

## **Title 18 – Natural Resources**

### **Chapter 2 – Administration**

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#### **Legislative History**

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Ord. 228 (4/5/05), BIA (4/20/05).  
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Codifying Title 18, Ord. 207 (1/27/04), BIA (2/9/04).  
Ensuring Consistency Between Provisions in the Enrollment Ord. and the Fishing Ord., Ord. 160 (9/10/02), BIA (10/2/02) (amending Part P of Section 11-1.040, Part C.5 of 11-1.070, Parts A, H and I of Section 11-3.010, and Section 11-3.030 of the Tribe's Fishing Ordinance, Title 11).  
Increasing Membership of the Fish and Game Management Committee, Ord. 158 (8/6/02), BIA (8/26/02) (amending Section 11-1.050 of the Tribe's Fishing Ordinance, Title 11).  
Delegating Additional Authority to the Fisheries Manager and Fish and Game Management Committee, Ord. 157 (7/2/02), BIA (8/15/02) (amending Sections 11-1.050, 11-1.060, 11-1.070(C), and 11-8.040 of the Fisheries Code, Title 11).

Increasing the Membership of the Fish and Game Management Committee, Ord. 146 (3/6/01), BIA (3/26/01) (amending Section 11-1.050 of the Tribe's Fishing Ordinance, Title 11).

Fishing Ord., Ord. 96 (6/2/92), BIA (8/20/92).

Amending Ord. 77, Re: Crabbing, Ord. 88 (2/6/92).

Fishing Ord., Ord. 77 (6/4/91), Enacting Res. 91-6-54, BIA (8/19/91) (superseding and replacing all previous fishing-related ordinances, including but not limited to Ordinance 28, 30, 31, 37, and 45).

Hunting Ord., Ord. 59 (1/10/89), Enacting Res. 89-1-5, BIA (1/24/89) (modifying Ord. 57 with respect to the scope of tribal jurisdiction. Repealing and superseding all previous hunting ordinances).

Hunting Ord., Ord. 57, Enacting Res. 88-8-55 (8/31/88) (approved subject to the condition that it be modified regarding the scope of tribal jurisdiction; repealing and superseding all prior hunting ordinances).

Big Game Hunting Ord., Ord. 56 (9/1/87), Enacting Res. 87-9-95, BIA (10/26/87).

Amending §§ 19 and 20 of Ord. 45 and Increasing the Fish Tax, Ord. 86-55, Res. 86-5-27 (5/1/86), BIA (5/22/86).

Fishing Ordinance, Ord. 45 (7/25/78), BIA (11/20/78) (superseding and replacing all previous fishing-related ordinances except for ordinance 37, the Fishing Instructor Ordinance).

Fishing Ord., Ord. 31 (6/10/74), BIA (7/34/74).

Fishing Ord., Ord. 30 (6/5/73), BIA (8/13/73) (identical to Ord. 29).

Fishing Ord., Ord. 29 (4/5/73) (repealing Ord. 9 as amended).

Fishing Ord., Ord. 28A (8/3/65) (repealing Ord. 9).

Fish Ord., Ord. 9 (7/19/40), BIA (7/25/40).

Establishing the Power and Duties of the Director of Fisheries: Powers and Duties, Res. 2 (5/8/36).

[Ed. Note. Enacting Res. 89-1-5 is misdated. The correct date is 1/10/89.]

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## **18-02.010 Fish and Game Management Commission.**

(A) **Responsibility.** The Fish and Game Management Commission (“Commission”) shall work with the Fisheries Manager and the Game Manager to protect, enhance, and manage the fishing, hunting and gathering resources of the Tribe, pursuant to direction from the Senate.

(B) **Membership.**

(1) **Appointment.** The Fish and Game Management Commission shall consist of eleven (11) members who will serve for a one-year term. Members shall be appointed by the Senate upon recommendation from tribal fishers and hunters.

(2) **Quorum.**

- (a) **Six Members.** A quorum of the Fish and Game Management Commission shall consist of six (6) members.
- (b) **Exigent Circumstances.** If there is no quorum at a particular meeting due to exigent circumstances, such as an emergency opener or extension of a particular season, the Commission may establish a quorum by making contact with absent commissioners using radio, cell phone, or other appropriate interactive electronic communication devices.
- (c) **Log.** The Chair of the Commission, or his or her designee, shall keep a log of all attempts to establish interactive electronic communication with absent commissioners when the Commission cannot achieve a quorum due to exigent circumstances.

[History] Ord. 249 (10/12/06); Ord. 228 (4/5/05); Ord. 207 (1/27/04); Ord. 158 (8/6/02); Ord. 157 (7/2/02); Ord. 146 (3/6/01); Ord. 77 (6/4/91); Ord. 59 (1/10/89).

**18-02.020 Conviction as a Bar to Commission Membership.**

- (A) No person who has been convicted of a Class A or Class B violation of this Title, any rule or regulation issued hereunder, or any term or provision of Title 4 – Criminal Code, shall be allowed to serve on the Fish and Game Management Commission for a period of two (2) years after his or her conviction in Tribal Court, an administrative proceeding, or his or her admission of liability.
- (B) Any person convicted of a Class A or Class B violation of this Title, any rule or regulation issued hereunder, or any term or provision of Title 4 – Criminal Code, during his or her term of office with the Fish and Game Management Commission shall be removed by the Senate for a period of two (2) years after the date of the conviction.

[History] Ord. 228 (4/5/05); Ord. 207 (1/27/04); Ord. 59 (1/10/89).

**18-02.030 Conviction as a Bar to Program Employment.**

- (A) No person who has been convicted of a Class A or Class B violation of this Title, any rule or regulation issued thereunder, or any term or provision of Title 4 – Criminal Code, shall be employed by the Tribal Fisheries or Game Programs for a period of two (2) years after the date of his or her conviction.
- (B) Any person convicted of a Class A or Class B violation of this Title, any rule or regulation issued thereunder, or any term or provision of Title 4 – Criminal Code, during the course of his or her employment with the Tribal Fisheries or Game Programs shall be disciplined in a manner consistent with tribal personnel policies.

[History] Ord. 228 (4/5/05); Ord. 207 (1/27/04); Ord. 59 (1/10/89).

**18-02.040 Subcommittees.**

The Fish and Game Management Commission may appoint subcommittees solely to advise the Commission on the exercise of its duties and responsibilities, as the Commission may deem necessary. Any subcommittee created by the Fish and Game Management Commission may be dissolved at any time by that Commission without notice. The Fish and Game Management Commission shall not delegate its authority, or any portion thereof, to a subcommittee.

[History] Ord. 228 (4/5/05); Ord. 207 (1/27/04); Ord. 157 (7/2/02); Ord. 146 (3/6/01); Ord. 77 (6/4/91).

**18-02.050 Senate Reserved Power.**

The Senate reserves the right to review and rescind any regulation and to reverse any action, or order any action, of the Fish and Game Management Commission, the Fisheries Manager, or the Game Manager.

[History] Ord. 228 (4/5/05); Ord. 207 (1/27/04); Ord. 59 (1/10/89).

**18-02.060 On-Reservation Fishing.**

On-reservation fishing is governed by the Senate, unless expressly delegated to the Fish and Game Management Commission.

[History] Ord. 228 (4/5/05); Ord. 207 (1/27/04); Ord. 96 (6/2/92); Ord. 77 (6/4/91).

**18-02.070 Authority to Regulate Fishing.**

(A) **Delegated Authority.** The Fish and Game Management Commission is delegated the authority to adopt such regulations and to hold such hearings as are necessary to implement this Title in all lawful fishing areas, except as provided in STC 18-03.170(B), which is reserved to the Senate.

(B) **Fishing Regulations.** Such regulations may include, but are not limited to, regulations that:

- (1) Specify the times and places when and where the taking of fish shall be lawful, prohibited, or otherwise limited;
- (2) Limit the quantity of gear that may be used in a particular fishery;
- (3) Limit the number or volume of fish that may be harvested in a

particular fishery;

- (4) Set out what fishing gear shall be allowed and the circumstances under which it shall be lawful to use or possess such gear, including but not limited to:
  - (a) The type, length, depth, and mesh size of nets used to harvest salmon and other top-dwelling finfish;
  - (b) The type and number of hooks, lines, and other gear used to harvest cod and other bottom-dwelling finfish;
  - (c) The size, shape, and design of pots or other gear used to harvest shrimp, crab, and other motile shellfish; and
  - (d) The type of dive gear, dredges, and other gear used to harvest clams, geoducks, and other sessile shellfish;
- (5) Limit the number of fishing vessels or boats that may be fished by tribal members in a tribal fishery;
- (6) Set catch quotas and related limitations, including size limitations, for each category of permit issued;
- (7) Set conditions and restrictions for the issuance and use of Point Elliot Treaty Fishing cards, fishing permits, visitor permits, fishing instructor permits, buyer licenses, and vessel registration numbers and establishing procedures for issuance and revocation of such cards and permits; and
- (8) Otherwise implement this Title and handle such other matters as the Senate may refer to the Fish and Game Management Commission.

[History] Ord. 228 (4/5/05); Ord. 207 (1/27/04); Ord. 157 (7/2/02); Ord. 96 (6/2/92); Ord. 88 (2/6/92); Ord. 77 (6/4/91).

**18-02.080 Authority to Regulate Purchase and Sale of Fish.**

The Fish and Game Management Commission is delegated the authority to regulate the purchase and sale of fish, including the issuance and revocation of buyer licenses.

[History] Ord. 228 (4/5/05); Ord. 207 (1/27/04); Ord. 157 (7/2/02); Ord. 96 (6/2/92); Ord. 77 (6/4/91).

**18-02.090 Authority to Regulate Hunting.**

- (A) The Fish and Game Management Commission is delegated the authority to adopt

such regulations as are necessary to implement this Title in all lawful hunting areas.

- (B) These regulations may include, but not be limited to, provisions that:
- (1) Specify the times and places when and where the taking of a wildlife species shall be lawful, prohibited or otherwise limited;
  - (2) Describe what gear shall be allowed and the circumstances under which it shall be lawful to use or possess such gear;
  - (3) Set bag limits and related limitations;
  - (4) Set conditions and restrictions for the issuance and use of tribal identification cards or permits;
  - (5) Develop procedures for the issuance and revocation of identification cards and permits; and
  - (6) Otherwise implement this Title and address such other matters as the Senate may refer to the Fish and Game Management Commission.

[History] Ord. 228 (4/5/05); Ord. 207 (1/27/04); Ord. 59 (1/10/89).

**18-02.100 Authority to Regulate Gathering**

- (A) The Fish and Game Management Commission is delegated the authority to adopt such regulations as are necessary to implement this Title in all lawful gathering areas.
- (B) These regulations may include, but not be limited to provisions that:
- (1) Specify the times and places when and where the gathering of plant species shall be lawful, prohibited or otherwise limited;
  - (2) Describe what gear shall be allowed and the circumstances under which it shall be lawful to use or possess such gear;
  - (3) Set quantity limits and related limitations;
  - (4) Set conditions and restrictions for the issuance and use of tribal identification cards or permits;
  - (5) Develop procedures for the issuance and revocation of identification cards and permits; and
  - (6) Otherwise implement this Title and address such other matters as the Senate may refer to the Fish and Game Management Commission.

[History] Ord. 249 (10/12/06);

**18-02.110 Regulatory Drafting Considerations.**

In drafting fishing, hunting and gathering regulations, the Fish and Game Management Commission shall:

- (A) Consider fish, game and plant conservation data available from the state and federal governments, other tribes, and other reliable sources; and
- (B) Give preference to the harvest of fish, game and plant species for ceremonial and subsistence purposes.
- (C) Determine whether the lands to be opened for hunting and/or gathering are private industrial timberlands covered by a landowner agreement.

[History] Ord. 249 (10/12/06); Ord. 228 (4/5/05); Ord. 207 (1/27/04); Ord. 96 (6/2/92).

**18-02.120 Fisheries Manager: General.**

The Senate shall employ a Fisheries Manager suitably skilled and capable of working with the Senate, the Fish and Game Management Commission, tribal fishers, fisheries biologists, and others.

[History] Ord. 228 (4/5/05); Ord. 207 (1/27/04); Ord. 77 (6/4/91).

**18-02.130 Fisheries Manager: Delegated Authority.**

**(A) Tribal Regulations.**

- (1) The Fisheries Manager is authorized to issue rules and regulations to protect, preserve, and enhance the fishing resource and manage tribal fisheries, including temporary or emergency regulations, as directed by the Fish and Game Management Commission.
- (2) If the Fisheries Manager disagrees with a decision of the Fish and Game Management Commission with regard to the impact of a regulation on the Tribe's fishing rights as reserved by the Treaty of Point Elliot, the Fisheries Manager may take the issue to the Senate for resolution.

**(B) Non-Tribal Regulations.**

- (1) **Review.** The Fisheries Manager, or his or her designee, is authorized to review regulations issued by other governmental jurisdictions.
- (2) **Objections.** If the Fisheries Manager determines that any such regulation impermissibly affects the Tribe's fishing rights as reserved by the Treaty of Point Elliott, the Fisheries Manager may file an objection to the offending regulation. In doing so, the Fisheries Manager shall follow any requirements

set forth in any applicable federal court order, management plan, or negotiated agreement.

- (3) **Authority to Negotiate.** The Fisheries Manager may seek to resolve the dispute by negotiating an intergovernmental agreement with the other jurisdiction, according to Section 18-02.130(C).

(C) **Intergovernmental Agreements.**

- (1) The Fisheries Manager is authorized to negotiate intergovernmental agreements relating to the management, conservation, cooperative enforcement, or Treaty protection of fish with any other treaty tribe, local governments, the State of Washington and its agencies, the federal government and its agencies, or the federal government of Canada and its agencies. No such agreement shall be binding unless approved by the Senate.
- (2) The Fisheries Manager may issue temporary regulations pursuant to the intergovernmental agreements described in Section 18-02.130(C)(1), provided that these regulations will expire if not ratified by the Senate at its next regularly scheduled meeting after the fisheries manager issues the temporary regulations.

- (D) **Cooperative Access Agreements.** The Fisheries Manager may negotiate agreements with private landowners that specify reasonable access areas both on and off the Reservation for the exercise of tribal treaty fishing rights.

- (E) **Settlement Agreements with Buyers.** Pursuant to STC Chapter 18-03, the Fisheries Manager may negotiate and enter into agreements with fish buyers licensed by the Tribe to address past violations and to ensure that future violations do not occur.

[History] Ord. 228 (4/5/05); Ord. 207 (1/27/04); Ord. 157 (7/2/02); Ord. 96 (6/2/92); Ord. 77 (6/4/91).

**18-02.140 Fisheries Manager: Duties and Responsibilities.**

- (A) The Fisheries Manager, or his or her designee, shall issue the Point Elliott Treaty Fishing Card, all fishery permits, fish buyer's licenses, instructor permits, visitor and associate permits, and any other permit identified in STC Chapter 18-03, buoy and bag tags, and vessel registrations as directed by the Fish and Game Management Commission.
- (B) The Fisheries Manager, or his or her designee, shall provide information to tribal prosecutors and law enforcement personnel, the Fish and Game Management Commission, and the Senate, as needed, to enforce this Title, any rules or regulations issued hereunder, or fishery-related violations under Title 4 – Criminal Code, and shall act as the Tribe's witness when needed to prosecute fishing violations.

- (C) The Fisheries Manager shall promptly comply with any valid court order or Senate resolution requiring him or her to revoke a buyer's license, a Point Elliot Treaty Identification card, a fishing permit, or fishing privileges of a tribal member.
- (D) The Fisheries Manager shall promptly comply with any valid order from the Senate requiring him or her to revoke any permit, license, or identification card required by STC Chapter 18-03 of this Title or any rule or regulation promulgated thereunder.
- (E) The Fisheries Manager may forfeit a Buyer's bond for any violation of STC Chapter 18-03 or his or her Buyer's License shall transmit all such funds received to the Tribal Controller for deposit in a designated account.
- (F) The Fisheries Manager may assess administrative costs and penalties for any violation of STC Chapter 18-03 pursuant to the terms of that Chapter, and shall transmit all such funds received to the Tribal Controller.
- (G) The Fisheries Manager shall issue all notices and lists as provided by STC Chapter 18-03, and otherwise implement this Title as directed by the Senate or the Fish and Game Management Commission, pursuant to its delegated authority.

[History] Ord. 228 (4/5/05); Ord. 207 (1/27/04); Ord 157 (7/2/02); Ord. 96 (6/2/92); Ord 77 (6/4/91).

**18-02.150 Game Manager: General.**

The Senate shall employ a Game Manager suitably skilled and capable of working with the Senate, the Fish and Game Management Commission, tribal hunters, wildlife biologists, and others. Qualifications shall include, at a minimum, a working knowledge of Point Elliot Treaty hunting rights.

[History] Ord. 228 (4/5/05); Ord. 207 (1/27/04); Ord. 59 (1/10/89).

**18-02.160 Game Manager: Delegated Authority.**

- (A) **Intergovernmental Agreements.** The Game Manager is authorized to negotiate intergovernmental agreements relating to the management, conservation, cooperative enforcement, or protection of wildlife with any other treaty tribe, local government, the State of Washington and its agencies, or the federal government and its agencies. No such agreement shall be binding unless approved by the Senate.
- (B) **Rules and Regulations.** The Game Manager is authorized to issue rules and regulations to protect, preserve, and enhance game and plant resources and manage tribal hunting and gathering activity as directed by the Fish and Game Management Commission.

- (C) **Cooperative Access Agreements.** The Game Manager may negotiate agreements with private landowners that specify reasonable access areas both on and off the Reservation for the exercise of tribal treaty hunting and gathering rights.

[History] Ord. 249 (10/12/06); Ord. 228 (4/5/05); Ord. 207 (1/27/04); Ord. 59 (1/10/89).

**18-02.170 Game Manager: Duties and Responsibilities.**

- (A) The Game Manager, or his or her designee, shall issue hunting and gathering permits and bag tags pursuant to the requirements of this Title or any rules or regulations issued hereunder.
- (B) The Game Manager, or his or her designee, shall revoke or suspend any permit issued under this Title pursuant to written direction from the Senate as provided in this Title or any rules or regulations promulgated hereunder.
- (C) The Game Manager, or his or her designee, shall promptly comply with any valid court order requiring him or her to revoke a hunting or gathering permit, and/or otherwise implement the order.
- (D) The Game Manager shall provide information to tribal prosecutors and law enforcement personnel, the Fish and Game Management Commission and the Senate, as needed, to enforce this Title, any rules or regulations issued hereunder, or hunting-related provisions of Title 4 – Criminal Code, and shall act as the Tribe’s witness when needed to prosecute hunting and gathering violations.
- (E) The Game Manager is authorized to otherwise implement this Title as directed by the Senate or by the Fish and Game Management Commission, pursuant to its delegated authority.

[History] Ord. 249 (10/12/06); Ord. 228 (4/5/05); Ord. 207 (1/27/04); Ord. 59 (1/10/89).

**18-02.180 Emergency Regulations.**

- (A) **Fishing.**
- (1) **Commission.** The Fish and Game Management Commission may adopt emergency regulations to ensure proper management of a fishery. If possible, emergency regulations shall not be issued until after consultation with a tribal biologist.
- (2) **Ratification.** If the Fisheries Manager deems it necessary that an emergency fishing regulation, other than an emergency closure, be issued by the Fish and Game Management Commission prior to its next meeting, the Fisheries Manager may propose such a regulation to the Fish and Game Management Commission by means of interactive electronic communication, such as

telephone, radio, or cellular phone. The Commissioners shall approve or reject the proposed emergency regulation. An emergency regulation shall be effective only upon approval by a quorum of the Commissioners. The Fisheries Manager, or his or her designee, shall keep a log of all attempts to establish interactive electronic communication with the Commissioners.

(B) **Hunting.**

- (1) **Commission.** The Fish and Game Management Commission may adopt emergency regulations to ensure proper management of hunting resources. If possible, emergency regulations shall not be issued until after consultation with a wildlife biologist.
- (2) **Ratification.** If the Game Manager deems it necessary that an emergency hunting regulation (other than an emergency closure) be issued by the Fish and Game Management Commission prior to its next meeting, the Game Manager may propose such a regulation to the members of the Fish and Game Management Commission by means of interactive electronic communication, such as telephone, radio, or cellular phone. The Commissioners shall approve or reject the proposed emergency regulation. An emergency regulation shall be effective only upon approval by a quorum of the Commissioners. The Game Manager, or his or her designee, shall keep a log of all attempts to establish interactive electronic communication with the Commissioners.

(C) **Gathering.**

- (1) **Commission.** The Fish and Game Management Commission may adopt emergency regulations to ensure the proper management of plant resources and conformity to insurance and other legal requirements. If possible, emergency regulations shall not be issued until after consultation with the Office of Trial Attorney.
- (2) **Ratification.** If the Game Manager deems it necessary that an emergency gathering regulation (other than an emergency closure) be issued by the Fish and Game Management Commission prior to its next meeting, the Game Manager may propose such a regulation to the members of the Fish and Game Management Commission by means of interactive electronic communication, such as telephone, radio, or cellular phone. The Commissioners shall approve or reject the proposed emergency regulation. An emergency regulation shall be effective only upon approval by a quorum of the Commissioners. The Game Manager, or his or her designee, shall keep a log of all attempts to establish interactive electronic communication with the Commissioners.

[History] Ord. 228 (4/5/05); Ord. 207 (1/27/04).

**18-02.190 Emergency Closures.**

(A) **Fishing.**

- (1) **Fisheries Manager.** After consultation with a tribal biologist, the Fisheries Manager may issue an emergency regulation closing a fishery when, in his or her judgment, the closure is necessary to meet conservation needs or allocation requirements.
- (2) **Notice to Commission.** The Fisheries Manager shall give notice of the emergency closure regulations to the Fish and Game Management Commission at its next meeting.
- (3) **When Effective.** Emergency regulations shall become effective upon issuance, or according to their terms, and shall remain effective for such periods as are provided in the regulations, or until they are revoked, or until the Fish and Game Management Commission fails to ratify as provided by Section 18-02.180(A)(2).
- (4) **Penalties.** No penalties shall be imposed for violations of emergency regulations unless the violator has had actual notice of the regulation, or unless the regulation has existed for twenty-four (24) hours, whichever occurs first. Regardless of this twenty-four (24) hour period or of the presence or lack of actual notice, any regulation may be enforced from its effective time.

(B) **Hunting.**

- (1) **Game Manager.** After consultation with a wildlife biologist, the Game Manager may issue an emergency regulation closing a hunting season when, in his or her judgment, the closure is necessary to meet conservation needs or allocation requirements.
- (2) **Notice to Commission.** The Game Manager shall give notice of the emergency closure regulations to the Fish and Game Management Commission at its next meeting.
- (3) **When Effective.** Emergency regulations shall become effective upon issuance, or according to their terms, and shall remain effective for such periods as are provided in the regulations, or until they are revoked, or until the Fish and Game Management Commission fails to ratify as provided in Section 18-02.180(B)(2).
- (4) **Penalties.** No penalties shall be imposed for violations of emergency regulations unless the violator has had actual notice of the regulation, or unless the regulation has existed for twenty-four (24) hours, whichever occurs first. Regardless of this twenty-four (24) hour period or of the presence or lack of actual notice, any regulation may be enforced from its effective time.

(C) **Gathering.**

- (1) **Game Manager.** After consultation with the Office of Tribal Attorney, the Game Manager may issue an emergency regulation closing a gathering season on private industrial timberlands when in his or her judgment, the closure is necessary to meet conservation needs, or insurance or other legal requirements.
- (2) **Notice to Commission.** The Game Manager shall give notice of the emergency closure regulations to the Fish and Game Management Commission at its next meeting.
- (3) **When Effective.** Emergency regulations shall become effective upon issuance, or according to their terms, and shall remain effective for such periods as are provided in the regulations, or until they are revoked, or until the Fish and Game Management Commission fails to ratify as provided in Section 18-02.180(C)(2).
- (4) **Penalties.** No penalties shall be imposed for violations of emergency regulations unless the violator has had actual notice of the regulation, or unless the regulation has existed for twenty-four (24) hours, whichever occurs first. Regardless of this twenty-four (24) hour period or of the presence or lack of actual notice, any regulation may be enforced from its effective time.

[History] Ord. 249 (10/12/06); Ord. 228 (4/5/05); Ord. 207 (1/27/04); Ord. 77 (6/4/91); Ord. 59 (1/10/89).

**18-02.200 Notice of Fishing Regulations.**

(A) **Notice to Tribal Members and the Public.**

- (1) All fishing regulations shall be posted in the Fisheries Office. Fishing regulations shall also be posted at the commercial float dock facility and on the Swinomish hotline. All regulations other than emergency regulations shall be posted sufficiently in advance of applicable seasons to ensure adequate notice.
- (2) Emergency regulations shall be posted immediately upon issuance.
- (3) Upon request, any regulation shall be provided to the tribal fisher or member of the public.

- (B) **Notice Pursuant to Court Order.** When timetables for the service and filing of fishing regulations are set by federal courts or by tribal agreement with co-managing agencies, these timetables shall be observed; Provided that failure to observe these

timetables shall not affect their validity in any way.

[History] Ord. 228 (4/5/05); Ord. 207 (1/27/04); Ord. 77 (6/4/91); Ord. 59 (1/10/89).

**18-02.210 Notice of Hunting Regulations.**

**(A) Notice to Tribal Members and the Public.**

- (1) All hunting regulations shall be posted in the Swinomish Fish and Game Office. All regulations other than emergency regulations shall be posted sufficiently in advance of applicable seasons to ensure adequate notice.
- (2) Emergency regulations shall be posted immediately upon issuance.
- (3) Upon request, any regulation shall be provided to the tribal hunter or member of the public.

**(B) Notice Pursuant to Court Order.** When timetables for the service and filing of hunting regulations are set by federal courts or by tribal agreement with co-managing agencies, these timetables shall be observed; Provided, that failure to observe these timetables shall not affect their validity in any way.

[History] Ord. 249 (10/12/06); Ord. 228 (4/5/05); Ord. 207 (1/27/04); Ord. 77 (6/4/91); Ord. 59 (1/10/89).

**18-02.220 Notice of Gathering Regulations.**

**(A) Notice to Tribal Members and the Public.**

- (1) All gathering regulations shall be posted in the Swinomish Fish and Game Office. All regulations other than emergency regulations shall be posted sufficiently in advance of applicable seasons to ensure adequate notice.
- (2) Emergency regulations shall be posted immediately upon issuance.
- (3) Upon request, any regulation shall be provided to the tribal gatherer or member of the public.

**(B) Notice Pursuant to Court Order.** When timetables for the service and filing of gathering regulations are set by federal courts or by tribal agreement with co-managing agencies, these timetables shall be observed; Provided, that failure to observe these timetables shall not affect their validity in any way.

[History] Ord. 249 (10/12/06);