

Ordinance Number 7.300. Amended by Resolution No. 2000-363, dated November 20, 2000; Resolution No. 2005-361, dated September 16, 2005; Re-enacted by Resolution No. 2006-161, dated April 14, 2006.

Original Date: January 15, 1984
Subject: Timber Use Permits

TIMBER USE PERMITS ORDINANCE

Siletz Tribal Code § 7.300

§ 7.300 PURPOSE

The purpose of this ordinance is to establish a permanent permit policy under which the use of tribal forest products shall be authorized. All permits for use of tribal forest products shall be issued by the Tribal Chairman or his/her designated representative.

§ 7.301 FREE USE STUMPAGE PERMITS

Free use permits shall be issued to enrolled Siletz tribal members if products are available and if the permits are for the permittee's own use. These products may not be sold or traded. Permits for private use shall be issued to satisfy demand prior to any issuance of a commercial permit under Section 7.302. Free use permits shall be for the following products and shall not exceed the amounts designated.

- Fuel Wood.5 cords
- Cedar Shake Bolts.4 cords
- Posts. 100 each
- Poles. 300 each
- Christmas Trees.1 each

§ 7.302 PAID STUMPAGE PERMITS

(a) Paid stumpage permits for sawlogs or minor forest products may be issued by the Tribal Chairman or his/her designated representative with the advice and consent of the Tribal Council, as needed by the Siletz Tribal Natural Resources Department to facilitate harvesting of right-of-way timber, harvesting on-site conversion projects and salvage of limited quantities of diseased or damaged timber.

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(b) Stumpage rates for paid permits for the harvest of sawlogs, fuel wood, cedar shake bolts, posts and poles shall be the prevailing market rates.

§ 7.303 MATERIAL TO BE HARVESTED

The actual amount of each permit may vary depending on the availability of material in the salvage area. Fuel wood will be produced only from down material. Posts and poles, when not available from material in need of salvage, will be produced from approved, pre-commercially thinned areas.

§ 7.304 FREE USE PERMITS FOR OTHER ACTIVITIES

Free use permits may be used by tribal members for amounts and products not specified, provided the Siletz Tribal Council issues specific authorization for each permit so issued. Free use permits may be used to gather products for sale provided the proceeds from such sales are utilized to benefit tribal civic activities.

§ 7.305 FREE FUEL WOOD FOR NEEDY TRIBAL MEMBERS

Individual or tribal programs may be issued special permits to cut fuel wood for tribal elders or handicapped or otherwise needy members. Applications for such permits must be made to the Natural Resource Manager and will be authorized as needed.

§ 7.306 INTERFERENCE WITH TIMBER SALES

Free use permits shall not be issued if their use will interfere with operations of active timber sale purchasers.

§ 7.307 VIOLATIONS

- (a) Any failure to meet any requirements of this ordinance shall be a violation.
- (b) Any tribal member aware of a violation shall report it to the Natural Resource Manager or to the Tribal Natural Resources Committee. Failure to report such violation shall, itself, be deemed a violation.

§ 7.308 NOTICE OF VIOLATIONS

The Natural Resource Committee 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 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,

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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.

§ 7.309 CONSIDERATION BY COMMITTEE

The Natural Resource 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.

§ 7.310 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 forest products wrongfully taken and suspension of permit privileges from thirty (30) days up to six (6) months;
- (2) For a second violation, forfeiture of the forest products wrongfully taken and suspension of permit privileges from six (6) months up to one (1) year;
- (3) (A) For a third violation, forfeiture of the forest products wrongfully taken and a mandatory suspension of permit privileges for one (1) year.

(B) After the expiration of the mandatory suspension period, a tribal member may petition the Committee for restoration of permit privileges pursuant to Sections 7.301 through 7.305 of this Ordinance.

(C) Upon receipt of a petition for restoration of permit privileges pursuant to subsection (B), the Committee shall conduct a hearing to decide whether to grant the restoration. 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; compliance with other conditions and penalties imposed previously by the Committee; changed attitude of the tribal member towards his or her forest products gathering responsibilities.

(D) If, after consideration of the petition for restoration of permit privileges, the Committee decides to deny the petition, the mandatory suspension of permit privileges shall continue for an additional one (1) year period. A new petition for restoration of forest products gathering permit privileges under this section may be submitted after the end of any additional revocation period.

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(b) The Committee may, in addition to the penalties described above involving revocation of timber use permits, impose a civil fine for each separate violation of this ordinance. The maximum fine shall be \$250.00 for forest products taken from tribal lands which are intended for domestic uses, and a maximum fine of \$500.00 for forest products taken from tribal lands for intended commercial uses.

(c) (1) 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 may include but are not limited to: community service obligation connected to the violation such as cutting, splitting, delivering and stacking of firewood for tribal elders.

(2) The tribal member who has violated this Ordinance and upon whom additional 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 permit suspension or revocation period.

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

§ 7.311 APPEAL

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

§ 7.312 ENFORCEMENT

Employees of the Tribal Natural Resources Department, members of the Tribal Natural Resources Committee, and any employees of tribal law enforcement, shall be authorized to enforce the provisions of this Ordinance.

§ 7.313 JURISDICTION OVER NON-TRIBAL MEMBERS

Non-tribal members who enter onto tribal lands shall be deemed to have submitted themselves to tribal jurisdiction, including the authority of the Natural Resources Committee and Tribal Court, for purposes of this Ordinance. Notice of such jurisdictional consent shall be posted at appropriate locations on tribal lands designed to afford notice to such non-tribal members.