

Ordinance Number 7.001. Amended by Resolution No. 84-79, dated January 15, 1984; Resolution No. 85-10, dated October 20, 1984; Resolution No. 85-19, dated October 21, 1984; Resolution No. 88-196, dated September 17, 1988; Resolution No. 90-117, dated April 21, 1991; and Resolution No. 90-155, dated June 16, 1990; Resolution No. 2005-361, dated September 16, 2005; Resolution No. 2013-169, dated June 20, 2013; Resolution No. 2016-247, dated August 19, 2016.

Original Date: August 28, 1980
Subject: Hunting, Fishing and Gathering

HUNTING, FISHING AND GATHERING ORDINANCE

Siletz Tribal Code § 7.001

PART I

GENERAL PROVISIONS

§ 7.001 PURPOSE AND AUTHORITY

The purpose of this ordinance is to provide for regulation of the exercise of hunting, fishing and gathering rights of the Confederated Tribes of Siletz Indians of Oregon. Authority for this ordinance is Article IV, Section 1 of the Tribal Constitution, adopted June 2, 1979 and approved by the Secretary of the Interior on June 13, 1979.

§ 7.002 DEFINITIONS

(a) "Agreement" shall mean the "Agreement Among the State of Oregon, the United States of America and the Confederated Tribes of Siletz Indians of Oregon to Permanently Define

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Amended 1/15/84; 10/20/84; 10/21/84;
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HUNTING, FISHING AND GATHERING ORDINANCE
Siletz Tribal Code §7.001

Tribal Hunting, Fishing, Trapping, and Gathering Rights of the Siletz Tribe and Its Members" as declared and set forth in the final judgment and decree of the United States District Court for the District of Oregon, in the action entitled Confederated Tribes of Siletz Indians of Oregon v. State of Oregon, entered on May 2, 1980.

(b) "Committee" shall mean the Natural Resources Committee established pursuant to the provisions of the Standing Committee Ordinance Siletz Tribal Code §2.500.

(c) "Cultural fishing" shall mean the exercise of traditional, ceremonial and subsistence tribal fishing rights.

(d) "Cultural hunting" shall mean the exercise of traditional, ceremonial and subsistence tribal hunting rights.

(e) "Cultural gathering" shall mean the exercise of traditional, ceremonial and subsistence tribal gathering rights.

(f) "Subsistence fish supply" shall mean such fish as the Tribe acquires according to the provisions set forth on page 6 of the Agreement.

(g) "Subsistence game supply" shall mean the game that the Tribe acquires according to the provisions set forth on page 9 of the Agreement.

(h) "Siletz Tribe" shall mean the Confederated Tribes of Siletz Indians of Oregon.

(i) "Tribal member" shall mean a duly enrolled member of the Tribe.

(j) "Tribal Newsletter" shall mean the official publication of the Confederated Tribes of Siletz Indians of Oregon, entitled the Siletz News.

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HUNTING, FISHING AND GATHERING ORDINANCE
Siletz Tribal Code §7.001

§ 7.003 **POLICY**

(a) The policy of the Siletz Tribe shall be to regulate the exercise of tribal hunting, fishing and gathering rights and to distribute subsistence fish and game supplies in order to meet the following objectives:

- (1) Preserving the cultural practices of the Siletz Tribe, with particular emphasis on education of the Tribe's young people about traditional fishing, hunting and gathering methods and customs;
- (2) Providing adequate food reserves for tribal pow-wows, meetings, celebrations and for elderly and needy tribal members;
- (3) Ensuring the opportunity for individual tribal members and families to provide for themselves by exercising tribal hunting, fishing and gathering rights.

§ 7.004 **NATURAL RESOURCES COMMITTEE**

Tribal Council has established the Natural Resources Committee in accordance with the Standing Committee Ordinance §2.500. The composition, responsibilities and actions of the Natural Resources Committee shall be in accordance with the provisions of the Standing Committee Ordinance.

§ 7.005 **LICENSES**

- (a) Required for Exercise of Tribal Rights.

HUNTING, FISHING AND GATHERING ORDINANCE
Siletz Tribal Code §7.001

Any tribal member who wishes to exercise tribal hunting, fishing or gathering rights must apply for a tribal license. The tribal member must have the license in his or her possession when exercising the right, as well as any tag required by other Sections of this ordinance. The license must be shown to any member of the Committee, tribal staff person or State law enforcement officer upon reasonable demand if the licensee is engaged or appears to be engaged in the exercise of tribal rights.

(b) Issuance.

Any tribal member may apply for a tribal license provided that he or she signs an application form stating that he or she agrees to comply fully with all provisions of this ordinance in the exercise of tribal rights, and such member is not currently suspended as provided in §7.036.

(c) Contents.

The license shall contain the member's name, photograph and enrollment number, as well as any other information required by the Committee. The license may be a valid Siletz tribal identification card with an appropriate sticker indicating that the member is an approved licensee for tribal hunting, fishing, and gathering purposes.

(d) Annual Sticker.

Natural Resources Department staff shall affix an annual sticker to each tribal identification card showing that the tribal member continues to be licensed in that

HUNTING, FISHING AND GATHERING ORDINANCE
Siletz Tribal Code §7.001

year. Such stickers shall be provided each year to all licensees in good standing. No license shall be valid without the appropriate annual sticker.

§ 7.006 RULES AND REGULATIONS

The Natural Resources Committee shall have the authority to set forth any rules and regulations necessary to fulfill its duties under this ordinance and to see that the terms of this ordinance are properly implemented. Any rules or regulations adopted by the Committee under this Section shall be published in the Tribal Newsletter and shall not become effective until 30 days after the date of such publication, and subject to Tribal Council approval pursuant to the Tribal Administrative Procedures Ordinance.

§ 7.007 STATE RIGHTS UNAFFECTED

Nothing in this ordinance shall be interpreted to affect or limit in any way the exercise by tribal members of hunting, fishing and gathering rights or privileges afforded to all citizens and licensees of the State of Oregon.

PART II

CULTURAL FISHING

§ 7.008 GENERALLY

Pursuant to the Agreement, each year the Oregon Department of Fish & Wildlife shall issue 200 salmon tags to the Tribe for the cultural fishery. The purpose of this Section is to provide for the issuance of these tags by the Tribe to tribal members and the regulation of their use in accordance with the Agreement.

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HUNTING, FISHING AND GATHERING ORDINANCE
Siletz Tribal Code §7.001

§ 7.009 WHO MAY ENGAGE IN CULTURAL FISHING

No person shall engage in cultural fishing except a tribal member who possesses a current tribal license and a tag issued pursuant to §7.014(b) below. Tribal members 12 years of age and younger must be supervised by an adult to be eligible to engage in cultural fishing.

§ 7.010 SEASON

The season for cultural fishing shall be set each year by the Tribal Natural Resources Manager after consultation with the Committee and the Oregon Department of Fish & Wildlife. The season shall be in the fall and will last up to sixty days. As soon as the season is set, it shall be posted in all tribal offices and made known to tribal members by appropriate means, including publication in the Tribal Newsletter or website.

§ 7.011 HOURS

Cultural fishing may take place during daylight hours only (one hour before sunrise through one hour after sunset).

§ 7.012 GEAR

- (a) All cultural fishing shall be done with the following gear only:
 - (1) "Dip net," meaning a net with a mesh size no larger than five inches (measured from the inside of one vertical knot to the outside of the opposite vertical knot) attached to a hoop no larger than four feet in diameter and attached directly to a handle; dip nets shall be attended at all times;

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HUNTING, FISHING AND GATHERING ORDINANCE
Siletz Tribal Code §7.001

- (2) "Spear," meaning a hand-propelled barbed single or multiple point device attached directly to a long shaft; no multiple pointed spear shall have an overall width greater than eight inches.
- (3) "Gaffhook," meaning a large, strong single point hook attached directly to a handle.

§ 7.013 **SITES**

(a) All cultural fishing shall take place at the three approved tribal cultural fishing sites.

(b) Any use of the sites for cultural fishing by tribal members shall be during the season only and shall be subject to all provisions of any agreement between the Tribe and the owners of the site property.

§ 7.014 **TAGS**

(a) Generally.

The Natural Resources Department staff shall distribute the tags in accordance with the provisions of this Section. The Committee may assist with the development of application forms, information sheets, records systems or other documents necessary for the implementation of this Section.

(b) Issuance.

The tags shall be issued as follows:

HUNTING, FISHING AND GATHERING ORDINANCE
Siletz Tribal Code §7.001

- (1) Upon approval of the Tribal Council, a limited number of tags shall be offered to cultural and educational classes sponsored or approved by the Tribal Council. The emphasis in these classes shall be to teach traditional methods of catching, preparing and preserving the catch to tribal members. All fish caught under this Section shall be reported to the Natural Resources Department and shall be prepared or preserved as appropriate and distributed to elderly and needy members of the Tribe or used for tribal gatherings at the discretion of the Natural Resources Department.
- (2) The remainder of the tags shall be issued upon proper application to individual, licensed tribal members on a first come first served basis beginning on a specified date which will be advertised well in advance in the tribal newsletter and website. All lost or damaged tags must be reported.

(c) Transferability.

A tag may be transferred by the tribal member to whom it was issued only to another licensed tribal member; however, the first tribal member is still responsible for reporting the catch within the time limits set out in this Part. Any unused tag may be turned back to the Natural Resources Department for re-issuance to another licensee.

(d) Reporting catch.

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HUNTING, FISHING AND GATHERING ORDINANCE
Siletz Tribal Code §7.001

Whenever a fish is caught under this ordinance, the tag shall be promptly affixed to the fish. The person's catch shall be reported to the Natural Resources Department within 3 business days.

(e) Records.

The Natural Resources Department shall see that accurate records are kept of all tags issued and their return as well as the reported take.

§ 7.015 TAKING OF STEELHEAD PROHIBITED

There shall be no steelhead taken as part of the cultural fishery.

§ 7.016 NO COMMERCIAL USE

None of the fish taken under this Part shall be used for commercial purposes.

PART III

CULTURAL HUNTING

§ 7.017 GENERALLY

Pursuant to the Agreement, each year the State of Oregon shall issue deer and elk tags to the Tribe for cultural hunting. The purpose of this Section is to provide for the issuance of these tags by the Tribe and regulation of their use in accordance with the Agreement.

§ 7.018 WHO MAY ENGAGE IN CULTURAL HUNTING

No person shall engage in cultural hunting except a tribal member who possesses a current tribal license and a tag issued pursuant to §7.023(b) below.

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HUNTING, FISHING AND GATHERING ORDINANCE
Siletz Tribal Code §7.001

§ 7.019 SEASON

The seasons for cultural deer and elk hunting shall be those prescribed by the State of Oregon for all citizens in the cultural hunting area described in §7.020 below.

§ 7.020 CULTURAL HUNTING AREA

All cultural hunting shall take place within the State of Oregon's Stott Mountain Management Unit and that portion of the Alsea Management Unit which lies north of Oregon Highway 34 and west of Oregon Highway 223. All hunting pursuant to this ordinance shall be subject to all of the rights of private landowners and tenants under applicable state trespass laws.

§ 7.021 CONTROLLED HUNTS

If in a given year, the State prescribes a controlled deer or elk season within the cultural hunting area whereby participants must draw permits, the State shall provide permits to the Tribe, at the Tribe's option, for the controlled hunt, of up to 10% of the total controlled tags authorized for all citizens. The Natural Resources Committee shall make a recommendation to the Tribal Council on how many of such permits should be requested from the State. The Natural Resources Department shall distribute any tags acquired pursuant to this Section in accordance with the provisions of §7.023 below.

§ 7.022 STATE REGULATIONS TO APPLY

Weapons, antler regulations, methods of taking and other State regulations about taking shall apply to cultural hunting by tribal members, except as otherwise stated in this ordinance.

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HUNTING, FISHING AND GATHERING ORDINANCE
Siletz Tribal Code §7.001

§ 7.023 **TAGS**

(a) Generally.

The Natural Resources Department shall distribute the tags in accordance with the provisions of this Section. The Committee may assist in the development of application forms, information sheets, records systems or other documents necessary for implementation of this Section.

(b) Issuance.

The tags shall be issued as follows:

(1) Deer and Elk tags designated by the Natural Resources Committee as Cultural Tags shall be offered to individuals or groups; such individuals or groups shall hunt for the Tribe and shall return all game taken to the Tribe for tribal purposes.

(2) General Rifle deer tags shall be issued as follows:

(A) Persons wanting a tag must come in to the Natural Resources Department office and fill out the tag permit form with their own address, phone number, etc. and must personally sign the tag permit form.

(B) Minors age 12 through 17 must present their hunter safety card when obtaining a hunting tag. Minors younger than 12 years of age are not eligible to obtain a hunting tag.

HUNTING, FISHING AND GATHERING ORDINANCE
Siletz Tribal Code §7.001

- (C) If an individual cannot come into the Natural Resources Department office during regular business hours, forms and tags will be mailed to those desiring them if they call the Natural Resources office and provide the following information: name, enrollment number, phone number, mailing address, hunter safety card number (if a minor). Tag will not be valid until they sign the form and return the yellow part of the form to the Natural Resources Department once signed.
 - (D) Tags will not be issued to one person for another person (ie: spouses, children, relatives, etc.).
 - (E) The person who the tag is issued to is responsible for reporting if the tag is filled within 3 business days. Penalties may apply if this is not done (see §7.036).
- (3) Controlled Hunt Elk Tag Drawings:
- (A) Applicant must fill out a drawing form with their own address, phone number, etc. and must personally sign the drawing form.
 - (B) Addresses will be verified with Enrollment.
 - (C) Minors must list their hunter safety number on the application.
 - (D) Tags will only be issued to the person who is drawn, even if that person intends to have someone else hunt for them.

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HUNTING, FISHING AND GATHERING ORDINANCE
Siletz Tribal Code §7.001

- (E) Tags will be issued no earlier than 30 days prior to the controlled hunt opening date.
- (F) Applicant drawn must pick up elk tag no later than four business days before the controlled hunt opening date. If the tag is not picked up by that date, the Alternate will be contacted to receive the tag.
- (G) If an individual cannot come into the office during regular business hours to receive their drawn tag, forms and tags may be mailed to them if they call the Natural Resources office and provide the following information: name, enrollment number, phone number, mailing address, hunter safety card number (if a minor). Tag will not be valid until they sign the form and return the yellow part of the form to the Natural Resources Department once signed.
- (H) The person who the tag is issued to is responsible for reporting if the tag is filled within 3 business days. Penalties may apply if this is not done (see §7.036).
- (I) A Tribal member may be issued only one elk tag of any type (bull, cow, archery) per hunting season (August – March) except as described below. Tags issued in accordance with §7.023(b)(1) shall not count as a tag for purposes of this section.

(4) Deer and Elk Archery Tags:

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HUNTING, FISHING AND GATHERING ORDINANCE
Siletz Tribal Code §7.001

- (A) All archery tags will be issued on a first-come basis. The first date of issuance will be advertised in the Siletz Newsletter and Tribal Website.
- (B) All unfilled early season deer archery tags must be returned to the Natural Resources Department within 14 days of the end of the season. Failure to return an unfilled deer archery tag will result in the Tribal member's ineligibility for receiving a deer archery tag for a period of one year. Additional penalties may apply (see §7.036).
- (C) Late season deer archery tags will be issued on a first come basis only to Tribal members who during the current hunting season (August – March) have not been issued an early season deer archery tag, except that, if any late season deer archery tags remain unissued 14 days prior to the opening day of the late season deer archery hunt, those tags will be made available on a first come basis to all eligible hunters.
- (D) Late season elk archery tags will be issued on a first come basis only to Tribal members who during the current hunting season (August – March) have not been issued an early season elk archery tag or been drawn to receive an elk rifle tag, except that, if any late season elk archery tags remain unissued 14 days prior to the

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HUNTING, FISHING AND GATHERING ORDINANCE
Siletz Tribal Code §7.001

opening day of the late season elk archery hunt, those tags will be made available on a first come basis to all eligible hunters.

(E) The person who the tag is issued to is responsible for reporting if the tag is filled within 3 business days. Penalties may apply if this is not done (see §7.036).

(5) Use of Deer and Elk Tags:

(A) Tags may be hunted by the individual obtaining the tag or that individual may give their tag to another Siletz Tribal member hunter to hunt for them. The other Tribal member must have a valid Siletz Tribal hunting license.

(B) Tags may not be given to a non-Siletz Tribal member.

(C) The person who the tag is issued to is responsible for reporting if the tag is filled.

(D) Tribal members may possess only one Tribal tag in their name at a time for the season that they are hunting. If they fill that tag, they may obtain another tag if additional tags are available. Possessing a Tribal tag does not preclude also possessing a State issued tag.

(E) All other ODFW rules and regulations regarding hunting seasons, locations, gear, etc. must be followed.

HUNTING, FISHING AND GATHERING ORDINANCE
Siletz Tribal Code §7.001

(F) Once filled, the tag must be attached to the animal and reported to the Natural Resources Department within 3 business days.

(6) Reporting:

(A) If the tag is filled, the person to whom the tag was issued must report the kill to the Natural Resources Department within 3 business days.

(B) Failure to report the tag filled within the prescribed time period may result in a Notice of Violation being issued to the person to whom the tag was issued, with potential penalties, including suspension of hunting privileges, in accordance with this Ordinance §7.036.

(c) Records.

The Natural Resources Department shall see that accurate records are kept of all tags issued and those returned as well as the reported take.

(d) Eligibility of Young Tribal Members.

No hunting tag shall be issued to any young tribal member less than 12 years of age. No hunting tag shall be issued to any young tribal member ages 12 through 17 unless that member possesses a hunters safety certificate approved by the Tribal Council. A Hunter Education Certificate issued by the State of Oregon shall meet this requirement. The member must have the certificate in their possession while hunting on property other than that owned or leased by their parents or guardians.

HUNTING, FISHING AND GATHERING ORDINANCE
Siletz Tribal Code §7.001

§ 7.024 **NO COMMERCIAL USE**

No game taken under this Part shall be used for commercial purposes.

PART IV

SUBSISTENCE SUPPLY

§ 7.025 **SUBSISTENCE FISH SUPPLY**

(a) Generally.

Pursuant to the Agreement, the Tribe has the right to receive up to 4,000 pounds annually of surplus salmon carcasses from the State of Oregon.

(b) Selection.

The Natural Resources Department shall, at its option, participate in the final selection of the fish, after the State has determined which are available for the Tribe.

(c) Pickup.

The Natural Resources Department shall be responsible for pickup of salmon carcasses at the locations designated by the State pursuant to the Agreement.

(d) Storage and Preservation.

The Natural Resources Department shall arrange for storage, processing and preservation of the fish and shall make every effort to utilize tribal resources and assistance of tribal members in the latter.

(e) Distribution.

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HUNTING, FISHING AND GATHERING ORDINANCE
Siletz Tribal Code §7.001

The Natural Resources Department shall distribute the subsistence fish for tribal purposes as determined by the Tribal Council.

§ 7.026 **SUBSISTENCE GAME SUPPLY**

(a) Generally.

Pursuant to the Agreement, the State of Oregon shall make available to the Tribe, at the Tribe's option, a substantial portion of the deer and elk carcasses received by State agencies in Lincoln County. The State shall promptly advise the Tribe of available carcasses.

(b) Pickup.

The Natural Resources Department shall be responsible for deciding whether available carcasses are acceptable, and for pickup if so decided.

(c) Storage and Preservation.

The Natural Resources Department shall arrange for storage, processing and preservation of the game and shall make every effort to utilize tribal resources and assistance of tribal members in the latter.

(d) Distribution.

The Natural Resources Department shall distribute subsistence game for tribal purposes as determined by the Tribal Council.

(e) No Commercial Use.

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HUNTING, FISHING AND GATHERING ORDINANCE
Siletz Tribal Code §7.001

None of the fish or game acquired pursuant to this Part shall be used for commercial purposes.

PART V

GATHERING

§ 7.027 GATHERING POLICY

Conservation of the species shall be the overriding policy of the Tribe and Committee in the exercise of tribal gathering rights under this ordinance. The Tribe and Committee will cooperate and coordinate with relevant federal, state and private agencies in monitoring the health and sustainability of the species subject to tribal gathering. In the event conservation concerns are documented for specific species and/or gathering locations, the Committee shall regulate tribal gathering for conservation purposes, including, as appropriate, the institution of daily gathering limits and other appropriate restrictions or limitations on harvest. Any such regulations shall be adopted pursuant to the Administrative Procedures Ordinance. The Committee shall institute monitoring and reporting requirements for tribal gathering as necessary and appropriate to carry out its conservation oversight responsibilities.

§ 7.028 GATHERING OF EELS AND SEAWEED

No individual tribal tags shall be required for the gathering of eels or seaweed within Lincoln County, Oregon. However, a tribal member exercising the tribal right to gather these must have a current, valid tribal license as set out in this Ordinance in his or her possession.

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HUNTING, FISHING AND GATHERING ORDINANCE
Siletz Tribal Code §7.001

§ 7.029 SHELL FISH GATHERING GENERAL REGULATIONS

These provisions apply to the harvest of freshwater and marine shellfish by enrolled members of the Confederated Tribes of Siletz Indians of Oregon within Lincoln County, Oregon.

- (a) In addition to a valid Tribal gathering license, all gatherers must have in their possession a Siletz Tribal Shellfish Gathering Permit, which may be obtained from the Siletz Tribal Natural Resources Department.
- (b) Shellfish gatherers under the age of 12 must be accompanied and under the supervision of an adult. Children are encouraged to actively participate in gathering activities. Adults are encouraged to teach the youth proper shellfish gathering techniques.
- (c) In accordance with the customs of the Confederated Tribes of Siletz Indians, harvest of all species covered by these regulations is limited to that which can reasonably be expected to be used by the gatherer and their family with no waste. Gatherers are encouraged to harvest sufficient amounts to provide for the needs of Tribal elders. Gathering for special ceremonies is limited to the amount expected to be used during the ceremony, with no waste.
- (d) Gathering for other tribal members. A tribal member may gather shellfish for another tribal member who has a tribal shellfish gathering permit. In such instance, the tribal member who is gathering shellfish shall have in his or her possession their

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HUNTING, FISHING AND GATHERING ORDINANCE
Siletz Tribal Code §7.001

own shellfish gathering permit and the permit of any other tribal member they are gathering for.

- (e) Gatherers shall abide by any harvest closures put in place due to the issuance of a Public Health Advisory by the Oregon Department of Agriculture. Up-to-date information regarding shellfish health advisories may be obtained by calling 503-986-4728 or 1-800-448-2474.
- (f) Gatherers shall report amounts harvested by species to the Natural Resources Department within 3 business days after harvest. Failure to report as required by this Ordinance may result in sanctions imposed by the Committee.
- (g) All gathering must be conducted for non-commercial purposes.
- (h) The Permittee, upon request by any tribal employee or monitor or by a law enforcement officer of the State or county, shall produce this permit for inspection. Permit may be revoked if a violation of the Gathering Permit privilege has occurred.
- (i) Records.

The Natural Resources Department shall keep accurate, current records concerning the reported number of animals taken under this Section. The Department shall monitor the tribal gathering harvest by all appropriate means, and may share that harvest information with state wildlife officials.

HUNTING, FISHING AND GATHERING ORDINANCE
Siletz Tribal Code §7.001

§ 7.030 **SPECIES SPECIFIC HARVEST METHODS AND OTHER REGULATIONS:**

- (a) Marine Shellfish and Marine Invertebrates:
 - (1) ABALONE
 - (A) 8-inch minimum length
 - (B) May be taken by *abalone* iron only.
 - (C) *Abalone* brought ashore shall be whole and in such a condition that the size can be determined.
 - (D) *Abalone* must not be removed from their shell in the field, except when being prepared for immediate consumption.
 - (E) Every person while taking *abalone* shall carry a caliper measuring gauge with fixed opposing arms capable of accurately measuring eight inches.
 - (F) Season. Open all year, 24 hours per day.
 - (2) CLAMS – *Razor Clams and Bay Clams (Butter, Littleneck, Cockle, Gaper)*.
 - (A) *Razor clams* may be taken by hand, shovel, or cylindrical gun or tube. The opening of the gun/tube must be either circular or elliptical with the circular gun/tube opening having a minimum outside diameter of 4 inches and the elliptical gun/tube opening

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HUNTING, FISHING AND GATHERING ORDINANCE
Siletz Tribal Code §7.001

having minimum outside diameter dimensions of 4 inches long and 3 inches wide.

- (B) All other *clams* may be taken by hand or hand-powered tools.
- (C) Unlawful to remove *clams* from the shell before leaving the clamming area.
- (D) Unbroken *butter, cockle, or littleneck clams* may be returned only in the immediate digging area. All other *clams* must be retained regardless of size or condition.
- (E) Season. Open all year, 24 hours per day. No daily limit except as imposed by the Committee by regulation for conservation purposes.

(3) MUSSELS, SCALLOPS and PIDDOCKS

- (A) May be taken by hand or hand-powered tools.
- (B) Must be taken individually or in small clumps.
- (C) Piddocks must be taken regardless of size.
- (D) Season. Open all year, 24 hours per day.
- (E) Tribal gathering of fresh and salt water mussels is subject to limits only as necessary for conservation purposes.

(4) SHRIMP (edible)

- (A) May be taken by traps, pots, or rings.
- (B) Season. Open all year, 24 hours per day.

HUNTING, FISHING AND GATHERING ORDINANCE
Siletz Tribal Code §7.001

- (5) SAND CRABS, MOLE CRABS, KELP AND SAND WORMS, MUD AND GHOST SHRIMP (bait)
- (A) May be taken by hand or hand-powered tools.
- (6) CRABS. *Dungeness Crab (Male only), Red Rock Crab (either sex)*
- (A) Minimum size for *Dungeness crabs* is 5 $\frac{3}{4}$ inches; no minimum size for *red rock crabs*.
- (B) May be taken using crab rings, pots, or baited lines; by hand, dip net, or rake. Pots may be left overnight.
- (C) Female *Dungeness crabs* may not be kept.
- (D) Size is measured in a straight line across the back (caliper measurement) immediately in front of, but not including the points (see drawing).
- (E) Undersize and female *Dungeness crabs* and unwanted *red rock crabs* must be immediately released unharmed.
- (F) No holding pots, holding devices, or live boxes in the ocean. Holding pots, holding devices or live boxes in bays and estuaries cannot retain more than 25 *Dungeness* or 48 *red rock crab* per holding container.

Adopted 8/28/80

Amended 1/15/84; 10/20/84;
10/21/84; 9/17/88; 4/21/90; 6/16/90; 9/16/05; 6/20/13; 8/19/16

HUNTING, FISHING AND GATHERING ORDINANCE
Siletz Tribal Code §7.001

(G) *Crabs* may not be mutilated so that sex, size or species cannot be determined prior to landing. Mutilated *crabs* may not be transported across state waters.

(H) Season. Bays, estuaries, beaches, tide pools, piers and jetties are open all year. Ocean is closed for *Dungeness crab* August 15 through November 30.

(7) OYSTERS

(A) At this time harvest of native *oysters* is prohibited because of conservation necessity. Seasons and limits are set by the Natural Resources Committee.

(B) All cultured *oysters* are private property and may not be taken without owner's permission.

(C) Season. **Closed** to the take of oysters.

(8) OCTOPUS

(A) May be taken by angling, dip net, pot and hand.

(B) Season. Open all year, 24 hours per day.

(9) SQUID

(A) May be taken by angling (squid jigs and herring jigs allowed), dip net, cast net, hand, and hand-powered tools.

(B) Season. Open all year, 24 hours per day.

HUNTING, FISHING AND GATHERING ORDINANCE
Siletz Tribal Code §7.001

(10) STAR FISH (SEA STARS), URCHINS, SNAILS, SHORE CRABS,
ANEMONES AND ALL OTHER INVERTEBRATES NOT LISTED
ABOVE

- (A) May be taken by hand or hand-powered tools.
- (B) Unwanted *marine invertebrates* must be released alive.
- (C) Season. Open all year, 24 hours per day.

(b) Freshwater Species.

(1) CRAYFISH

- (A) Open in all streams.
- (B) Season. Open all year.

(2) FRESHWATER CLAMS

- (A) Unlawful to take or possess Zebra mussels and Asian Clams.
Otherwise, conditions are the same as for saltwater clams above.
- (B) Season. Open all year.

(c) Reporting.

Tribal members gathering under this Section must report their catch to the Natural Resources Department within 3 business days. The Committee may impose appropriate sanctions for failure to comply with this reporting provision, which is necessary to monitor the health and sustainability of the species.

§ 7.031 **NO COMMERCIAL USE**

Adopted 8/28/80

Amended 1/15/84; 10/20/84;
10/21/84; 9/17/88; 4/21/90; 6/16/90; 9/16/05; 6/20/13; 8/19/16

HUNTING, FISHING AND GATHERING ORDINANCE
Siletz Tribal Code §7.001

None of the animals or plants gathered under this Part shall be used for commercial purposes.

PART VI

VIOLATIONS AND ENFORCEMENT

§ 7.032 RELATIONSHIP TO STATE LAW

Any tribal member shall be subject to state regulation under state law if:

- (1) the tribal member does not have a valid tribal license and a valid applicable tag or permit as required by this Ordinance in his or her possession,
- (2) a tribal member has not properly filled out a tag and affixed it to the animal, or
- (3) a tribal member has not complied with all other state tagging, possession and transportation regulations not inconsistent with this Ordinance and the Agreement.

§ 7.033 VIOLATIONS

- (a) Any failure to meet any requirements of this ordinance shall be a violation.
- (b) Any tribal member or other person, including but not limited to federal or state law enforcement personnel, aware of a violation shall report it to the Natural Resources Department. Failure by a tribal member to report such violation may, itself, be deemed a violation.

§ 7.034 NOTICE OF VIOLATIONS

The Natural Resources Manager shall notify the tribal member that a violation has been reported regarding him or her. The notice shall include a statement of the facts constituting the violation and the possible penalties. The notice shall also include the date, time and place of the

HUNTING, FISHING AND GATHERING ORDINANCE
Siletz Tribal Code §7.001

Committee's next meeting and shall inform the tribal member that he or she has the right to have a hearing before the Committee and may submit any statement or evidence, including witnesses, on his or her behalf at that meeting, either in writing or in person. The notice shall also inform the member of the right to be represented by counsel at his or her own expense at the meeting.

§ 7.035 CONSIDERATION BY COMMITTEE

The Natural Resources Committee shall consider the facts and nature of the alleged violation and shall consider all reliable evidence regarding it. The Committee shall make its finding regarding the violation in writing with supporting reasons.

§ 7.036 PENALTIES

(a) If the Committee finds that the tribal member has committed a violation of this Ordinance, it shall impose the following penalties:

- (1) For a first violation, forfeiture of the fish or game wrongfully taken and suspension of license privileges from thirty (30) days up to six (6) months;
- (2) For a second violation, forfeiture of the fish or game wrongfully taken and suspension of license privileges from six (6) months up to one (1) year;
- (3) For a third violation, forfeiture of the fish or game wrongfully taken and mandatory suspension of license privileges for one (1) year.
- (4) After the expiration of the mandatory suspension period, a tribal member may petition the Committee for issuance of a new license pursuant to §7.005 of this Ordinance.

HUNTING, FISHING AND GATHERING ORDINANCE
Siletz Tribal Code §7.001

- (5) Upon receipt of a petition for issuance of a new license pursuant to subsection (4), the Committee shall conduct a hearing to decide whether to grant the license. Information the Committee may consider in reaching its decision shall include, but is not limited to: the seriousness of the previous violations; any subsequent violations, whether tribal, state, or federal; compliance with other conditions and penalties imposed previously by the Committee; changed attitude of the tribal member towards his or her hunting and fishing responsibilities.
- (6) If, after consideration of the petition for issuance of a new license, the Committee decides to deny the petition, the mandatory suspension of license privileges shall continue for an additional one (1) year period. A new petition for issuance of a tribal license under this section may be submitted after the end of any additional revocation period.

(b) The Committee may, in its discretion and after consideration of the evidence, impose additional conditions and penalties for any violation of this Ordinance. Such conditions include, but are not limited to: imposition of a fine; attendance at a certified hunter education class; community service obligation connected to the violation such as habitat improvement or presentation and preparation of illegally taken fish or game; or attendance in an alcohol or drug treatment program.

(c) The tribal member who has violated this Ordinance and upon whom additional

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HUNTING, FISHING AND GATHERING ORDINANCE
Siletz Tribal Code §7.001

conditions under this subsection have been imposed shall submit written documentation to the Committee evidencing compliance with the conditions. This documentation shall be submitted before the end of the license suspension or revocation period.

(d) If the conditions imposed under this subsection have not been complied with, the Committee shall have authority to extend the original license suspension or revocation for a time period not to exceed the original suspension or revocation penalty.

(e) If the Committee makes a finding that the tribal member has committed three (3) or more violations of this ordinance in the ten year time period preceding the member's most recent violation, the Committee shall permanently revoke the member's tribal hunting, fishing and gathering privileges under this ordinance in the absence of a showing of special circumstances why such permanent revocation should not occur.

§ 7.037 **APPEAL**

A decision of the Natural Resources Committee may be appealed to the Tribal Court under the Rules of Appellate Procedure. The decision of the Tribal Court shall be final.