecution.

(Amended xx/xx/24, Resolution 2024-xxx)

(d) To the greatest extent permissible by law, the provisions of this Chapter shall apply to any person on lands in the traditional and aboriginal territories of the Tribes (including those located in Canada) over which they have authority and jurisdiction and to any member asserting rights held by the Tribes without regard to location. By agreement approved by the Colville Business Council such authority may be delegated, or carried out through cross deputization agreements as deemed necessary.

(Amended xx/xx/24, Resolution 2024-xxx)

#### 4-1-6 **Definitions**

In this Chapter, unless the context requires another meaning, the following terms shall mean:

(a) "Aboriginal hunting and fishing rights" means those rights to hunt and fish in the territory occupied by the Colville Tribes traditionally.

(Amended xx/xx/24, Resolution 2024-xxx)

(b) "Artificial light" means any light produced by other than natural sources, including but not limited to, jacklights, spotlights, flashlights or vehicular headlights.

(c) "Bait" means any biological organism, vertebrate or invertebrate, live, dead, or artificial that may be used for the purpose of taking fish or trapping/harvesting animals.

(d) "Beach seine" (drag seine) shall be defined as fishing gear consisting of a lead line, cork line, auxiliary lines, and a mesh net webbing fashioned in such a manner that it can be used to encircle fish in waters adjacent to any beach, with the catch landed directly on the beach.

(e) "Biological personnel" means persons trained in biological and/or wildlife management who are employed by, or are working with, the Colville Tribes and whose duties include advising on the management and/or enhancement of Tribal fisheries, wildlife populations, and habitat management.

(f) "Colville Business Council" or "Council" means the elected governing body of the Confederated Tribes of the Colville Reservation as prescribed in Article II of the Colville Constitution.

(g) "Buyer" means a person who purchases fish or game for resale.

(h) "Ceremonial fishing" means the taking of fish for use in tribal ceremonies and/or for religious purposes. Only enrolled members of the Colville Tribes shall exercise ceremonial fishing rights.

(i) "Ceremonial hunting" means taking of game for use in tribal ceremonies and/or for religious purposes. Only enrolled members of the Colville Tribes shall exercise ceremonial hunting rights.

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- (j) "Chumming" means scattering feed or other material to attract fish to a location.
- (k) "Closed area" means those portions of the Colville Reservation not open for either hunting and/or fishing of a species, and those areas off the Reservation or on the North Half not open for tribal hunting and/or fishing.
- (l) "Closed season" means all of the time during the entire calendar year excepting the "open season" as specified by this Chapter or regulation.
- (m) "Closed waters" means any lake, river, stream, body of water, or any part thereof on or off the Reservation described or designated by this Chapter or regulation wherein it shall be unlawful to fish for certain species.
- (n) "Colville Indian people" means enrolled members of the Confederated Tribes of the Colville Reservation.
- (o) "Commercial fishing" means the harvesting of fish with the intent to sell, trade or barter them to any person in return for money, property or other consideration. Commercial fishing shall not include the sale or exchange of fish with other tribal members for use by the tribal member purchaser for personal consumption.  
(Amended xx/xx/24, Resolution 2024-xxx)
- (p) "Committee" means the Natural Resources Committee established by the Colville Business Council.  
(Amended xx/xx/24, Resolution 2024-xxx)
- (q) "Conveyance" means terrestrial or aquatic vehicles including, vessels, aircraft, motorboat, sailboat, personal watercraft, trailer, or any other means or method of transportation  
(Amended 05/04/17, Resolution 2017-252)
- (r) "Daily bag limit" means the maximum number of wildlife which may be taken or possessed by any person, specified and fixed by this Chapter or any regulations of the Business Council for any twenty-four (24) hour period, including size, sex or species.
- (s) "Deleterious Exotic Wildlife" means animals that are not native to the Colville Reservation and the Traditional Lands of the Confederated Colville Tribes and that pose a serious potential threat to native wildlife or habitat. Potential threats include: disease, competition for existing habitat, inter-breeding and potential genetic contamination.
- (1) Deleterious exotic fish species include, but are not limited to: walking catfish (*Clarias batrachus*) and all members of the Clariidae family; diploid grass carp (*Ctenopharyngodon idella*), rudd (*Scardinius erythrophthalmus*), ide (*silver orfe or golden orfe*) (*Leuciscus isus*); bowfin (mudfish, grinnel, cotton fish, dogfish) (*Amia calva*); piranha and all species of the genera *Serrasalmus*, *Rooseveltiella*, and *Pygocentrus*; all gars (alligator, longnose, etc.) (*Lepisosteus spp.*); snakeheads and all forms of the genus *Channa* (or *Ophicephalus*); northern pike (*Esox lucius*).
- (2) Deleterious exotic mammal species including but not limited to: mongoose and all members of the genus *Herpestes*; wild boar (*Sus scrofa*) and all wild hybrids; collared peccary (*Tayassu tajuca*); all members and hybrids of the following genera – *Rupicapra* (chamois), *Hemitragus* (tahr), *Capra* (goats and ibexes except domestic goat *Capra hircus*, *Ammotragus* (barbary sheep or aoudad), *Ovis* (sheep, except domestic sheep *Ovis aries* and California Bighorn sheep *Ovis canadensis*), *Damaliscus* (*sassabies*), *Connochaetes* (wildebeests), and *Alcelaphus buselaphus* (hartebeest); European red deer (*Cervus elaphus elaphus*), all non-native species of *Cervus elaphus*, and all hybrids with North American elk; fallow deer (*Dama dama*); axis deer (*Axis axis*); rusa (*sambar deer*) (*Cervus unicolor*, *Cervus timorensis*, *Cervus mariannus* and *Cervus alfredi*); sika deer (*Cervus nippon*); roedeer (all members of the genus *Capreolus*, reindeer (all members of the genus *Rangifer* except woodland caribou *Rangifer tarandus caribou*).
- (3) African clawed frog (*Xenopus laevis*); Mute swan (*Cygnus olor*); and Zebra mussels (including *Dreissena polymorpha* and other similar species commonly known as quagga (*D. bugensis*).

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- (t) "Department" means within the subpart of this Chapter shall be defined within its contexts as either the Fish and Wildlife Program of the Colville Tribes or the Natural Resources Department of the Colville Tribes.
- (u) "Depredation" means any act by a wild animal that causes the destruction of or damage to property.
- (v) "Depths of net" means the total distance between cork and lead lines measured perpendicular to either cork or lead line.
- (w) "Director" means the person selected to administer the Tribal Fish and Wildlife Department.
- (x) "Drift net" (pole net) means a gill net which is not staked, anchored or weighted so that it may drift free.
- (y) "Fish" when used as a noun herein, shall include, all animals included in the order Pisces.
- (z) "Fish" used as an adjective or verb and its derivatives, "fishing, fished, etc." means any effort made to kill, injure, disturb, capture or catch fish.
- (aa) "Fishery management period" means a time interval during which the majority of individuals of a fish species are accessible to capture. A management period is specific to a species and a single species may have more than one management period during the course of the year depending upon the cycle of that species.
- (bb) "Fishing permit" means a permit required by the Business Council for the taking of fish on the Reservation.
- (cc) "Fishing gear" means all types and sizes of apparatus including scaffolds used to take fish defined in this Chapter or by regulation including but not limited to hooks, nets, spears, gaffs, lines, traps and appliances. The functional definition of any type of gear may be modified by Tribal regulation notwithstanding any definition contained herein.
- (dd) "Fishing lure" means any artificial bait, that may be used for the purpose of taking fish.
- (ee) "Fur-bearing animals" means those animals whose skins are used commercially as fur and are designated as fur bearing animals by the Council.
- (ff) "Gaff or snag line" means hand operated gear which is used to impale fish by pursuing and striking the individual fish with the gear.
- (gg) "Game animals" means wild animals that are normally hunted for food or sport and are designated as game animals by the Council.
- (hh) "Game birds" means wild birds that are normally hunted for food or sport and are designated as game birds by the Council.
- (ii) "Game fish" means aquatic cold blooded wildlife that are normally harvested for food and are designated as "game fish" by the Council.
- (jj) "Gill net" means a net of a single web construction bound at the top by a cork line and at the bottom by a lead line. Gill nets operated when mature salmon are present shall not exceed one-thousand eight-hundred (1,800) feet in overall length unless other length requirements are provided by tribal regulations.
- (kk) "Hand dip net" (dip bag net) means a section of netting distended by a rigid frame, operated by a process commonly recognized as dipping. Such nets may be of a size as determined by tribal regulation.
- (ll) "Harassing" or "harassment of person" means a course of conduct directed at a specific person that causes substantial emotional distress in such person and serves no legitimate purpose.

(mm) "Harassment of wildlife" means to engage in any act which demonstrates a disregard for the well being of wildlife or which creates the likelihood of injury, or disrupts normal behavior patterns of wildlife including feeding, watering, resting, and breeding. Such acts include, but are not limited to, chasing, pursuing, herding, or attempting to take wildlife.

(nn) "Head of household" means any member of the Tribes who is solely or substantially responsible for providing his or her own care and maintenance or that of his family.

(oo) "Highway legal" means any motorized vehicle legal to operate on all public, all primary and secondary highways, state highways and interstate highways, including the entire right-of-way.

(pp) "Highway road" means all primary and secondary state highways and interstate highways, including the entire right-of-way.

(qq) "Hook and Line" means a simple line, attached to no more than two (2) single barbed hooks or a single triple-barbed hook.

(rr) "Hunt or Hunting" means shooting, shooting at, chasing, driving, flushing, attracting, brushing, pursuing, trapping, stalking or lying in wait for any wildlife whether or not such wildlife is then or subsequently captured, killed, taken, or wounded. Such term does not include stalking, attracting, searching for or lying in wait for any wildlife by an unarmed person solely for the purpose of watching wildlife or taking pictures or making sound recordings thereof.

(ss) "Indian" means any person of Indian descent who is a member of a federally recognized Indian Tribe according to the laws of that tribe, and any other person recognized by federal or tribal law as an Indian for any purpose, and denotes both the singular and the plural.

(tt) "Lampara" (round haul) means fishing gear having no purse line or rings, but employing a lead line, cork line, special tag, or auxiliary lines attached to the lead line and webbing in such a manner that the fish are encircled in open water.

(uu) "Loaded weapon" means a firearm that has a bullet in the chamber.

(Amended 8/6/09, Resolution 2009-580)

(vv) "Member" or "tribal member" means any person who is enrolled in the Confederated Tribes of the Colville Reservation (Colville Confederated Tribes, Colville Tribes, or Tribes).

(ww) "Migratory waterfowl" means those birds classified as waterfowl and protected under the Federal Migratory Bird Treaty Act.

(xx) "Minor" means for purpose of this Chapter only, any person under the age of sixteen (16) years.

(yy) "Natural resources enforcement officer(s)" means the person or persons charged with the responsibility of enforcing this Chapter regulations and tribal resolutions promulgated hereunder and shall include all Colville Tribal:

- (1) Police officers;
- (2) Parks & Recreation Program law enforcement personnel;
- (3) Fish & Wildlife Program law enforcement personnel;
- (4) Regulatory enforcement officer; and
- (5) Any other qualified individual authorized by the Business Council to act as a natural resources enforcement officer under this Chapter.

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(zz) "Non-highway road" means any public road within the boundaries of the Colville Reservation, except highways.

(aaa) "Non-motorboats" means boats that are not powered by a motor, power plant, gas or electric engine, i.e., boats powered by oars, canoe, paddleboat, float tube, kayak and rubber rafts.

(bbb) "Non-motorized vehicle" means cycles or similar devices that are wheeled, operator-propelled equipment which transports the operator on land, except all wheelchairs, to include but not limited to unicycles, bicycles, tricycles, carts, skateboards and scooters.

(ccc) "Non-protected animals" means wild birds and animals that may be hunted throughout the year as authorized by the Council.

(ddd) "Net length measure" means that length of any net measured along the cork or top line.

(eee) "North Half" means all lands of the Colville Reservation as set apart in the Executive Order of July 2, 1872, that were ceded to the United States pursuant to the Agreement of May 9, 1891, in which the Tribes holds reserved rights to hunt, fish, and gather, and which consists generally of the lands between the current northern boundary of the Reservation and the Canadian border and between the Okanogan and Columbia rivers.

(Amended 8/11/98, Resolution 1998-603)

(fff) "Nuisance device" is any device designed to silence, muffle, or minimize the report of any firearm, whether separated from or attached to such firearm; any net, trap, crossbow, explosive, poisonous or stupefying substance, or device which is set, used or intended for use in taking wildlife in violation of this Chapter.

(ggg) "Off-reservation" means all lands, territories, waters and streams located outside the Colville Reservation as defined in section 1-1-361 of this Code, including but not limited to the North Half.

(Amended 8/11/98, Resolution 1998-603)

(hhh) "On reservation" means within the exterior boundaries of the Colville Reservation as defined in section 1-1-361 of this Code.

(Amended 8/11/98, Resolution 1998-603)

(iii) "Open season" means the time specified by regulation or this Chapter when it is lawful to fish or hunt.

(jjj) "Open waters" means those waters opened by in-season regulation for specific management purposes.

(kkk) "Open and Unclaimed Lands" means all public lands located outside the Colville Indian Reservation that are available to Tribal members for hunting, fishing, and gathering by executive order, statute, agreement, or other applicable law, where such activities are not inconsistent with the purpose of the public lands.

(Amended xx/xx/24, Resolution 2024-xxx)

(lll) "Person" means any individual, firm, partnership, association or corporation.

(mmm) "Pollution" or "to pollute" means the introducing by any means of any substance in liquid, solid or gaseous form into or upon Reservation resources in sufficient quantities as may be directly or indirectly injurious to the health, safety or welfare of the Reservation population or which may be directly or indirectly injurious to livestock, wildlife, and their habitat.

(nnn) "Possession limit" means the maximum numbers of a given wildlife species that may be possessed.

(ooo) "Predator" means wild birds and animals: (1) whose primary method of feeding is by killing and eating other animals and (2) that may be hunted throughout the year as authorized by the Council.

(ppp) "Protected wildlife or species" means those species of wildlife whose members exist in Washington in a wild state and for which hunting is closed or otherwise regulated.

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(1) "Endangered species" means wildlife identified under federal or state law as being likely to become extinct.

(2) "Threatened species" means wildlife identified under federal or state law as being likely to become endangered of extinction.

(qqq) "Public highway" means every road, regardless of surface, maintained by federal, state, county or other public funds.

(Amended 8/6/09, Resolution 2009-580)

(rrr) "Regulation" means any rule, regulation, resolutions or ordinance promulgated pursuant to this Chapter.

(Amended 8/6/09, Resolution 2009-580)

(sss) "Resolution" means a written action or decision by the Colville Business Council of the Colville Confederated Tribes including the enactment of a tribal law or laws.

(Amended 8/6/09, Resolution 2009-580)

(ttt) "Reservation" means the Colville Reservation as defined in section 1-1-361 of this Code.

(Amended 8/6/09, Resolution 2009-580)

(Amend 8/11/98, Resolution 1998-603)

(uuu) "Scaffold" means the permanent or temporary structure attached to the shore from which fishing takes place.

(Amended 8/6/09, Resolution 2009-580)

(vvv) "Shoreline" means all Type 1, Type 2, Type 3, and Type 4 waters of the Reservation as defined in CTC § 4-15-5 et seq., including reservoirs, and their associated shorelines, floodplains and wetlands, together with the lands underlying them. Shoreline includes all beaches of the Reservation.

(Amended 8/6/09, Resolution 2009-580)

(www) "Shoreline jurisdiction" means those lands subject to the regulation contained in the Shoreline Management Program. Such lands include those extending landward 400 feet on a horizontal plane from the ordinary high water mark of Type 1 waters; 300 feet on the horizontal plane from the ordinary high water mark of Type 2 waters; 200 feet on a horizontal plane from the ordinary high water mark of Type 3 waters; and 100 feet on the horizontal plane from the ordinary high water mark of Type 4 waters; including any floodways and contiguous floodplain areas and all wetlands associated with the streams and lakes which are subject to the provisions of this policy.

(Amended 8/6/09, Resolution 2009-580)

(xxx) "Shorelines of the Reservation" are the total of all "shorelines" within the Reservation.

(Amended 8/6/09, Resolution 2009-580)

(yyy) "Spouse" for purposes of this Chapter means a wife or husband of an enrolled tribal member.

(Amended 8/6/09, Resolution 2009-580)

(zzz) "Stretched mesh measure" means the distance between the inside of one (1) knot to the outside (vertical) knot of one (1) mesh when while wet, by using a tension of ten (10) pounds of any three (3) consecutive meshes, then measuring the middle mesh of the three (3) while under tension.

(Amended 8/6/09, Resolution 2009-580)

(aaaa) "Subsistence fishing" means the taking of fish by enrolled Colville members for consumption by tribal members and their immediate families or other tribal members. Subsistence fishing is exclusive of fishing for commercial or ceremonial fishing, except that subsistence fish may be sold for personal consumption to other Tribal members.

(Amended 8/6/09, Resolution 2009-580)

(bbbb) "Taking" means pursuing, hunting, netting, (including placing or setting any net or other capturing

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device), fishing, killing, capturing, snaring, or trapping wildlife or attempting any of the foregoing.

(Amended 8/6/09, Resolution 2009-580)

(cccc) "Tangle-nets" means a net of loosely strung multi-filament construction and intended to entangle adult salmonids by the maxillary or teeth and not by the gills or body. Overall net length shall not exceed one-thousand eight-hundred (1,800)

(dddd) "Taxidermy" means the art or process of stuffing and mounting fish or wildlife skins in lifelike form.

(Amended 8/6/09, Resolution 2009-580)

(eeee) "Test fishery" means a fishery allowed on a limited basis for the purpose of acquiring technical or management information including run strength, time, composition, gear selectivity, exploitation rate and enhancement possibilities.

(Amended 8/6/09, Resolution 2009-580)

(fff) "Trail" means any path used for travel, which is not necessarily suitable for travel by automobile.

(Amended 8/6/09, Resolution 2009-580)

(gggg) "Trespass" means to:

(1) Enter upon the real property of another that is posted to prohibit trespassing, is fenced or contains obvious outward signs of habitability without permission of the owner or the owner's agent;

(2) Enter tribal lands that are not specifically posted as open to the public;

(3) Refuse to depart from or re-enter the Colville Reservation in violation of an order of exclusion issued by the Tribal Court as provided by this Code; or

(4) Take any other action identified as trespassing under this Chapter.

(Amended 8/6/09, Resolution 2009-580)

(hhhh) "Tribal fishers" means any person a member of the Colville Confederated Tribes, who is exercising any tribal fishing right.

(Amended 8/6/09, Resolution 2009-580)

(iiii) "Tribal land" means land owned by the Confederated Tribes of the Colville Reservation or a tribal member and/or land held in trust by the United States for the Tribes or individual Tribal members.

(Amended 8/6/09, Resolution 2009-580)

(jjjj) "Troll line" shall be defined as a fishing line used to drag lures or fresh bait behind a moving vessel.

(Amended 8/6/09, Resolution 2009-580)

(kkkk) "Unprocessed wildlife" means the carcass or edible parts of any wildlife that have not yet been processed for final storage or consumption.

(Amended 8/6/09, Resolution 2009-580)

(llll) "Unprotected species" means any species which may be hunted or taken at any time of year in any number.

(Amended 8/6/09, Resolution 2009-580)

(mmmm) "Usual and accustomed grounds and stations" means all those fishing places and areas where ancestral members of the Confederated Tribes fished prior to entering into agreements with the United States, and where today access is protected by agreements or aboriginal rights.

(Amended xx/xx/24, Resolution 2024-xxx)

(Amended 8/6/09, Resolution 2009-580)

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(nnnn) "Waste" means the abandonment or deterioration of those portions of fish or game normally utilized for human consumption.

(Amended 8/6/09, Resolution 2009-580)

(oooo) "Watercraft" means any boat or other floating device of rigid or inflatable construction which is designed to carry people or cargo on the water, and which is propelled by machinery, oars, paddles, or wind action on a sail; except makeshift contrivances constructed of inner tubes or other floatable material and not propelled by machinery, personal floatation devices worn or held in hand, and other objects used as floating or swimming aids.

(Amended 8/6/09, Resolution 2009-580)

(pppp) "Wildlife" means all fish, birds, mammals, amphibians, reptiles, aquatic invertebrates, and insects, including their eggs or gametes and all life stages, located on the Colville Reservation or migrating to the Colville Reservation, or available on the North Half, or off the Reservation at usual and accustomed grounds and stations, on open and unclaimed lands, or in aboriginal lands, excluding domestic animals.

(Amended 5/4/17, Resolution 2017-252)

(Amended 8/6/09, Resolution 2009-580)

#### **NATURAL RESOURCES COMMITTEE; DIRECTOR, FISH AND WILDLIFE PROGRAM; MEMBERSHIP AND RESPONSIBILITIES**

#### **40. Director, Fish and Wildlife Program**

(a) The Director of the Fish and Wildlife Program shall be responsible for:

- (1) Managing Colville tribal hunting and fishing;
- (2) Coordinating the management of tribal hunting and fishing with the tribal biological personnel and with other tribal, federal, and state regulatory agencies;
- (3) Adopting general hunting and fishing regulations subject to review and approval by the Natural Resources Committee and the Colville Business Council, and in-season regulations as allowed under this Chapter;
- (4) Wildlife restoration and enhancement efforts of the Tribes;
- (5) Supervising all activities, and personnel of the Fish and Wildlife Program, enforcing all provisions of this Chapter in coordination with the Natural Resources Enforcement Program, and any rules and regulations promulgated thereunder; except natural resources enforcement officers shall serve under the Chief of Natural Resources Enforcement.
- (6) Hiring and firing pursuant to tribal policy all Fish and Wildlife Program personnel;
- (7) Carrying out any other duties delegated under this Chapter or by the Colville Business Council. Duties delegated by the Colville Business Council must be by Resolution;
- (8) Providing for the assembly and distribution of information to the public relating to wildlife and the activities of the Fish and Wildlife Program pursuant to the media policies in effect for the Tribes.

(b) The director may be removed from his position pursuant to the Employee Policy Manual in effect at the time of removal.

(Amended xx/xx/24, Resolution 2024-xxx)

#### **41. Natural Resources Committee; Members; Meetings**

(a) The laws of the Tribes relating to conservation and management of wildlife and recreation resources shall be coordinated by the Natural Resources Committee, which shall be appointed by the Colville Business Council. Members shall be well informed on the subject of fish and wildlife and the requirements for their conservation.

(Amended xx/xx/24, Resolution 2024-xxx)

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(b) The Committee will operate in the same manner as other Committees of the Colville Business Council and will be bound by the same provisions.

(Amended xx/xx/24, Resolution 2024-xxx)

#### **42. General Powers and Duties of the Natural Resources Committee**

(a) The Committee shall have the same powers and duties of other Committees of the Colville Business Council, and will operate in the same manner.

(1) Review rules and regulations proposed by the director of the Natural Resources Department and the director of the Fish and Wildlife Program, and where appropriate make such rules and regulations and establish such services as it deems necessary to carry out the provisions and purposes of this Chapter, subject to the approval of the Colville Business Council;

(2) Recommend to the Colville Business Council broad policies and long range programs for the restoration, management, preservation, and harvest of wildlife;

(3) Exercise such powers and duties as are necessary to fully carry out the provisions of this Chapter, or that are delegated to it by the Colville Business Council.

(b) Unless otherwise provided by this Chapter, any decision by the committee on a contested case proceeding under this Chapter, shall be considered final for purposes of judicial review in accordance with the administrative procedures provisions of this Code.

(Amended xx/xx/24, Resolution 2024-xxx)  
(Amended 8/6/09, Resolution 2009-580)

### **FISHING, HUNTING ELIGIBILITY REQUIREMENTS**

#### **70. Those Eligible to Hunt and Fish**

(a) Members: Those persons enrolled in the Colville Tribes shall be eligible to exercise fishing and hunting rights under this Chapter.

(b) Tribal members may only exercise fishing and hunting rights on-Reservation, on the North Half, and off-Reservation pursuant to tribal regulation.

(c) Non-members may only exercise the privilege to hunt and fish on the Colville Reservation only pursuant to tribal regulation and only after first obtaining the required permit or license.

(Amended xx/xx/24, Resolution 2024-xxx)

#### **71. [RESERVED]**

#### **72. Biological Personnel**

(a) Biological personnel of the Colville Tribes may take and possess fish and game of all species for scientific, management, and/or enhancement purposes, provided, that such personnel:

(1) Obtain an identification card from the director;

(2) Keep a cumulative record of all fish and/or game taken, which shall be produced for inspection upon request by the director;

(3) The collection and use of fish and/or game is for a valid biological reason that is communicated with the personnel's chain of command and/or the Director.

(b) Fish taken under the authority of this section are not to be sold or used by biological personnel for personal gain, but are to be disposed of only as directed by the director.

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(c) Any attempt by biological personnel to circumvent this section or to abuse the privilege granted herein shall be grounds for immediate dismissal from employment with the Tribes pursuant to the employee policy manual in effect at the time of the violation.

(Amended xx/xx/24, Resolution 2024-xxx)

## TRIBAL IDENTIFICATION, GEAR IDENTIFICATION AND REPORTING

### 100. General Provisions

Persons eligible to exercise fishing and hunting rights under this Chapter shall, prior to the exercise of such rights, first obtain the required documents listed in this chapter. Fishers and hunters must have the appropriate documents in their possession while:

- (a) Fishing, or hunting;
- (b) Traveling to or from fishing or hunting activity;

(Amended xx/xx/24, Resolution 2024-xxx)

### 101. Tribal Identification

A member who fishes or hunts shall utilize his/her tribal membership card as identification.

(Amended xx/xx/24, Resolution 2024-xxx)

### 102. Other Identification, Tribal Member Permits

(a) Biological personnel authorized to take and possess fish under the provisions of this Chapter shall obtain an identification card issued by the director. Said identification card shall show:

- (1) The name, photograph and physical description of the employee;
- (2) The tribal employer;
- (3) Any other information the Colville Business Council deems appropriate.

(Amended xx/xx/24, Resolution 2024-xxx)

(b) An identification card issued pursuant to this section shall be surrendered to the director upon request, or upon termination of tribal employment.

(c) A tribal member who hunts off-Reservation shall obtain a license or tag from the department if required by regulation. The license or tag shall be issued without cost.

(Amended xx/xx/24, Resolution 2024-xxx)

(d) Tribal members hunting or fishing on the Colville Reservation, or on the North Half during special hunts **must** also obtain a tag or special membership permits if established by regulation adopted pursuant to this Chapter.

(Amended xx/xx/24, Resolution 2024-xxx)

(e) The director may require each person exercising off-reservation fishing or hunting rights under this Chapter to also secure any other identification that may be required through any inter-tribal agreement that the Tribes may become a party to.

(f) All special identification cards and permits issued pursuant to this Chapter (excluding tribal membership cards) shall remain the property of the Colville Tribes and shall be returned to the department upon request of the Colville Business Council, as recommended by the director or the committee, or pursuant to Tribal Court order. The director may propose additional requirements necessary to properly manage the resource.

(Amended xx/xx/24, Resolution 2024-xxx)

(g) It shall be unlawful for any tribal member to fish or hunt on or off the Reservation or on the North Half without first obtaining and having on his possession all identification required by this chapter.

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## ON-RESERVATION, NON-MEMBER PERMITS

### **140. Permit Required**

(a) Except as provided under this subchapter, no person who is not a member of the Colville Tribes shall take or attempt to take any wildlife on the Colville Reservation unless at the time of taking or attempted taking he has a valid tribal permit to do so in his possession.

(b) No person taking or attempting to take fish and/or wildlife on the Reservation shall fail or refuse to exhibit his permit(s) to a natural resources enforcement officer upon request.

(c) Fees and regulations to carry out the provisions of this section shall be prescribed by the committee and approved by the Colville Business Council.

(Amended xx/xx/24, Resolution 2024-xxx)

### **141. Form and Contents of Permits; Duplicated Permits; Period of Validity**

(a) Permits shall be prepared by the Fish and Wildlife Department and furnished to the dealers authorized to issue permits. Permits shall be issued in the name of the Colville Tribes. Each permit shall be signed by the permittee in ink on the face thereof or electronically through the Tribes' approved electronic format, and any permit not so signed is invalid. With each permit the department shall provide such tags as the committee may prescribe, which the permittee shall attach to the game animal in such a manner as is prescribed by the committee.

(Amended xx/xx/24, Resolution 2024-xxx)

(b) It shall be unlawful, except as provided by the committee, for any person to obtain and sign as a permittee in any one permit period more than one original permit for the taking of each wildlife species. The director may issue a duplicate permit, provided that the person requesting such duplicate permit furnishes the information deemed necessary. A fee to be determined and published by the committee shall be collected for each duplicate permit issued.

### **142. Permit Agreement Required**

All persons to whom permits are issued by the Colville Tribes shall be required to sign a PERMIT AGREEMENT before any such permit shall be valid. The PERMIT AGREEMENT shall be signed by the applicant if the permit is issued in person, or acknowledge electronically if the permit is issued electronically.

(Amended xx/xx/24, Resolution 2024-xxx)

### **143. Particular Permits**

(a) Hunting permits:

(1) Permits for hunting by non-Tribal members shall be issued only pursuant to special regulations approved by the Colville Business Council.

(2) The Colville Business Council may approve general hunting seasons, or if required to conserve the resources or property, allocate its harvest or appropriate special hunting seasons for other game and game birds.

(3) Game hunting shall be controlled by season and area regulations developed by the Fish and Wildlife Department and approved by the Business Council for the particular species to be hunted.

(b) Fishing permits: Any non-member may purchase a fishing permit which shall entitle him to fish during the open season of the permit year at all waters of the Reservation that are open to non-Indians. Fees and regulations, including seasons and the fishing areas to be opened, shall be prescribed by the committee and approved by the Colville Business Council.

(1) Non-members who are married to tribal members shall not have any hunting or fishing privileges by reason of such marriage unless specifically allowed pursuant to regulations approved

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by the Colville Business Council.

(2) The committee, with the approval of the Colville Business Council, may prescribe additional regulations to implement the permit provisions of this Chapter.

(Amended xx/xx/24, Resolution 2024-xxx)

#### **144. Duty to Open**

Nothing in this Chapter shall create a duty to allow any on Reservation non-member hunting or fishing.

#### **145. Sale of Permits; Bond of Permit Dealers**

Hunting, fishing, and other permits may be issued by the Department.

(Amended xx/xx/24, Resolution 2024-xxx)

#### **146. [RESERVED]**

#### **147. Revocation and Denial of Right to Obtain Permit: Notice**

(a) In addition to pursuing the other remedies provided by this Chapter, the director may, after notice and hearing on the record as provided by the administrative procedures provisions of this Code, suspend or revoke, for a period not to exceed five (5) years, the privilege to take wildlife of any non-member who has been found by the Tribal Court to be liable to the Tribes for:

- (1) Unlawfully taking or possessing fish or wildlife;
- (2) Carelessly using a firearm or other weapon;
- (3) Destroying, injuring, or molesting livestock, or damaging or destroying crops, personal property, notices, signboards, or other improvements while taking wildlife;
- (4) Polluting lands or waters within the Colville Indian Reservation while taking wildlife.

The decision of the director may be appealed to the committee within thirty (30) days of the rendering of that decision. The decision of the committee shall be final and not subject to further appeal.

(b) The committee shall furnish to permit dealers the names and addresses of persons whose permits have been revoked or suspended, and the periods for which they have been denied the right to secure permits.

(c) It shall be unlawful for any person to issue a permit of any kind to a person whose privilege to obtain that permit he knows to have been suspended or revoked. Any permit issued to a person whose privilege to have that permit has been revoked or suspended shall be void.

#### **148. Obtaining Permit by Fraud or Assignment**

No person shall, by fraud, misrepresentation, or assignment, obtain a permit to take wildlife, or provide such a permit to another person by such means, and a permit so obtained is void and of no effect from the date of issuance thereof.

#### **149. Transportation Permits**

(a) A person may transport wildlife legally taken by another where the person actually transporting the wildlife shall have in his possession a writing signed by the person who killed the wildlife, where such writing shall include at least the following:

- (1) Name and address of the person killing the wildlife;
- (2) Total number and species taken;
- (3) Date the wildlife was taken; and,
- (4) License or permit number of person killing the wildlife.

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(b) A person who lawfully takes wildlife on the Reservation and who wishes to transport the wildlife off the Reservation shall utilize and retain in his possession the hunting or fishing license used to take the wildlife. Provided, the committee may for specific species prescribe a transportation permit or tag that must be used to transport the wildlife. Transportation tags if required shall be issued without cost by the director.

#### **150. Shipment by Common Carrier**

(a) No person shall deliver for transportation to any common carrier, and no carrier shall transport, any wildlife except as provided under this Chapter.

(b) Unprocessed wildlife may be shipped during the open season, or within two (2) weeks thereafter, but such shipment shall not exceed the possession limit for any one species, and no more than one such possession limit may be shipped in a period of seven (7) consecutive days. When shipped, valid transportation permits as provided under this subchapter shall be firmly attached to such shipment and the shipment shall be clearly and conspicuously labelled with the name and address of the cosigner and consignee and an accurate statement of the contents of the package.

### **TRIBAL HUNTING AND FISHING REGULATIONS PROCEDURE**

#### **180. Adoption of Regulations**

(a) Unless otherwise provided by this subchapter, the Council shall adopt regulations covering all aspects of hunting and fishing under this Chapter.

(Amended xx/xx/24, Resolution 2024-xxx)

(b) In adopting regulations under this section, the **Colville** Business Council shall consider all recommendations made to it by the Natural Resources Committee, the director, **the department**, and the **biologists**.

(Amended xx/xx/24, Resolution 2024-xxx)

(c) The regulations regarding anadromous fish species shall be adopted in each year. Provided, however, that formal adoption of regulations for any particular run of fish may be deferred until such time as the **Colville** Business Council has adequate run strength information; Provided, further, that the regulations for any particular run are distributed to the state and any court with continuing jurisdiction over off-Reservation fishing to which the Colville Confederated Tribes is a party prior to a proposed opening of fishing as provided by federal law, or court order.

(d) The **Colville** Business Council may adopt regulations for any species of fish in addition to those named in subsection (b) and for the taking of game both on or off the Reservation. If such regulations are adopted, they shall be adopted no later than thirty (30) days prior to the proposed opening; Provided, the failure to comply with the thirty (30) day requirement shall not invalidate the enacted regulation. Provided, further, such hunting or fishing seasons, and species available to be taken may be established from time to time during the year by the Business Council. The Natural Resources Committee and/or Director may make recommendations for such regulations.

(e) Notice of regulations related to hunting and fishing which are adopted pursuant to this subchapter shall be posted in a conspicuous place in Nespelem, Keller, Omak and Inchelium. The notice shall state that the regulations will be available for review at the Tribal Fish and Wildlife **Program** and the office of the Tribal Code Reviser. Failure to have regulations at the Code Reviser shall not affect the enforceability of the regulations.

#### **181. In-season Regulations**

(a) Except as provided by this section, the director without obtaining approval from the committee or the **Colville** Business Council may adopt in-season regulations relating to all aspects of hunting or fishing affecting an established season when necessary to conserve the resources, allocate the resources, or conform to applicable federal law. Such regulations may include off-Reservation in-season fishing or hunting regulations to establish special areas, season, gear, harvest limits, special ceremonial or subsistence fishing, or relating to any other aspect of fishing or hunting.

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(b) The director shall notify the committee of any in-season regulations he has adopted as soon as possible.

(c) All in-season regulations shall be consistent with this Chapter, and applicable federal law dealing with off-Reservation hunting and fishing for the necessary conservation and/or equitable allocation of the resource.

(d) The committee may propose a modification to or elimination of an in-season regulation adopted by the director by petitioning the Colville Business Council to overrule the director.

(e) The Colville Business Council shall resolve any dispute between the director and the committee. A challenge commenced under this section shall not affect the in-season regulations until final action by the Colville Business Council.

(f) In-season regulations shall be effective upon their adoption or as provided in the in-season regulation, and shall be enforced:

(1) Upon service on a person either hunting or fishing under the authority of this Chapter; or

(2) After the passage of twenty-four (24) hours from the regulation's adoption whichever is earlier.

In-season regulations shall also be filed with the Code Reviser; Provided, failure to file with the Code Reviser shall not affect the enforceability of the in-season regulations.

### **182. Inter-Tribal Agreements**

The director in conjunction with the committee and the Office of the Reservation Attorney is authorized to negotiate intergovernmental agreements relating to management, allocation, cooperative enforcement, or rights protection with any other tribe, tribal group, the State of Washington, or the Federal Government. No such agreement shall be binding unless approved by resolution of the Colville Business Council.

(Amended xx/xx/24, Resolution 2024-xxx)

### **183. Policy Consideration**

(a) The Colville Business Council recognizes that appropriate management and conservation of the off-Reservation fishery resource may require limiting the total member fishing boats, the type and numbers of gear authorized, the location where certain gear can be authorized, and other policy regulations. These regulations may be necessary to ensure a fair distribution of the resource and its conservation.

(b) The director shall be responsible for the development and presentation of regulations limiting the size of the tribal fishing fleet, and numbers of gear the location where certain gear can be authorized as well as other necessary regulations. All proposed fishing and hunting regulations authorized under this section shall be presented to the Natural Resources Committee for review. Proposed regulations along with any recommendations or comments from the Natural Resources Committee shall be presented to the Colville Business Council. No regulation authorized under this section shall be implemented until approved by the Colville Business Council. Provided, nothing in this section shall limit the director's authority to impose in-season regulations as provided by this Chapter.

(c) In consideration the need for any limitation on the growth of the tribal fleet, the Business Council shall consider the number of harvestable fish available where those fish are best harvested, potential gear conflicts, inter-tribal relationships, and the need to maximize the income of the tribal fisher.

### **184. Other Regulations**

(a) Except as otherwise provided by this section, the Business Council may adopt, amend or repeal rules and regulations covering any activity or procedure under this Chapter other than those related to fishing or hunting in accordance with the administrative procedures provisions for rulemaking under this Code.

(b) The notice of the proposed rulemaking shall specify the time and place at which the Council will discuss and the public may appear and comment in person on the proposed rules and regulations.

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Notwithstanding the administrative procedures provisions of this Code, neither the tribal department proposing the rule nor the Business Council shall be required to accept or consider written comments or hold a public hearing on the proposed rulemaking unless otherwise determined by the Council.

## **TRIBAL TAX (RESERVED)**

## **GENERAL FISHING AND HUNTING PROVISIONS, PROHIBITED ACTS**

### **4-1-210 Persons Responsible to Access Regulation Information**

Persons entering tribal lands of the Colville Tribes shall bear the responsibility of obtaining and/or accessing information on the regulations and rules of this Chapter and for complying with emergency measures as they are adopted, such as but not limited to, fire restrictions and emergency closures of hunting and fishing areas.

(Amended xx/xx/24, Resolution 2024-xxx)

### **4-1-211 Closure**

The Colville Indian Reservation and all lands and water off Reservation fished or hunted by the Colville Tribes and the North Half of the Colville Indian Reservation are closed to fishing and hunting unless specifically opened by properly adopted annual, special or in-season regulations promulgated under this Chapter.

### **4-1-212 Manner of Net Fishing**

(a) All fishing authorized pursuant to this Chapter shall be done in a safe.

(Amended xx/xx/24, Resolution 2024-xxx)

(b) All set nets shall be lifted at least once every twenty-four (24) hour period.

(c) The use of explosive, caustic or lethal chemicals in any form is expressly prohibited in all fisheries. The use of any method of disabling or capturing fish not expressly authorized in this Chapter or by regulation is prohibited.

(d) All nets and boats must be properly lighted. All boats or other craft used in exercising tribal fishing rights shall conform to the applicable United States Coast Guard regulations. The director may develop appropriate regulations to implement this section.

### **4-1-213 Test Fishing**

(a) Test fishing is permitted under the following conditions:

(1) Decision to conduct test fishery: The director shall have the power to authorize a test fishery when in his opinion such a fishery is justified. The director shall determine the type and amount of gear to be used in, and the time period and fishing area for the test fishery. There shall be no test fishery other than as directed by the director.

(2) Selection of participants in test fishery: In order to participate in a test fishery, a fisher must:

(A) Be an enrolled member of the Colville Tribes; or

(B) Be biological personnel employed by the Tribes and authorized under this Chapter to take and possess fish for scientific, management, and/or enhancement purposes; and

(C) Be familiar with both the gear type and the area for which the test fishery has been designated; and

(D) Agree to record and provide to the director all the information regarding the test fishery requested by the director.

In the event more than the number of eligible fishers necessary for the test fishery are interested in participating in said test fishery, the participants shall be chosen by a drawing conducted by the

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director.

(b) Responsibilities of test fishers:

(1) Test fishers shall report all information requested by the director to the director on a daily basis. Failure to report on a daily basis constitutes withdrawal from the test fishery program. Such a withdrawal shall date from the time of the immediately preceding report of information.

(2) Fish taken in test fisheries shall not be sold for the personal profit of the fisher. Fish caught shall be sold on a tribal fish ticket; with the proceeds going to the Tribes.

(3) The test fishers shall strictly obey the gear, time and area restrictions of the test fishing program.

(4) The test fisher shall be compensated for his work at a rate set by the Business Council.

(c) Failure to Comply—Withdrawal: Failure to comply with any of the provisions of this section or any regulation adopted to implement a test fishery shall constitute withdrawal from the test fishing program. Any fishers fishing subsequent to withdrawal from the test fishery shall not be covered by the test fishing regulations of this Chapter; and shall be subject to the other provisions of this Chapter and adopted regulations.

(d) Records to be kept: The director shall maintain permanent records of all data collected in the test fisheries.

**4-1-214 Harvest Reporting**

The director may develop regulations setting out special reporting procedures or requirements related to fishing and hunting under this Chapter if such additional reporting is deemed necessary to manage and conserve the resource.

**4-1-215 Sale of Wildlife**

(a) The Colville Indian Tribal fishers are prohibited from selling fish caught while exercising fishing rights.

(b) It shall be unlawful to sell fish or game taken for subsistence or ceremonial purposes except that salmon taken for subsistence purposes may be sold to another tribal member when the purchaser intends to use the salmon for personal consumption, or the consumption of his immediate family. Unlawful sale of game or fish may be a Class C crime whether the game or fish was taken from the Reservation, or off the Reservation. Individuals in violation of this provision may also be subject to the civil fine outlined in the Damages Schedule approved by the Colville Business Council at the time of the violation.

(Amended xx/xx/24, Resolution 2024-xxx)

(c) A tribal fisher who sells fish to a person, organization, or other entity other than fish buyers licensed by the Tribes, the state, or other tribe shall complete a fish ticket for the sale and return the ticket to the Tribal Fish and Wildlife Program. All sales under this section shall be subject to Tribal tax under this Chapter.

**4-1-216 Accidents**

Any person who, while taking wildlife, is involved in an accident that results in an injury to any person shall immediately report the accident to law enforcement or other emergency services to ensure the individual receives necessary assistance. Failure to do so is considered a violation of this Chapter.”

**4-1-217 Fires**

The willful, negligent, or careless setting or starting of a forest, brush, or grass fire, or other destructive fire by any person while on the Reservation is a violation of this Chapter. This includes fires started by the failure to properly extinguish a campfire. Enforcement action under this Chapter for the violation of this section shall not relieve a person from liability under any other provision of tribal law relating to fire control.

**4-1-218 Wild Animals Depredations**

(a) Any person suffering depredation may:

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(1) Exercise all reasonable measures to alleviate such damage not including injuring or killing wildlife except in cases where the offending animal poses an immediate threat of death or injury to any person;

(2) After resorting to such relief, as is provided in this subsection, file a written report with the director advising him of the damage suffered, the species of animals causing such damage and any abatement actions that have been or are being taken.

(b) Upon the filing of a report by a person suffering depredation under this section, the director shall forthwith order an investigation, report and recommendation by an employee trained in the handling of wild animal depredations. The complainant shall be informed of the results of the report and any recommended action to be taken.

(c) If removal of animals is found to be necessary to prevent further damage, the Natural Resources Committee may:

(1) With the approval of the Colville Business Council, establish special seasons and/or special bag limits and either set reduced fees or waive any or all permit fees required by this Chapter for the taking of such wildlife;

(2) Issue a special permit for the taking of such wildlife to the property owner suffering damage, if the director determines that the method authorized by subsection 4-1-218(a)(1) is impractical. The edible portions of all such wildlife taken by the person suffering damage shall be turned over to the director for delivery to a public institution, charitable organization or for the non-commercial use of a tribal member or tribal Indian organization; or,

(3) Direct a natural resources enforcement officer to trap, capture, or otherwise take such wildlife for removal.

(d) The natural resources enforcement officers shall provide technical advice and shall assist in the necessary anti-depredation measures established by the Natural Resources Committee.

(Amended 8/6/09, Resolution 2009-580)

(e) Uncontrolled dogs that are pursuing, harassing, attacking, or killing game animals, game birds or other protected wildlife may be taken into custody or destroyed if necessary, by any department personnel. Department personnel who take into custody or destroy a dog pursuant to this subsection are immune from civil or criminal liability arising from their actions.

(f) It shall be unlawful for any person to kill or injure any deer, elk, moose, or big horn sheep involved in a depredation or nuisance situation unless expressly authorized by this Chapter or the Colville Business Council. Nothing in this section shall be construed as prohibiting the taking of any wildlife by persons lawfully authorized to do so by regulation or permit.

#### **4-1-219 Nuisance Animal**

The director may establish procedures for the abating of nuisance animals on the Colville Reservation, and/or the taking and destroying of injured animals, subject to the approval of the Natural Resources Committee. Any person who has knowledge of animals that are creating a nuisance or injury shall contact the director. Nuisance animal means any native, non-native, deleterious exotic wildlife, or domesticated animal that endangers the life or health of wildlife, or substantially interferes with Tribal Members, their property, and/or their ability to utilize Tribal lands.

(Amended xx/xx/24, Resolution 2024-xxx)

#### **4-1-220 Wildlife Research**

The Director of the Fish and Wildlife Program may provide authorization for the taking of wildlife for research or data gathering purposes conducted by biological personnel.

(Amended xx/xx/24, Resolution 2024-xxx)

## **PROHIBITED ACTS**

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**4-1-240 [RESERVED]**

**4-1-241 Violations of Chapter or Regulations**

No person shall take any action which is a violation of any provision of this Chapter or any regulation adopted pursuant to this Chapter. No person shall kill, take, or catch any species of bird, animal or fish in excess of the number fixed as the bag or possession limit. No person shall hunt or trap for any birds or animals within the boundaries of any closed area or fish within any closed waters.

**4-1-242 Possession**

(a) No person shall have in his possession or under his control any unprocessed bird, animal or fish during the closed season or in excess of the bag limit, or without the required permit or tag.

(b) No non-tribal member shall be in possession of unmarked (wild) salmon, steelhead, cutthroat, and/or kokanee.

(c) Tribal members who shall take, incidental to their lawful fishing activities, unmarked (wild) salmon, cutthroat, and/or kokanee must report the species taken and date to the department.

**4-1-243 Hunting While Intoxicated**

No person shall hunt with firearms or bow and arrow or fish while under the influence of intoxicating liquor or drugs.

**4-1-244 Waste**

No person shall permit the edible portion of any game animal, game bird or game or food fish to go to waste after taking possession of same.

**4-1-245 Resisting**

No person shall resist or obstruct any conservation officer or other duly authorized tribal law enforcement officer or other peace officer in the discharge of his duty while enforcing the provisions of this Chapter or other tribal regulations pertaining to hunting and fishing.

**4-1-246 Defacing**

No person shall destroy, tear down, shoot at, deface or erase any printed matter or signs placed or posted by or under the instructions of the Colville Business Council or the committee to assist in the enforcement of tribal hunting and fishing regulations.

**4-1-247 Shooting**

No person shall shoot any other person or any domestic livestock while hunting.

**4-1-248 Negligent Shooting From Public Highway in the North Half**

It shall be unlawful for a Colville Tribal Member to negligently shoot a firearm or a bow and arrow from, across, or along the maintained portion of any public highway in the North Half.

(Amended 8/6/09, Resolution 2009-580)

**4-1-249 Weapons**

Unless otherwise authorized by law or regulation, no person:

(a) Who is not an enrolled member of the Colville Tribes, shall, possess or have in his physical control, a weapon with the bullet in the magazine or chamber within the boundaries of the Colville Indian Reservation;

(b) Shall possess or have in his physical control a weapon with the bullet in the chamber anywhere within the North Half.

(Amended 8/6/09, Resolution 2009-580)

**4-1-250 Spotlighting**

No person shall hunt using any artificial light of any kind unless use of such light is approved by regulation

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for a specific hunt. No person shall hunt using any artificial light which is greater than 10,000 candle power in magnitude under any circumstances.

(Amended 8/6/09, Resolution 2009-580)

**4-1-251 Chumming**

No person, not a tribal member, shall place any fish, parts of fish or other substance including artificial lights into any waters for the purpose of attracting fish to a particular area in order that they may be taken.

(Amended 8/6/09, Resolution 2009-580)

**4-1-252 Protected Wildlife**

No person may kill, take, catch, possess, buy, barter, or exchange any animal or parts thereof, in violation of any tribal or Federal law. This section shall not apply when there is an immediate danger of serious injury or death to any person or the actor is an enrolled member of a federally recognized tribe who is acting in furtherance of traditional, religious or ceremonial purposes as may be permitted by the Colville Business Council, unless such action is expressly prohibited by federal law.

(Amended 8/6/09, Resolution 2009-580)

**4-1-253 Aiding and Abetting**

No person shall counsel, encourage, solicit, request, aid, procure or abet another to commit any act prohibited under this Chapter or under any regulation of the Fish and Wildlife Program of the Colville Confederated Tribes.

(Amended xx/xx/24, Resolution 2024-xxx)

(Amended 8/6/09, Resolution 2009-580)

**4-1-254 Aiding and Abetting Non-Tribal Members on North Half**

No person shall counsel, encourage, solicit, request, aid, procure or abet a non-Colville Tribal Member to commit any act prohibited under this Chapter, under any regulation of the Fish and Wildlife Program of the Colville Confederated Tribes, or of applicable laws of the State of Washington while hunting on the North Half.

(Amended xx/xx/24, Resolution 2024-xxx)

(Amended 8/6/09, Resolution 2009-580)

**4-1-255 Use of Dogs**

No game animal may be taken with the aid of a dog or dogs, except as authorized by regulation.

(Amended 8/6/09, Resolution 2009-580)

**4-1-256 Entering Game Reserve**

No person shall enter upon a game refuge or other area closed to hunting and take or drive, or attempt to take or drive wildlife from such areas, except as may be authorized by the director in writing.

(Amended 8/6/09, Resolution 2009-580)

**4-1-257 Sale of Wildlife**

No person shall sell or barter for personal gain the edible portion of any game animal, game bird, or game fish (except as provided by regulation or this Chapter).

(Amended 8/6/09, Resolution 2009-580)

**4-1-258 Pollution**

No person shall while hunting or fishing under the permission of this Chapter pollute any water or lands. Provided, enforcement under this Chapter shall be in addition to enforcement provision for pollution found in tribal law.

(Amended 8/6/09, Resolution 2009-580)

**4-1-259 Hunting From Airplanes**

No person shall use aircraft (including unmanned aerial aircraft or drones) to, hunt, spot, locate, or report the location of wildlife for the purpose of hunting, or hunt any game animal on the same day they were airborne (except for a regularly scheduled commercial flight).

(Amended xx/xx/24, Resolution 2024-xxx)

(Amended 8/6/09, Resolution 2009-580)

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**4-1-260 [RESERVED]**

**4-1-261 Harassment of Wildlife**

No person shall harass wildlife except as provided by this Chapter or regulation.

(Amended 8/6/09, Resolution 2009-580)

**4-1-262 Littering**

No person, while engaged in any activity regulated by this Chapter, shall deposit upon any public or private property any debris, paper, litter, glass bottles, glass, nails, tacks, hooks, cans, barbed wire, boards, trash, garbage, lighted material or waste substances on any place without authorization from the Tribes or the owner of the property affected.

(Amended 8/6/09, Resolution 2009-580)

**4-1-263 Collecting Animal Parts**

No person who is not a tribal member, shall gather or collect antlers, feathers or any other bodily parts of wildlife on the reservation without a valid permit issued by the department.

(Amended 8/6/09, Resolution 2009-580)

(Enacted 2/20/97, Resolution 1997-125)

**4-1-264 Capturing, Holding or Possessing Wildlife**

No person shall, without a permit issued by the director, capture, hold in captivity or possess any live wildlife.

(Amended 8/6/09, Resolution 2009-580)

**4-1-265 Planting Fish**

Unless otherwise authorized by law or regulation, no person shall introduce any fish, fish fry, or spawn in any waters within the boundaries of the Colville reservation.

(Amended 8/6/09, Resolution 2009-580)

**TAXIDERMY**

**4-1-280 Taxidermy Licensing**

It shall be unlawful for any person to practice taxidermy commercially within the boundaries of the Reservation without having first obtained a license from the director. The issuance of a license under this section shall be in accordance with the terms and conditions prescribed by the director.

**4-1-281 Selling Mounted Wildlife**

A taxidermist licensed under this subchapter may sell a client's unclaimed, legally taken wildlife if:

(a) At least two written notices of intent to sell are sent to the client;

(b) Two months have past since completion of the mounting, tanning, processing or the end of the storage period; and

(c) The amount realized by the sale of a mount is not to exceed the original quoted price stated in writing, less any deposit received;

(Amended xx/xx/24, Resolution 2024-xxx)

**4-1-282 Record Keeping**

A taxidermist licensed under this subchapter shall:

(a) Upon receiving wildlife or fish for mounting, tanning, storage or processing, record the owner's name and address, date received, location where the animal was taken, the species and number of said fish or wildlife, the quoted price for the taxidermy work and any other information as required by the department;

(b) Tag each specimen or otherwise mark each specimen in such a way as to be readily identifiable as to ownership;

(c) Maintain records of any unclaimed wildlife which were resold to someone other than the client from

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which the wildlife was originally obtained including: date of sale, amount of sale and the name and address of the person purchasing the mount;

(d) Not transport or ship any animal or parts thereof without keeping the following record: number and kind of animal or parts shipped, the date shipped, how it was shipped and the name and address of who it was shipped to;

(e) Maintain the records required by this section at the business address of the taxidermist for a three (3) year period.

**4-1-283 Inspection of Records and Regulations**

All records and wildlife held pursuant to this subchapter or regulations adopted pursuant to this subchapter must be open to inspection by a conservation officer or other duly authorized department employee at reasonable times.

**4-1-284 Revocation of License**

The license of any taxidermist or any employee of said taxidermist who is convicted of a violation of this subchapter or regulations adopted pursuant to this subchapter or of any tribal, state, or federal fish and wildlife law shall be subject to revocation by the director.

**IMPORTATION OF ANIMALS**

**4-1-300 Unlawful Importation of Animals**

Unless modified by rule or regulation, no person shall import to the reservation, or possess, or release within the boundaries of the Reservation any live animals, without first obtaining a permit (Form CCT FW 4.1.300A for Importation of Animals) from the Director of the Fish and Wildlife Department (**director**) or his/her designee including:

(a) Animals in the family *cervidae* (deer, elk, moose);

(b) Animals in the subfamily *caprinae* except:

(1) In the subfamily *caprinae*, domestic sheep, *ovis aries* and goats, *capra hircus* are allowed; however, they must be registered with the Fish and Wildlife Department to ensure the protection of wild big horn sheep;

(c) Animals in the family of *equidae* except domestic horses' *equus caballus* and domestic donkeys, *equus assinus*.;

(d) Animals in the family of *suidae* except domestic pigs, *sus scrofa*;

(e) Animals in the sub family *antilopinae* (antelope);

(f) Species of birds, mammals, reptiles or fish whether native or planted that are normally classified as "wildlife"; or

(g) Any hybrid of the above listed animals.

(Amended 5/4/17, Resolution 2017-252)

**4-1-301 Application for Permit**

(a) The director may issue a permit under this subchapter pursuant to the conditions established by the director and once the person applying for the permit:

(1) Provides the genus and species of the animal(s) and the number of each to be imported to the reservation, released, possessed, or harvested for personal use or commercial gain within the boundaries of the Reservation and the name and address(es) of any persons(s) the animals were originally obtained from;

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(2) Identifies the location(s) on which the animals will be kept and demonstrates that such location(s) are secure and adequate to meet the health and social needs of the permitted animals and to protect the fish and wildlife resources, ESA listed and priority species, wild and hatchery origin fish, and domestic livestock production located on the reservation;

(3) Obtains a health certificate from a licensed doctor of veterinarian medicine (DVM) or certified fish health specialist that certifies the permitted animals are free from any contagious or infectious diseases and parasites. Any testing, quarantine, etc. necessary to obtain this certificate shall be done at the expense of the permittee;

(4) Applicant demonstrates sufficient skill, and experience to properly maintain and care for the permitted animals;

(5) Permittee ensures lands, water, and associated areas of the property related to the permitted operation are maintained; and, all production, processing, and food waste and/or garbage that could attract wild animals is removed or secured daily by dusk. All Departmental expenses incurred due to animal, fire, or environmental control and/or clean-up at permittee's property or operational site will be the sole responsibility of the permittee/operator;

(6) If the department is required to respond more than once annually to remove, trap, or relocate scavengers such as bear from the permittee's property due to lack of waste or garbage removal by the permittee the department will recover all costs for these services from the permittee;

(7) Permittee must submit the Importation Permit fee in full with the permit application for each shipment or may submit fees with the Annual Production Plan for all shipments for the year at the same permit fees as the per shipment rate. All fees must be paid by check or money order made out to the CCT Fish and Wildlife Department, no cash will be accepted. Fish and Wildlife personnel may meet as needed to revise Importation fees to ensure the cost of all services provided under the Importation of Animals Code are supported by the fees charged. All Tribal Departments are exempt for importation fees but must file for a permit;

(8) Applications for the Importation of Animals must be submitted a minimum of 30-days prior to the scheduled delivery date;

(9) Permit will not be processed until all components of the Importation Permit Application are completed, including Certificate of Health and if fish a Certification of Ploidy, and fees are paid in full;

(10) Once the Director or his/her designee approves an application to import an animal(s) a copy of the approval is kept by F&W Department, a copy is sent to the Natural Resource Enforcement Officers (NREO), and the original is sent to the applicant. The original approved Importation of Animals Permit must be kept in the vehicle at all times during the transportation of permitted animals, and submitted for inspection by CCT Police, F&W Staff or NERO upon request. Following the importations the document must be kept with the permittee's records available for inspection upon request for a minimum of five (5) years.

(b) Permittee's that import animals more than once annually must submit an "Annual Production Plan" (Form CCT FW 4.1.300B) to the CCT Fish and Wildlife Department (department) by January 31 each year and prior to the submittal of an Animal Importation Permit application (CCT FW 4.1.300A) that provides information on all each animal importation.

(c) Permittee's that submit an Annual Production Plan must submit a new Production Plan reporting any changes, if there is a 5% or more variance in quantity of animals to be imported, or if there is a change of more than 30 days in the projected import date. The revised plan must be sent to the department a minimum of 30-days prior to the new delivery date for processing. Permittee must receive approval from the Director or his/her designee before the revised plan can be implemented.

(d) A new Animal Importation Permit with the revised information must also be submitted to the department a minimum or 30-days prior to the new delivery date. An updated Health Certification and

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Ploidy Level Documentation must be submitted with the new Permit application;

(e) The Annual Production Plan (CCT FW 4.1.300B) includes a Post Production Report (CCT FW 4.1.300C) on the back of the form, for reporting the previous year's importation and disposition activities. This report must be completed and submitted to the department by January 31st with the Annual Production Plan.

(f) Issuance of a permit under this section shall authorize employees of the department or the tribal natural resource enforcement officers (NREO) to inspect all facilities, records, animals and other property related to the permitted operation. These inspections may take place without warrant or prior notice.

(g) All information on applications, documents, reports, and records must be truthful and accurate.

(Amended 5/4/17, Resolution 2017-252)

#### **4-1-302 Sale, Trade or Other Disposition of Permitted Animals**

No person may sell, trade, give away or otherwise dispose of any animal or parts there from, permitted pursuant to this subchapter unless the person selling, trading, giving away, or otherwise disposing of any animal or parts there from such animals, holds a valid approved Importation Permit (CCT FW 4.1.300A) pursuant to this subchapter for the species involved or as otherwise authorized by the director.

(a) Any person living on the Colville Reservation who receives a live permitted animal must register the transfer of the animal with the department to ensure all requirements under this code have been met by the new owner

(Amended 5/4/17, Resolution 2017-252)

#### **4-1-303 Records**

Any permittee under this subchapter shall maintain accurate records that list the following:

(a) An updated list of the genus and species of the animal(s) and the number of each imported to the Reservation or released, possessed, or born/hatched within the boundaries of the Reservation;

(b) If imported to the Reservation, the name and address(es) of any person(s) the animals were originally obtained from;

(c) The number of each species in his possession which are sold, traded or given away live, and the name and address of any and all persons receiving those animals;

(d) The number of each species in his possession which are harvested or otherwise killed and the disposition of those animals whether sold, traded or given away or otherwise disposed of, and the name and address of any persons receiving these animals or parts therefrom and the dates of such transactions.

(e) The number of each species that were unintentionally released (escaped) or died, including the causes of death if known.

(Amended 5/4/17, Resolution 2017-252)

#### **4-1-304 Prevention or Spread of Contagious or Infectious Diseases**

Any permittee under this subchapter shall: (a) Monitor the health of any animal(s) in his possession that are permitted pursuant to this subchapter at all times and provide proof of DVM or fish health specialist's annual health certification for all permitted animals and immediately:

(1) Consult a licensed DVM or certified fish health specialist if any animal(s):

(A) Are known to fail to meet the certification requirements in this subchapter;

(B) Have contracted a contagious or infectious disease; or

(C) Are otherwise ill from unknown causes.

(b) Notify the department director immediately, within 24 hours if five (5) percent or more of the animals become ill or die from any cause and explain the course of action(s) taken from treatment to mortality removal;

(c) Immediately initiate treatment(s) prescribed by a licensed DVM or certified fish health specialist to

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prevent the disease or spread of know contagion; (d) If no treatment is available to prevent the spread of contagious disease or illness affecting any animal(s) in a permittee's possession that are permitted pursuant to this subchapter and disease or contagion would immediately impact fish and/or wildlife resources, permittee must immediately dispose of such animal(s) in a manner prescribed by a licensed DVM, certified fish health specialist, or qualified public health official in such a manner as to prevent further spread of the disease or contagion. The cost of any treatment or disposal shall be borne by the permittee. The permittee will immediately, within 24 hours, notify the director of the department followed by a written notice within fifteen (15) days of any such action having been taken and shall retain records of such actions for at least five (5) years. If an outbreak of contagious or infectious disease should occur and the permittee does not control or eliminate the outbreak, the director may instigate appropriate treatment and/or disposal of the affected animals and all costs thus incurred shall be borne by the permittee.

(Amended 5/4/17, Resolution 2017-252)

#### **4-1-305 Containment of Animals**

(a) All animals permitted pursuant to this subchapter that are in the possession of the permittee shall be contained in such a manner that they are at all times under his control. Unless otherwise permitted under this subchapter, at no time shall the permittee allow any such animal(s) to leave the locations identified in the permit application, nor shall the animal(s) be allowed to mingle with wild animals of like or closely related kind found within the Reservation. All locations upon which any animal(s) permitted pursuant to this subchapter shall be fenced or contained in such a manner to prevent escapement and/or entry of wild or other animals onto the permitted location.

(b) To reduce the risk to ESA listed and wild fish from fish permitted under this code that may escape containment, all imported fish/eggs will be triploid.

(c) The permittee shall recapture and, as soon as possible, return to captivity any animals permitted pursuant to this subchapter that escape or are released from containment when such release is not authorized by this subchapter. Any animal(s) remaining at large **ten (10) days** after such escape or unauthorized release shall, at the discretion of the director, be recaptured or if recapture is not feasible, destroyed. **In the event that a release or escape occurs in a highly sensitive area and ten days is likely to result in significant harm to important or protected wildlife, the Director may authorize Department personnel to immediately capture or destroy such animals. This must be done in writing with an explanation for why immediate response was necessary.** Any and all costs associated with recapture or disposition of permitted animals or damage to tribal resources caused by the escape or unauthorized release of permitted animals shall be borne by the permittee.

(Amended xx/xx/xx, Resolution 2024-xxx)

(Amended 5/4/17, Resolution 2017-252)

#### **4-1-306 Marking of Animals**

(a) All fish imported onto the Reservation are required to be externally marked with an adipose fin clip, with at least a 95% success rate, prior to entering any waters within the Colville Reservation or Reservation boundary waters.

(b) All animals imported must be marked, tagged, or collared for identification.

(Amended 5/4/17, Resolution 2017-252)

#### **4-1-307 Hunting Prohibited**

1. It shall be unlawful to hunt or to allow hunting of animals **imported and** permitted pursuant to this subchapter as a method of harvesting of such animals.

(Amended xx/xx/xx, Resolution 2024-xxx)

(Amended 5/4/17, Resolution 2017-252)

#### **4-1-308 Penalties/Impoundment**

(a) In addition to any other remedy or penalty provided for a violation of this subchapter, the Tribal Court may suspend, confiscate or permanently revoke a permit granted pursuant to this subchapter and order the permittee to remove all of the animals listed under the permit from the Reservation in those cases:

(1) With any violations of this subchapter;

(2) Where animals permitted pursuant to this subchapter are not contained or under the permittee's immediate control;;

(3) Where the permittee is found to be maintaining a hunting reserve;

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(4) Where five percent (5%) or more of the animals are found to be sick and/or are not properly cared for as provided in this subchapter; or

(5) Where failure to suspend or revoke the permit would be harmful to the property of the Tribes or another or the health, or safety of other animals or to Reservation residents.

(b) Natural resources enforcement officers shall have the authority to:

(1) Impound, in accordance with the procedures provided in this Code, any animal(s) permitted pursuant to this subchapter when the permittee is in violation of this subchapter and:

(A) Probable cause exists to believe that such animal(s) seriously threaten the property or resources of the Tribes or other property, the health or safety of tribal employees, Reservation residents, and/or other animals and immediate action is necessary to protect such interests from serious harm; or

(B) The permittee does not pay the penalties imposed by the Tribal Court for such violation.

(2) Sell or dispose of any impounded animal(s) pursuant to a Tribal Court order when:

(A) The animal(s) cannot be returned to the permittee without endangering the property of the Tribes or another or the health or safety of Reservation residents or other animals and that sale or disposal is necessary to protect such interests from serious harm; or

(B) The permittee has not paid the penalties imposed by the Tribal Court within the period of time ordered by the court following impoundment.

(3) Impound, sell, or dispose of any animal when the permittee does not remove the animal(s) from the Reservation when so ordered by the Tribal Court. All costs thus incurred shall be borne by the permittee. Money from the sale of impounded animals can be used by the Tribes to assist in reducing costs incurred from actions necessary to implement the Tribal Court's order.

(Amended 5/4/17, Resolution 2017-252)

#### **4-1-309 Unlawful Importation of Invasive Aquatic Plant Species**

(a) No person may possess, import, export, purchase, sell, barter, distribute, propagate, or transport any deleterious or aquatic plant species, not native to the Reservation across Reservation lands or introduce into Reservation or boundary waters, including their seeds, spores, or other biological material capable of propagation including but not limited to:

- (1) Eurasian watermilfoil (*Myriophyllum spicatum*)
- (2) Brazilian elodea (*Egeria densa*)
- (3) Parrot feather (*Myriophyllum aquaticum*)
- (4) Purple loosestrife (*Lythrum salicaria*)

(b) Except when being transported for disposal as part of an approved control activity under a permit issued pursuant to this section 4.1.309 of the Tribal Code;

(c) No "conveyances" terrestrial or aquatic vehicles or any vehicle part or auxiliary equipment such as attached or detached outboard motors that may carry or contain an invasive species or a non-native aquatic plant including a motor, vehicle, vessel, aircraft, motorboat, sailboat, personal watercraft, trailer or any other means or method of transportation, including a live well or a bilge area of a watercraft may enter the Reservation, Reservation waters, or boundary waters without conducting an inspection and all "conveyances" are found to be free of all non-native aquatic plants;

(d) All persons must drain, clean and inspect all aquatic "conveyances" for the presence of aquatic invasive plant species immediately upon removal from Reservation or boundary waters.

(e) Tribal police, department staff, and natural resource enforcement officers within the Reservation, upon

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reasonable suspicion that a conveyance is infested with a non-native aquatic plant, may require a driver of a vehicle to stop and submit to an inspection of the exterior of any conveyance(s) in plain view as well as the interior of a live well or a bilge area of a watercraft;

(f) If the Tribal police, the department staff, or natural resource enforcement officer has probable cause to believe that the conveyance(s) are contaminated with a non-native aquatic plant, or when a conveyance is found to be contaminated or otherwise carrying non-native aquatic plants, they shall detain the vehicle and conveyance(s) and immediately order a decontamination of the vehicle and “conveyance(s).”

(Amended 5/4/17, Resolution 2017-252)

#### **4-1-310 Unlawful Importation of Invasive Aquatic Animal Species**

(a) No person may possess, cultivate, import, ship, or transport any deleterious or invasive aquatic animal/fish species onto or through the Reservation, unless the person possessing, importing, shipping or transporting has obtained a permit under Section 4-1-300,

(b) No person may possess, import, export, ship, purchase, sell, barter, distribute, propagate, or transport any deleterious or invasive aquatic animal/fish species, onto or across Reservation lands or introduce into Reservation lands, waters, or boundary waters, including their eggs, larvae or other biological material capable of propagation including but not limited to:

- (1) Zebra mussels (*Dreissena polymorpha*);
- (2) Quagga mussels (*Dreissena rostriformis bugensis*);
- (3) European green crab (*Carcinus maenas*);
- (4) All members of the genus *Eriocheir* (including Chinese mitten crab);
- (5) All members of the walking catfish family (*Clariidae*);
- (6) All members of the snakehead family (*Channidae*);
- (7) Silver carp (*Hypophthalmichthys molitrix*);
- (8) Largescale silver carp (*Hypophthalmichthys harmandi*);
- (9) Black carp (*Mylopharyngodon piceus*), and;
- (10) Bighead carp (*Hypophthalmichthys nobilis*).
- (11) Northern pike (*Esox Lucius*)

(Amended x/xx/24, Resolution 2024-xxx)

(c) Except when being transported for disposal as part of an approved control activity under a permit issued pursuant to this section 4-1-310 of the Tribal Code or an activity approved by Resolution of the Colville Business Council;

(Amended x/xx/24, Resolution 2024-xxx)

(d) No “conveyances” terrestrial or aquatic vehicles or any vehicle part or auxiliary equipment such as attached or detached outboard motors that may carry or contain an invasive or a non-native aquatic animal including a motor, vehicle, vessel, aircraft, motorboat, sailboat, personal watercraft, trailer or any other means or method of transportation, including a live well or a bilge area of a watercraft may enter the Reservation, Reservation waters or boundary waters without conducting a prior inspection and found to be free of all non-native aquatic animals;

(e) All persons must drain, clean and inspect all aquatic “conveyances” for the presence of aquatic invasive animal species immediately upon removal from Reservation or boundary waters;

(f) Tribal police, department staff, and natural resource enforcement officers within the Reservation, upon reasonable suspicion that a conveyance is infested with a non-native aquatic animal, may require a driver of a vehicle to stop and submit to an inspection of the exterior of any conveyance(s) in plain view as well as the interior of a live well or a bilge area of a watercraft;

(1) If the Tribal police, the department staff, or natural resource enforcement officer has probable cause to believe that the conveyance(s) are contaminated with a non-native aquatic animal, or when a conveyance is found to be contaminated or otherwise carrying non-native aquatic animals, they shall detain the vehicle and conveyance(s) and immediately order a decontamination of the vehicle and “conveyance(s).”

(2) Decontamination of the contaminated “conveyances” must utilize a high pressure cleaning

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system with 150 degree Fahrenheit water and must be completed prior to traversing the Reservation or launching into Reservation or boundary waters.

(Amended 5/4/17, Resolution 2017-252)

**4-1-311 Unlawful Release of Fish, Shellfish, or Wildlife**

(a) No person shall release, plant, possess, or place fish, shellfish, or wildlife within the Reservation's boundaries, waters or boundary waters unless an approved permit has been issued by the director, and the fish, shellfish, or wildlife have not been classified as deleterious wildlife. This subsection does not apply to a release of game fish into private waters for which a fish importation permit has been obtained under section 4-1-300 of the Tribal Code, or the planting of fish or shellfish by order of the director.

(b) In addition to any fines, the department shall order the person to pay all costs the department incurred in capturing, killing, or controlling the fish, shellfish, aquatic plants or animals, wildlife, or progeny unlawfully released, planted, possessed, or placed. This does not affect the existing authority of the department to bring a separate civil action to recover costs of capturing, killing, or controlling the fish, shellfish, aquatic plants or animals, wildlife, or progeny unlawfully transported, released, planted, possessed, or placed, and/or the costs of habitat restoration necessitated by the unlawful release, planting, possession, transporting, or placing.

(1) No person shall release, plant, possess, transport or place deleterious exotic wildlife within the Reservation that has been classified as deleterious exotic wildlife by the Tribes.

(2) In addition, the department shall order the person to pay all costs the department incurred in capturing, killing, or controlling the fish, shellfish, wildlife, or progeny unlawfully released, planted, possessed, transported, or placed. This does not affect the existing authority of the department to bring a separate civil action to recover costs of capturing, killing, or controlling the fish, shellfish, wildlife, or progeny unlawfully released, planted, possessed, transported, or placed, or the costs of habitat restoration necessitated by the unlawful release, planting, possession, transporting, or placing.

(Amended 5/4/17, Resolution 2017-252)

**4-1-312 Invasive Species Management**

(a) The Department shall manage invasive species to support the preservation of native species, salmon recovery, and the overall protection of threatened or endangered species

(b) Develop and implement integrated invasive species management actions and programs authorized by this section, including rapid response, early detection and monitoring, prevention, containment, control, eradication, and enforcement;

(1) Research and develop invasive species management tools, including standard methods for decontaminating aquatic conveyances and controlling or eradicating invasive species from water bodies and properties;

(A) Post invasive species signs and information at Reservation lakes, privately or tribally owned marinas and properties, Reservation parks, and boat launches;

(B) Adopt rules as needed to implement the provisions of this section;

(C) Develop partnerships with that will benefit the control of invasive species.

(2) Develop a plan to fund implementation of this section from sources including mitigation funding, grants, and fees as approved by the Colville Business Council.

(Amended 5/4/17, Resolution 2017-252)

**GENERAL ENFORCEMENT PROVISIONS**

**320. Notice**

(a) Signs shall be posted conspicuously along the boundaries of the Reservation and at all roadway points of entry putting the public on notice that:

(1) Permission to enter is conditional on consent to tribal jurisdiction;

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- (2) Permits are required for hunting or fishing;
- (3) Violators of tribal regulations are trespassing and are subject to tribal and federal sanctions;
- (4) Visitors must inquire locally for permits and information.

(b) The lack of the signs required by this section or the lack of knowledge of such signs shall not be a defense in any action brought in the name of the Tribes to enforce this Chapter.

**321. Civil Actions**

Except as otherwise provided in this Chapter, all violations of this Chapter or regulations promulgated under this Chapter shall be considered civil in nature, and shall be adjudicated as provided by the requirements of this Chapter and Chapter 3-7 Infractions; Field Bonds; Other Civil Violations and Forfeitures Chapter under this Code.

(Amended xx/xx/24, Resolution 2024-xxx)

**4-1-322 Tribal Members; Criminal Sanctions; North Half and Off-Reservation Fishing, etc.**

(a) In any case in which a member has committed a violation of this Chapter or regulation relating to off-Reservation fishing or hunting, or fishing or hunting on the North Half or commercial fishing taking place at any location on or off the Reservation, the violation shall be charged as a **Class A** criminal offense under tribal law. **If charged with a criminal offense, the individual may also still be liable for the civil penalty related to the violation.**

(Amended xx/xx/24, Resolution 2024-xxx)

(b) Any natural resources enforcement officer who willfully fails to enforce this Chapter, or a lawful rule, regulation, or order promulgated under this Chapter shall be guilty of a Class A offense.

(c) Criminal proceedings under this Chapter shall be governed by the Tribal Law and Order Code **Chapters 2-1 and Chapter 3** dealing generally with criminal offenses and procedures, unless specifically modified by procedures as set out herein.

(Amended xx/xx/24, Resolution 2024-xxx)

(d) The director shall prepare for the approval of the Natural Resources Committee and the **Colville** Business Council a recommended bail schedule for each violation of this Chapter or regulation sanctioned as a criminal offense. The bail shall be the presumed fine, provided that the Tribal Court shall retain its discretion to impose a different penalty if warranted or to impose imprisonment in addition to or in lieu of a fine unless otherwise provided by this subchapter. The **Colville** Business Council may, but need not, utilize the Liquidated Damage Amount as determined in the procedures for infraction violations under this Code for similar on Reservation violations of this Chapter to apply to as the bail schedule for off-Reservation, or North Half violations. The bail schedule produced by the director or penalty imposed by the Court under this subsection shall be consistent with the sentencing guidelines provided by this section.

(e) Any person who has entered a guilty plea to or has been convicted by the Colville Tribal Court of a criminal violation of this Chapter or any regulation, rule or order promulgated thereunder, shall, unless a different penalty or punishment is specifically provided by this Chapter for that violation, be sentenced as follows:

(1) For the first violation or violations arising out of the same conduct, the member shall, for each violation, be fined up to five-hundred dollars (\$500.00), imprisoned for up to thirty (30) days or both and shall have all wildlife or the value thereof in the possession of the defendant which is connected to the crime forfeited to the Tribes;

(2) For a second violation or violations arising out of the same conduct, within the same fishing or hunting season the member shall, for each violation, be fined up to one-thousand dollars (\$1,000.00), imprisoned for up to six (6) months or both, lose his fishing or hunting privilege for up to six (6) months, and shall have all wildlife in the possession of the defendant which is connected to the crime or its value forfeited to the Tribes;

(3) For each additional violation or violations arising out of the same conduct,

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within the same fishing or hunting season the member shall for each violation, be fined up to five-thousand dollars (\$5,000.00), imprisoned for up to one (1) year, lose his fishing or hunting privileges for up to five (5) years and have all fish or game in the possession of the defendant which is connected to the crime or its value forfeited to the Tribes.

(Amended 8/6/09, Resolution

2009-580)

#### **4-1-323 Criminal Citations**

(a) The Colville Business Council may establish a list of criminal violations under this Chapter for which the natural resources enforcement officer shall issue the defendant a citation in lieu of detention as provided by the criminal procedures provisions of this Code and, if convicted, the defendant shall be sentenced to the bail amount determined under this subchapter and may not be sentenced to imprisonment or any other penalty.

(b) If issued a citation under this section, the defendant may post and forfeit the bail amount indicated on the citation in lieu of appearing in court. If the defendant chooses to use the "post and forfeit" procedure, he shall deliver the bail amount, in the form of check or money order, along with the citation by mail or in person to the clerk of the Tribal Court within the time limits for his court appearance provided on the citation. No further proceedings under this Chapter shall be initiated against any person who pays the bail as provided in this subsection.

(c) If the defendant does not use the "post and forfeit" procedure under this section he shall appear in Tribal Court on the date listed in the citation. The court may award reasonable attorney's fees and costs to the prevailing party in any proceeding held under this section.

(d) Nothing in this section shall affect the issuance of a citation as provided by the criminal procedures provisions of this code for any criminal offense not identified as provided in subsection (a). Nor shall this section effect the prosecution of or penalty imposed for such violation.

#### **324. Demand for Bond**

(a) If a defendant who is issued a criminal citation under this subchapter:

- (1) Refuses to sign the citation;
- (2) Cannot be, or refuses to be, identified; or
- (3) Is not a permanent resident of the Reservation; and

(b) If the law enforcement officer determines that:

(1) Seizure of the defendant's property is necessary to secure the important tribal interest of guaranteeing the presence within tribal jurisdiction of sufficient assets of the defendant to secure payment of restitution to the Tribes for any damages determined by the court pursuant to the criminal procedures provisions of this Code to have resulted from criminal violation of this Chapter; and

(2) There is a need for prompt action because it is likely that the defendant will leave the Reservation and the jurisdiction of the Colville Tribes with his property and not return, then, in addition to any other remedies provided by this Code and in accordance with the Field Bond procedures of Chapter 2-3 of this Code as presently constituted or hereafter amended, the officer may demand that the defendant post a bond in an amount equal to the sum of the bail for which he could be found liable by the Tribal Court pursuant to the criminal procedures provisions of this Code for the violation(s) the officer has alleged in the citation.

#### **325. Disposition of Fees, Penalties and Damages: Report**

All fees resulting from the sale of permits by the Fish and Wildlife Department and its agents, and all fines, costs, monies, penalties or damages collected for violations of this Chapter or regulations promulgated thereunder shall be deposited in a special Fish and Wildlife Fund and shall be available for expenditure

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pursuant to a Business Council approved budget in connection with the conservation, restoration and protection of the wildlife and recreation resources of the Colville Indian Reservation the management of off-Reservation hunting and fishing and for Tribal Court Administration of this Chapter.

**4-1-326 Enforcement/Right of Entry in Course of Duty**

(a) All natural resources enforcement officers shall have the authority and the duty to enforce the provisions of this Chapter and regulations adopted thereunder.

(b) Any authorized assistants, employees, agents, appointees or representatives of the Tribe may, in the course of their inspection, enforcement and/or management duties as provided for in this Chapter, enter upon any lands, real estate, waters or premises except the dwelling house or appurtenant buildings on the Reservation whether public or private and remain thereon while performing such duties. In no event other than an emergency such as **firefighting** shall motor vehicles be used to cross a field customarily cultivated, without prior consent of the owner. None of the entries herein provided for shall constitute trespass.

**4-1-327 Warrants, Subpoenas and Service of Process**

Any natural resources enforcement officer may, in addition to exercising any other powers granted by this Chapter:

(a) Execute warrants issued for the arrest of violators of this Chapter;

(b) Execute search warrants issued by the Tribal Court or any other court in matters arising under this Chapter;

(c) Serve subpoenas or other legal documents issued in matters arising under this Chapter.

**4-1-328 Searches and Seizures**

(a) Any natural resources enforcement officer may, without a search warrant, search any aircraft, watercraft, vehicle, box, game bag, locker, backpack, bedroll, sleeping bag, or other container or package if the officer has probable cause to believe that wildlife or parts thereof taken in violation of this Chapter or the instrumentalities of such illegal taking are contained therein.

(b) This section shall not be construed to permit the warrantless search of any non-mobile dwelling house (including mobile/modular homes) or any outbuilding within the enclosed land surrounding it.

(c) Any natural resources enforcement officer may inspect all wildlife or parts thereof taken, possessed, or transported on the Colville Reservation, and may seize as evidence all wildlife which such officer has probable cause to believe has been taken, possessed, or transported in violation of this Chapter and any object which the officer has probable cause to believe has been used as the instrumentality of such illegal taking, possession, or transportation.

(d) Upon issuance of an infraction notice or criminal citation or the arrest of the defendant, the conservation officer shall retain all wildlife in the possession of the suspected violator.

(e) Wildlife seized under this section may be disposed of in such a manner as is provided by the provisions for forfeiture under this Code. Provided that any such wildlife may be disposed of, sold, preserved or used for food purposes as necessary to prevent loss or spoilage.

(f) If the Tribal Court determines that the suspected violator has not violated this Chapter or regulations adopted hereunder, the seized wildlife shall be returned if possible. If the wildlife in question has been disposed of prior to such determination the department shall pay to the person from whom the wildlife was seized an amount equal to the market value of the wildlife at the time of seizure. Such payment shall be from the special fish and wildlife fund established pursuant to this Chapter. When lawful and in lieu of the payment of market value under this section, the person from whom the wildlife was seized may elect to obtain a special permit authorizing him to take additional wildlife or otherwise replace the items seized.

(g) The director shall prepare a report of all wildlife and devices seized by the natural resources enforcement officer showing a description of the items, the person from whom they were seized, if known,

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and the disposition of the items. This report shall be presented to the committee annually and kept by the department. All money derived from the sale of any seized property shall be deposited in the department fund.

**4-1-329 Representation of the Tribes in Actions Arising Under this Chapter**

The Tribal Prosecutor, the natural resources enforcement officer or, in the case of conflict of scheduling or interest, such other counsel for the Tribes as the Business Council may designate, shall represent the Tribes in all actions arising under this Chapter to which the Tribes is a party, whether such actions are civil or criminal.

**4-1-330 Trespassing**

Violation of this Chapter by nonmembers shall be considered immediate revocation of permission to enter the Reservation and may render the violator a trespasser. It shall be unlawful for any nonmember to trespass on the Colville Reservation.

**4-1-331 Federal Prosecution**

(a) Nothing in this Chapter shall be deemed to preclude the federal prosecution under 18 U.S.C. 1165 of nonmembers who trespass on the Reservation. Any natural resources enforcement officer or the prosecutor may follow the procedure provided by applicable law to initiate federal prosecution in addition to or in lieu of any other enforcement procedure provided for by this Chapter.

(b) This Chapter has been enacted to protect the resources of the Colville Tribes, and the taking or using of tribal property or services contrary to the terms of this Chapter constitutes theft of tribal assets. Nothing in this Chapter shall be deemed to preclude federal prosecution of violators under 18 U.S.C. 1163 for theft of tribal assets or any other federal law designed to protect tribal wildlife or other natural resources. Any natural resources enforcement officer may follow the procedure provided by tribal law to initiate federal prosecution in addition to or in lieu of any other enforcement procedure provided for by this Chapter.

**4-1-332 Expulsion**

Nothing in this Chapter shall be deemed to preclude the use of the remedy of expulsion of nonmembers for violation of this Chapter and any natural resources enforcement officer or other appropriate official may follow the procedure provided by tribal law to initiate an action for expulsion in addition to or in lieu of any other enforcement procedure provided for by this Chapter.

**4-1-333 Loss of Fishing and Hunting Rights—Members**

(a) A member who has been convicted of or has pleaded guilty to three criminal offenses during a three (3) year period may in addition to any sentence imposed by the court as a result of any of the convictions have his privilege of exercising fishing or hunting rights partially or entirely revoked for a period not to exceed twenty-four (24) months.

(b) Except as otherwise explicitly provided by this Chapter, the Business Council shall have the exclusive right to revoke a member's privilege to exercise fishing or hunting rights pursuant to this section. The director or the Natural Resources Committee may make recommendations on whether to take action under this section.

(c) In the event that pursuant to this section, the Business Council is considering whether to revoke a member's privilege to exercise fishing or hunting rights, it shall cause notice to be delivered by personal service to such member. The notice shall be delivered at least fifteen (15) days prior to a council meeting called to determine the case.

(d) The notice required by this section shall contain the following:

(1) A clear statement that the Business Council will consider whether to revoke the offenders privilege of exercising fishing or hunting rights and that the privilege may be revoked for up to twenty-four (24) months;

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- (2) A statement of the basis for the proposed action including a list of the convictions involved;
- (3) The date that a hearing before the council will be held to consider the case;
- (4) A statement that the member has the right to appear before the council, to present evidence, to call witnesses and to be represented by a spokesperson, at his own expense.
- (e) The Business Council shall set a date certain to consider whether to revoke a member's privilege of exercising fishing or hunting rights. In making its determination the Business Council shall consider the nature and seriousness of the convictions involved, and the impact of the violations on the conservation of the resources, allocation, or intergovernmental relations.
- (f) If the Business Council finds that violations were serious, significantly affected the conservation of the resource, allocation, or intergovernmental relations, then it may revoke the member's privilege of exercising fishing or hunting rights. In lieu of revoking a member's privilege the Business Council may impose a plan on the member designed to insure that there are no further violations. A member who fails to comply with a plan established under this section shall be subject to having his privilege revoked as if the plan had not been imposed.
- (g) A decision to revoke a member's fishing or hunting right may be appealed to Tribal Court by filing a complaint in the same manner as any civil action.

**4-1-334 Loss of Hunting Privileges—Large Game**

In addition to and notwithstanding other penalties allowed by law, a member who has been convicted of or has pleaded guilty to a large game violation(s) shall be subject to the loss of his or her hunting privileges in the following manner:

- (a) First large game offense: Loss of hunting privileges for one (1) year;
- (b) Second large game offense: Loss of hunting privileges for two (2) years;
- (c) Third or more large game offense: Loss of hunting privileges for his or her lifetime.

(Enacted 6/19/03, Resolution 2003-406)  
(Certified 6/27/03)

