

*STATUTES of the CONFEDERATED TRIBES of the UMATILLA INDIAN RESERVATION
As Amended through Resolution No. 19-081 (December 16, 2019)*

FISH AND WILDLIFE CODE

CONFEDERATED TRIBES
OF THE
UMATILLA INDIAN RESERVATION

FISH AND WILDLIFE CODE

TABLE OF CONTENTS

CHAPTER 1.	GENERAL PROVISIONS.....	1
SECTION 1.01.	Treaty Rights Stated.....	1
SECTION 1.02.	Purpose and Declaration of Policy.....	1
SECTION 1.03.	Jurisdiction.....	1
SECTION 1.04.	Columbia River Inter-Tribal Fisheries Enforcement Code.....	2
SECTION 1.05.	CRITFE Authorization.....	2
SECTION 1.06.	Definitions.....	2
CHAPTER 2.	THE FISH AND WILDLIFE COMMISSION.....	8
SECTION 2.01.	Commission.....	8
SECTION 2.02.	Jurisdiction.....	9
SECTION 2.03.	Officers of the Commission.....	9
SECTION 2.04.	Meetings.....	10
SECTION 2.05.	Support Services.....	11
SECTION 2.06.	Annual Budget.....	11
SECTION 2.07.	General Duties of the Commission.....	11
SECTION 2.08.	Discretionary Powers of the Commission.....	12
SECTION 2.09.	Rulemaking Authority of the Commission.....	13
SECTION 2.10.	Emergency Rulemaking Authority of the Commission.....	14
SECTION 2.11.	Board Review.....	14
SECTION 2.12.	Removals and Resignations.....	14
CHAPTER 3.	ENFORCEMENT.....	15
SECTION 3.01.	Tribal Police Officers.....	15
SECTION 3.02.	Supervision.....	15
SECTION 3.03.	Authority to Enter Private Lands.....	15
SECTION 3.04.	Seizure.....	15
SECTION 3.05.	Hearings and Trials.....	15
CHAPTER 4.	PENALTIES.....	16
SECTION 4.01.	Civil Offenses.....	16
SECTION 4.02.	Criminal Offenses.....	16
SECTION 4.03.	Forfeitures.....	16
SECTION 4.04.	Aiding in a Wildlife Violation.....	17
SECTION 4.05.	Rewards for Arrest and Conviction.....	17
SECTION 4.06.	Civil Fine Schedule.....	17
SECTION 4.07.	Cultural Community Service.....	17
CHAPTER 5.	GENERAL FISHING AND HUNTING PROVISIONS.....	17
SECTION 5.01.	Fishing and Hunting Allowed Only During Open Seasons.....	17
SECTION 5.02.	Wildlife Harrassment.....	18
SECTION 5.03.	Tribal Identification Card.....	18
SECTION 5.04.	Display Upon Demand.....	18
SECTION 5.05.	Not Transferable.....	18
SECTION 5.06.	Conservation.....	18
SECTION 5.07.	Trafficking in Wildlife.....	18
SECTION 5.08.	Wasting Wildlife.....	19
SECTION 5.09.	Taking of Wildlife Damaging Property.....	19
SECTION 5.10.	Capture of Wildlife.....	20
SECTION 5.11.	Toxic Substance and Wildlife.....	20
SECTION 5.12.	Posting Lands.....	20
SECTION 5.13.	Destruction of Property.....	20
SECTION 5.14.	Dumping Garbage/Waste in Waters.....	21
SECTION 5.15.	Use of Wildlife for Scientific Purposes.....	21

*STATUTES of the CONFEDERATED TRIBES of the UMATILLA INDIAN RESERVATION
As Amended through Resolution No. 19-081 (December 16, 2019)*

SECTION 5.16.	Killing of Wounded Wildlife	21
SECTION 5.17.	Closed Areas	21
SECTION 5.18.	Fishing Generally	21
SECTION 5.19.	Hunting Generally	22
SECTION 5.20.	Hunting and Fishing Permits	23
CHAPTER 6.	ON-RESERVATION FISHING BY TRIBAL MEMBERS	23
SECTION 6.01.	Subsistence Fishing	23
SECTION 6.02.	Ceremonial Fishing	24
SECTION 6.03.	Commercial Fishing	24
CHAPTER 7.	ON-RESERVATION FISHING BY NON-MEMBER INDIANS	24
SECTION 7.01.	Restrictions	24
SECTION 7.02.	Subsistence and Ceremonial Fishing	24
SECTION 7.03.	Commercial Fishing	24
SECTION 7.04.	Sport/Recreational Fishing	25
CHAPTER 8.	ON-RESERVATION FISHING BY NON-INDIANS	25
SECTION 8.01.	Generally	25
SECTION 8.02.	Subsistence and Ceremonial Fishing	25
SECTION 8.03.	Commercial Fishing	25
SECTION 8.04.	Sport or Recreational Fishing	25
CHAPTER 9.	OFF-RESERVATION FISHING BY TRIBAL MEMBERS	25
SECTION 9.01.	Subsistence Fishing	25
SECTION 9.02.	Ceremonial Fishing	25
SECTION 9.03.	Commercial Fishing	26
CHAPTER 10.	ON-RESERVATION HUNTING BY TRIBAL MEMBERS	26
SECTION 10.01.	Restrictions	26
SECTION 10.02.	Subsistence Hunting	26
SECTION 10.03.	Ceremonial Hunting	27
SECTION 10.04.	Commercial Hunting	27
CHAPTER 11.	ON-RESERVATION HUNTING BY NON-MEMBER INDIANS	27
SECTION 11.01.	Permits Required	27
SECTION 11.02.	Subsistence Hunting	28
SECTION 11.03.	Ceremonial Hunting	28
SECTION 11.04.	Commercial Hunting	28
CHAPTER 12.	ON-RESERVATION HUNTING BY NON-INDIANS	28
SECTION 12.01.	Ceremonial, Commercial, and Subsistence Hunting	28
SECTION 12.02.	Sport and Recreational Hunting	28
CHAPTER 13.	OFF-RESERVATION HUNTING BY TRIBAL MEMBERS	28
SECTION 13.01.	Seasons	28
SECTION 13.02.	Restrictions	28
SECTION 13.03.	Subsistence Hunting	29
SECTION 13.04.	Ceremonial Hunting	29
SECTION 13.05.	Commercial Hunting	29
CHAPTER 14.	TRAPPING	29
SECTION 14.01.	Tribal Members	29
SECTION 14.02.	Non-Member Indians	29
SECTION 14.03.	Non-Indians	29
CHAPTER 15.	GATHERING	29
SECTION 15.01.	Tribal Members	29

*STATUTES of the CONFEDERATED TRIBES of the UMATILLA INDIAN RESERVATION
As Amended through Resolution No. 19-081 (December 16, 2019)*

SECTION 15.02. Non-Member Indians29
SECTION 15.03. Non-Indians.....30
SECTION 15.04. Regulations30

APPENDIX A. LEGISLATIVE HISTORY

FISH AND WILDLIFE CODE

CHAPTER 1. GENERAL PROVISIONS

SECTION 1.01. TREATY RIGHTS STATED

- A. Pursuant to the Treaty of 1855, Tribal Members may hunt and trap without restriction imposed by state law within reservation boundaries and on unclaimed lands outside of the reservation.
- B. Pursuant to the Treaty of 1855, Tribal members may fish without restriction imposed by state law within reservation boundaries and at all usual and accustomed stations outside of the reservation.
- C. Treaty-reserved rights are collectively owned by the Confederated Tribes. Individual Tribal Members' exercise of the Confederated Tribes' treaty-reserved hunting and fishing rights shall be subject to all restrictions imposed by this Code, all regulations issued by the Commission, the Constitution and Bylaws of the Confederated Tribes, and all other applicable tribal codes and regulations.

SECTION 1.02. PURPOSE AND DECLARATION OF POLICY

The Board finds that:

- A. The Confederated Tribes has jurisdiction over all wildlife and subsistence gathering resources now and in the future found upon lands and waters of the Reservation, including fee lands, to the exclusion of state jurisdiction; and
- B. The Confederated Tribes, and all those subject to their jurisdiction, shall develop and manage all lands and waters of the Reservation in a manner that enhances production of wildlife and subsistence gathering resources and naturally sustaining wildlife habitat; and
- C. The Confederated Tribes, and all those subject to their jurisdiction, shall preserve, protect, and perpetuate all wildlife and subsistence gathering resources in accordance with this Code, for the benefit of Tribal Members; and
- D. The Confederated Tribes, and all those subject to their jurisdiction, may use wildlife for the sport and recreation of non-members pursuant to rules, regulations and conditions established by the Commission in accordance with this Code; and
- E. The Confederated Tribes intends to exercise control over fishing, gathering, hunting and trapping activities to the fullest extent of the Tribes' jurisdiction. No court shall construe anything in this Code to abridge, diminish or abrogate any treaty right of the Confederated Tribes.
- F. The Confederated Tribes intends to preserve, protect and enhance their traditional ways and lifestyles by managing wildlife and subsistence gathering resources and regulating fishing, gathering, hunting and trapping in a manner sensitive to their traditional culture.

SECTION 1.03. JURISDICTION

- A. This Code applies to all persons fishing, gathering, hunting or trapping within the boundaries of the Reservation.
- B. This Code applies to Tribal Members fishing at all usual and accustomed stations and hunting or trapping on all unclaimed lands outside the boundaries of the Reservation, including, but not limited to, the national forests.

- C. This Code preempts any state jurisdiction and it is no defense that an alleged activity is lawful under state law.

SECTION 1.04. COLUMBIA RIVER INTER-TRIBAL FISHERIES ENFORCEMENT CODE

This Code, and any rules or regulations adopted under it, shall take precedence over the Columbia River Intertribal Fisheries Enforcement (CRITFE) Code. However, any violation of the CRITFE Code shall be a violation of this Code unless inconsistent with this Code.

SECTION 1.05. CRITFE AUTHORIZATION

Any officer of the CRITFE is authorized to enforce the provisions of this Code that apply to off-reservation treaty fishing activity in the Columbia River area to the same extent as that of the Tribal police.

SECTION 1.06. DEFINITIONS

- A. As used in this Code, the words and phrases below are defined as follows:
1. "Agency" means the Umatilla Agency of the Bureau of Indian Affairs.
 2. "Angling Gear" means one line attached to a pole held in hand or one hand operated line without pole to which may be attached not more than three hooks
 3. "Artificial Light" means any light produced by other than a natural source such as the including but not limited to, a spotlight, flashlight, or vehicular headlights.
 4. "Bag Limit" means the number of each species of wildlife that may be taken each day by any one person.
 5. "Bartering" means an exchange between parties of goods or commodities or other goods, and shall exclude any exchange between parties consisting of money, except as allowed in section 5.07.
 6. "Big Game" means:
 - a. Black Bear - *Ursus americana*
 - b. Grizzly Bear – *Ursus arctos*
 - c. Rocky Mountain Mule Deer - *Odocoileus hemonius*.
 - d. White-tailed Deer - *Odocoileus virginianus*
 - e. Rocky Mountain Elk - *Cervus elaphus nelsoni*
 - f. Pronghorn Antelope - *Antilocarpa americana*
 - g. Bighorn Sheep - *Ovis canadensis*
 - h. Moose - *Alces alces*
 - i. Mountain Goat – *Oreamnos americanus*
 - j. Bison – *Bos bison*
 - k. Any other such species as the Commission may by regulation designate.

*STATUTES of the CONFEDERATED TRIBES of the UMATILLA INDIAN RESERVATION
As Amended through Resolution No. 19-081 (December 16, 2019)*

7. "Board" means the Board of Trustees of the Confederated Tribes, or any successive governing body, established pursuant to the provisions of Article VI of the Constitution.
8. "Ceremonial Fishing" means fishing with gill nets or legal gear other than normal subsistence fishing gear, when such fishing has been authorized in advance by the Commission, for the purpose of taking a specified quantity of fish for use in traditional tribal ceremonies or religious occasions which are sponsored by the Confederated Tribes or some recognized traditional or religious group within the Confederated Tribes and which is subject to participation by a significant portion of the membership.
9. "Closed Season" means the period of time during which the taking of any wildlife is prohibited. All hunting, fishing, and trapping seasons within the purview of this Code shall be closed unless stated otherwise in this Code or unless specifically opened by action of the Commission.
10. "Commercial Fishing" means fishing for purposes of selling or trading fish for money, property or other consideration, except to the extent that such fishing may constitute subsistence fishing as defined by the provisions of this Code.
11. "Commission" means the Fish and Wildlife Commission appointed by the Board.
12. "Confederated Tribes" means the Confederated Tribes of the Umatilla Indian Reservation, a federally recognized American Indian tribal government.
13. "Constitution" means the Constitution and Bylaws of the Confederated Tribes approved on December 7, 1949.
14. "Court" means the Umatilla Tribal Court.
15. "Decoy" means any simulation or replication of wildlife, in whole or in part.
16. "Domicile" means that place which the person establishes as his or her true fixed and permanent home for an unlimited or indefinite period, to which he or she has the intention of returning whenever he or she is absent.
17. "Fish" means any of numerous cold-blooded aquatic vertebrates of the superclass Pisces, characteristically having fins, gills, and a streamlined body, and includes but is not limited to:
 - a. Summer Steelhead - *Oncorhynchus mikis*
 - b. Rainbow Trout - *Oncorhynchus mikis*
 - c. Brook Trout - *Salvelinus fontinalis*
 - d. Bull Trout - *Salvelinus confluentus*
 - e. Dolly Varden - *Salvelinus malma*
 - f. Largemouth Bass - *Micropterus salmoides*
 - g. Crappie - *Pomoxis nigromaculatus*
 - h. Brown Bullhead - *Ictalurus nebulosus*
 - i. Yellow Bullhead - *Ictalurus natalis*

*STATUTES of the CONFEDERATED TRIBES of the UMATILLA INDIAN RESERVATION
As Amended through Resolution No. 19-081 (December 16, 2019)*

- j. Chinook Salmon - *Oncorhynchus tshawytscha*
 - k. White Sturgeon - *Acipenser transmontanus*
 - l. American Shad - *Alosa sapidissima*
 - m. Walleye - *Stizostedion vitreum*
 - n. Dace (Speckled) - *Rhinichthys osculus*
 - o. Redside Shiner - *Richardonius balteatus*
 - p. Northern Pikeminnow - *Ptychocheilus oregonensis*
 - q. Sucker (large scale) - *Catostomus macrocheilus*
 - r. Chiselmouth - *Acrocheilus alutaceus*
 - s. Carp - *Cyprinus carpio*
 - t. Cottid – *Cottus*
 - u. Lamprey (Pacific) - *Entosphenus tridentatus*
18. "Fishing" means any effort to take fish in waters on the Umatilla Indian Reservation, or in off-Reservation waters in which the Confederated Tribes has treaty fishing rights.
19. "Furbearer" means:
- a. Beaver - *Castor canadensis*
 - b. Bobcat - *Lynx rufus*
 - c. Cougar - *Felis concolor*
 - d. Grey Wolf – *Canis Lupis*
 - e. Marten - *Martes americana*
 - f. Mink - *Mustela vison*
 - g. Muskrat - *Ondatra zibethicus*
 - h. Pacific Fisher – *Martes pennant pacifica*
 - i. Raccoon - *Procyon lotor*
 - j. Coyote - *Canis latrans*
 - k. River Otter – *Lontra Canadensis*
 - l. Any other such species as the Commission may by regulation designate.
20. "Gathering" – See "Subsistence Gathering", below.
21. "Hook" - A double point or treble point hook is classified as one hook.

*STATUTES of the CONFEDERATED TRIBES of the UMATILLA INDIAN RESERVATION
As Amended through Resolution No. 19-081 (December 16, 2019)*

22. "Hunting" means any effort to take birds, mammals, amphibians or reptiles on the lands or in the waters of the Umatilla Indian Reservation or on the off-Reservation lands or waters in which the Confederated Tribes has treaty hunting rights, including trapping.
23. "Indian" means any adult person enrolled, or any minor person enrolled or eligible for enrollment, in a federally recognized Indian tribe.
24. "May" means a power or requirement which is discretionary rather than mandatory.
25. "Non-Indian" means any person not defined as an Indian, above.
26. "Non-member" means any person not enrolled with the Confederated Tribes.
27. "Non-member Indian" means any person defined as an Indian, above, but not enrolled with the Confederated Tribes.
28. "On or near the Reservation" means within the boundaries of the Umatilla Indian Reservation or in the vicinity of the reservation within Umatilla County.
29. "Open Season" means the period of time during which the taking of wildlife is permitted by provisions of this Code or rules and regulations promulgated pursuant thereto.
30. "Person" means any natural person or artificial entity, including but not limited to, any partnership, corporation or association.
31. "Possession Limit" means the daily bag limit or aggregate daily bag limit, whichever applies to wildlife that any one person may have in custody between the place where taken and his or her personal residence.
32. "Protected Species" means any species currently protected under federal law.
33. "Public Highway" means the traveled portion of any vehicular thoroughfare which is maintained with public funds for public use.
34. "Reservation" means those lands and waters reserved by the Confederated Tribes in the Treaty for their use and benefit.
35. "Rule or Regulation" means any directive, standard or statement of general applicability that implements, interprets or prescribes law or policy, or describes the procedure or requirements of any provisions of this Code.
36. "Section" means a section of this Code unless another law, statute, code, regulation or rule is referred to specifically.
37. "Shed Antlers" means the naturally shed antlers of any Big Game species as defined herein, not including the antlers collected in the course of lawfully taking big game pursuant to this Code.
38. "Shotgun" means a smooth bore shoulder weapon for firing shots or slugs at relatively short range.
39. "Small Game" means:
 - a. Cottontail - *Sylvilagus nuttalli*
 - b. Jack Rabbit - *Lepus californicus*

*STATUTES of the CONFEDERATED TRIBES of the UMATILLA INDIAN RESERVATION
As Amended through Resolution No. 19-081 (December 16, 2019)*

- c. Snowshoe Hare - *Lepus americanus*
 - d. Eastern Gray Squirrel – *Sciurus carolinensis*
 - e. Western Gray Squirrel – *Sciurus griseus*
 - f. Eastern Fox Squirrel – *Sciurus niger*
 - g. Any other such species as the Commission may by regulation designate.
40. "Subsistence Fishing" means the taking of fish for the personal use of Indians, including the sale or exchange with other Indians for their personal use but not sale or trade with Non-Indians.
41. "Subsistence Gathering" means the collecting of traditional foods, medicines and other natural materials from non-wildlife sources for the personal use of Indians, including the sale or exchange with other Indians for their personal use but not sale or trade with non-Indians.
42. "Take" means any effort to kill, capture, catch, hunt, pursue or trap wildlife in the waters or on the lands of the Reservation, or in off-reservation waters or on off-reservation lands in which the Confederated Tribes has treaty rights.
43. "Trapping" means any effort to take or attempt to take birds, mammals, amphibians, or reptiles with a trap, net, snare or other device used for the purpose of capture in the waters or on the lands of the Reservation, or in off-reservation lands or waters in which the Confederated Tribes has treaty rights. For the purpose of this Code, trapping shall be governed by the provisions relating to hunting.
44. "Treaty" means the Treaty of June 9, 1855, between the Confederated Tribes and the United States Government (12 Stat. 945).
45. "Treaty Hunting Rights" or "Treaty Hunting Privileges" or "Treaty Fishing Rights" or "Treaty Fishing Privileges" means any hunting or fishing right or privilege which is derived from the Treaty.
46. "Tribally-Owned Lands" means any lands owned by the Confederated Tribes or otherwise held in trust by the United States for the benefit of the Confederated Tribes or individual members of the Confederated Tribes.
47. "Tribal Member" means a person who is enrolled in the Confederated Tribes and is authorized under the Constitution of the Confederated Tribes to exercise treaty reserved rights.
48. "Tribal police" means the Umatilla Tribal Police Department or any other law enforcement officer authorized to enforce tribal laws.
49. "Unclaimed Lands" means those lands which:
- a. Have not been occupied by settlers; and
 - b. Have no outward or visible indication of private ownership, or
 - c. Are lands to which the United States holds title, including, but not limited to, national forest land and such other lands where hunting may be undertaken without danger to lives or property; or

*STATUTES of the CONFEDERATED TRIBES of the UMATILLA INDIAN RESERVATION
As Amended through Resolution No. 19-081 (December 16, 2019)*

- d. Those lands expressly determined by the federal courts to be unclaimed lands within the meaning of that phrase as used in the Treaty
50. "Upland Game" means:
- i. Morning Dove - *Zenaidura macroura*
 - ii. Dusky (Blue) Grouse - *Dendragapus obscurus*
 - iii. Ruffed Grouse - *Bonasa umbellus chukar*
 - iv. Partridge - *Alectoiiis graeca*
 - v. Hungarian Partridge - *Perdix perdix*
 - b. Ring-necked Pheasant - *Phasianus cochinchinensis*
 - c. Valley Quail - *Lophortyx californicus*
 - d. Wild Turkey - *Meleagris gallopavo*
 - e. Mountain Quail - *Oreortyx pictus*
 - f. Sage Grouse - *Centrocercus urophasianus*
 - g. Any other such species as the Commission may by regulation designate.
51. "Waterfowl" means:
- a. Canada Goose - *Branta canadensis*
 - b. Mallard - *Anas platyrhynchos*
 - c. Gadwall - *Anas strepera*
 - d. Pintail - *Anas acuta*
 - e. Green-winged Teal - *Anas carolinensis*
 - f. Blue-winged Teal - *Anas discors*
 - g. Cinnamon Teal - *Anas cyanoptera*
 - h. American Widgeon - *Anas americana*
 - i. Shoveller - *Anas platyrhynchos clypeata*
 - j. Wood Duck - *Aix sponsa*
 - k. White-fronted Goose - *Anser albifrons*
 - l. Snow Goose - *Chen caerulescens*
 - m. Redhead - *Aythya americana*
 - n. Canvasback - *Aythya valisineria*
 - o. Ring-necked Duck - *Aythya collaris*

- p. Lesser Scaup - *Aythya affinis*
 - q. Common Goldeneye - *Bucephala clangula*
 - r. Barrow's Goldeneye - *Bucephala islandica*
 - s. Bufflehead - *Bucephala albeola*
 - t. Ruddy Duck - *Oxyura jamaicensis*
 - u. Common Merganser - *Mergus merganser*
 - v. Red-Breasted Merganser - *Mergus serrator*
 - w. American Coot - *Fulica americana*
 - x. Hooded Merganser - *Lophod escucullatus*
 - y. Common Snipe - *Capella gallenago*
 - z. Any other such species as the Commission may by regulation designate.
52. "Wildlife" means all wild birds, mammals, fish, amphibians and reptiles.
53. "Wildlife harassment" means to engage in any act which demonstrates a disregard for the well-being of wildlife or which creates the likelihood of injury to, or disrupts normal behavior patterns of wildlife, such as feeding, watering, resting, and breeding. Such acts include, but are not limited to, chasing, pursuing, herding, or attempting to take wildlife.
- B. All other words and phrases shall be interpreted as commonly used. If a word or phrase has a meaning distinct to tribal culture, that meaning shall be used in appropriate circumstances.

CHAPTER 2. THE FISH AND WILDLIFE COMMISSION

SECTION 2.01. COMMISSION

- A. **Composition.** Pursuant to Article IV, section 1(c)-(d) of the Constitution and Bylaws of the Confederated Tribes, the Board establishes and maintains a Fish and Wildlife Commission and delegates to it the powers and responsibilities outlined in this Code. The Commission shall be composed of five (5) members, appointed by the Board of Trustees, who shall be enrolled Tribal Members.
- B. **Appointments.** Any tribal member interested in serving as a member of the Commission shall complete an application for Commission membership and submit to the Secretary of the Board of Trustees. Applications for Commission membership will be kept on file at the Tribal Office.
- C. **Term.** The term of Commission members shall depend upon their appointment. The Board of Trustees shall appoint two members to two-year terms and three members to three-year terms. The purpose of these differences in term length is to stagger the terms of Commission members to ensure continuity of Commission membership. The time intervals specified for appointment of Commission members will be measured as if the Commission was in effect as of December 1, 1982.
- D. **Qualifications.** No Tribal member may be a member of the Commission if he or she has been convicted of a violation of this Code by the Tribal Court within the past ten years or had a permit revoked or denied under this Code by the Commission within the past five years. No

*STATUTES of the CONFEDERATED TRIBES of the UMATILLA INDIAN RESERVATION
As Amended through Resolution No. 19-081 (December 16, 2019)*

Commission member shall be an employee of the Tribal Fisheries Program or Wildlife Program. Commissioners must also meet all minimum qualification requirements as set forth in section 3.01(C) of the Confederated Tribes' Advisory Committee Code.

- E. Authority. The Commission's authority shall be limited to those powers and duties expressly outlined in this Code. The Commission shall not otherwise serve in the name of or in the official capacity of the Confederated Tribes without the formal, written approval of the Board of Trustees.
- F. Oath. Each Commission member appointed to the Commission shall take an oath of office prior to assuming the duties of such position, by which oath he shall pledge himself to support and defend the Fish and Wildlife Code and the Constitution and Bylaws of the Confederated Tribes. The oath of office shall be administered by the Umatilla Tribal Court, and shall be: "I (state name), do solemnly swear (or affirm) that I will carry out faithfully and impartially the duties as a Commission member of the Fish & Wildlife Commission to the best of my abilities, and that I will promote and protect the best interests of the Confederated Tribes of the Umatilla Indian Reservation, in accordance with the directives of the Board of Trustees, the statutes of the Confederated Tribes and the Constitution and Bylaws of the Confederated Tribes of the Umatilla Indian Reservation."

SECTION 2.02. JURISDICTION

The jurisdiction of the Commission shall coincide with the jurisdiction outlined in section 1.03 of this Code. It is expressly understood that the jurisdiction of the Commission includes the Umatilla Indian Reservation as well as those off-reservation usual and accustomed fishing sites and hunting areas wherein members of the Confederated Tribes may exercise fishing and hunting rights pursuant to the Treaty of 1855.

SECTION 2.03. OFFICERS OF THE COMMISSION

The Board shall appoint the Chair of the Commission from the Board membership. The Commission shall elect from their number a vice-chair and a secretary. No Commission action is valid unless at least three members agree to the proposed action. The officers shall have the following powers, as well as any powers outlined elsewhere in this Code:

- A. Chair. The Chair shall preside over all meetings of the Commission. He or she shall perform all duties of the Chair and exercise any authority delegated to him or her by the Board of Trustees or the Commission. The Chair shall also be responsible for authorizing travel of Commission members as Commission and Tribal representatives to meetings on issues within the jurisdiction of the Commission. In exercising this authority, the Chair shall ensure that there is adequate Commission representation to attend on-Reservation meetings relevant to fish and wildlife issues. The Chair shall report at least annually to the General Council and at special meetings of the General Council if so requested by the General Council or by the Board of Trustees. The Chair shall vote in a matter before the Commission only in the event of a tie.
- B. Vice-Chair. The Vice-Chair shall preside over meetings of the Commission in the absence of the Chair and when so presiding, shall have all the rights, responsibilities and duties of the Chair. The Vice Chair shall also assist the Chair when requested to do so and to perform other duties as assigned by the Commission.
- C. Secretary/Treasurer. The Secretary/Treasurer shall be responsible for all the written and financial records of the Commission. While the Board of Trustees may assign tribal staff to provide financial and secretarial assistance to the Commission, it shall be the responsibility of the Secretary/Treasurer to assure that all written records of the Commission are kept and that the notices, correspondence and minutes of the Commission are distributed to Commission members in a timely fashion. The Secretary/Treasurer shall also be responsible for insuring that Commission minutes are distributed to the appropriate tribal offices and that a permanent

*STATUTES of the CONFEDERATED TRIBES of the UMATILLA INDIAN RESERVATION
As Amended through Resolution No. 19-081 (December 16, 2019)*

file of Commission minutes and important Commission correspondence is maintained in the Tribal Office by the Tribal Executive Secretary.

- D. Ex-Officio Member. The Chairman of the Board of Trustees, or his designee, may serve as an ex-officio member of the Commission. The Chairman serving in this capacity shall not have any voting authority but shall be considered a member for quorum purposes.

SECTION 2.04. MEETINGS

- A. Time and Place. Regular meetings of the Commission shall be held twice a month during regular working hours of 7:30 a.m. – 4:00 p.m. in an office or conference room designated by the Commission or the Board of Trustees. Special meetings, unless of an emergency nature, should be posted at least five (5) days, in advance. Procedures of the Commission should encourage attendance of the General Council members at their regular and special meetings.
- B. Quorum. A quorum will consist of three (3) members of the Commission. Official business can only be conducted when a total quorum of three members are present.
- C. Order of Business. The following order of business is established for all meetings, but may be changed if deemed necessary:
1. Call to order by Chair.
 2. Roll call and ascertainment o quorum.
 3. Review and approval of minutes of the last meeting.
 4. Unfinished business.
 5. New business.
 6. Non-agenda items.
 7. Adjournment.
- D. Absence or Loss of Quorum. In the event a quorum is lost, or a quorum is never achieved, the Chair or Vice-Chair may elect to informally consider the business items on the Commission agenda. Such business shall be referred to as “unfinished business” and placed upon the agenda at the next regular Commission meeting.
- E. Recommendations for Tribal Legislation. Commission recommendations for permanent legislation should be reviewed by the Confederated Tribes’ Office of Legal Counsel and other appropriate tribal staff for review and comment prior to presentation to the Board of Trustees
- F. Report of Meetings. All Commission meetings shall be reported by the Commission Chair at the Board of Trustees meeting following the Commission meeting when so requested by the Board. All minutes of the Commission shall be available to members of the Commission, Tribal Officers and Tribal members. A permanent record of all minutes will be maintained in the Tribal Office by the Tribal Executive Secretary.
- G. Stipends. Consistent with Section 3.04(B) of the Confederated Tribes’ Advisory Committee Code, the members of the Commission may be paid a stipend to cover the time spent attending Commission meetings or attending meetings with outside entities, subject to funding availability. This stipend may vary from year to year depending on the budgetary process and availability of funds.
- H. Travel Authorization and Trip Reports. Travel authorization for Commission members, will follow Tribal policy – all requests involving representation by the Commission must be

*STATUTES of the CONFEDERATED TRIBES of the UMATILLA INDIAN RESERVATION
As Amended through Resolution No. 19-081 (December 16, 2019)*

approved by the Commission Chair. Members traveling on behalf of the Commission shall recognize that they represent the Confederated Tribes and should conduct themselves accordingly. All Commission Members shall be neat, well-groomed and dressed appropriately for the meetings they have been authorized to attend.

SECTION 2.05. SUPPORT SERVICES

The Board shall provide support services to the Commission, by delegation to the Department of Natural Resources, including, but not limited to:

- A. Secretarial and clerical assistance;
- B. Service as a public information outlet;
- C. Regulating the distribution and selling of Tribal licenses to non-members pursuant to this Code and collecting all fees remitted for licenses, whether collected at Tribal offices or other outlets;
- D. Posting and publishing notices required under this Code;
- E. Maintaining an accurate and complete system of documents required under this Code;
- F. Maintenance and publication of regulations by DNR Wildlife and Fisheries Programs;
- G. Distribution of ceremonial and subsistence foods; and
- H. Other administrative functions authorized by this Code, by the Board, or by the Commission.

SECTION 2.06. ANNUAL BUDGET

The Commission may prepare annually a budget identifying priority uses for money received from license fees. The Commission shall submit any adopted budget priorities in its annual report to the Board.

SECTION 2.07. GENERAL DUTIES OF THE COMMISSION

- A. The Commission shall formulate and implement the policies and programs of the Reservation for the management of Wildlife, including the issuance of rules and regulations as necessary.
- B. The Commission shall work with the Law & Order Committee to enforce this Code.
- C. The Commission shall have policy oversight over the DNR Wildlife, Fisheries and Environmental Planning/Rights Protection Programs, or their programmatic successors.
- D. The Commission shall ensure that current copies of all codes, policies, and regulations applicable to and/or issued by the Commission are available to all affected tribal department directors and program managers.
- E. The Commission shall ensure that resolutions brought before the Board of Trustees affecting Tribal fish and wildlife resources comply with the following:
 - 1. Treaty of 1855;
 - 2. Constitution and Bylaws;
 - 3. Comprehensive Plan; and
 - 4. Applicable Tribal and Federal Court decisions.

SECTION 2.08. DISCRETIONARY POWERS OF THE COMMISSION

- A. The Commission may establish open seasons for the taking of wildlife under this Code. Within one month after the season is set, the Commission shall:
1. Publish the season once in the tribal newspaper and once in a newspaper of general circulation in Umatilla County;
 2. Post notice of any season set at the Tribal and Agency buildings;
 3. Notify the Law & Order Committee, the Tribal police, and the Board, in writing, of any season set;
 4. Notify the CRITFE, Washington and Oregon State Police and relevant county sheriff offices; and
 5. Notify the fish & wildlife offices and/or committees of the Warm Springs, Yakama and Nez Perce tribes.
- B. The Commission may issue permits and tags as needed to carry out the provisions of this Code.
- C. The Commission, in carrying out the provisions of subsections (A) and (B) of this section may:
1. Establish the amount of each wildlife species that may be taken in terms of sex, maturity and other physical distinctions;
 2. Establish areas or territorial limits for the taking of wildlife;
 3. Establish the manner and means of taking wildlife;
 4. Establish license fees for any seasons or species; and
 5. Establish restrictions on the transportation of wildlife.
- D. The Commission may prescribe rules requiring any Tribal Member or non-member to keep records and make reports concerning the time, manner and place of taking wildlife, the quantities taken, and such other information as the Commission determines necessary for proper enforcement of the Code or to obtain information for use in wildlife management.
- E. The Commission may engage in other programs or actions that will protect, promote or enhance the wildlife resources on the Reservation and the off-reservation wildlife in which the Confederated Tribes has an interest by virtue of treaty reserved rights. However, any contractual agreement entered into pursuant to this section is subject to Board approval.
- F. The Commission may revoke any hunting permits issued under this Code if the permittee violates any requirements of this Code or conditions attached to the permit. The Commission shall provide the permittee an opportunity to respond before revoking the permit. The Commission shall mail the final Notice of Revocation to the permittee and notify the Tribal police of the revocation.
- G. The Commission may adopt regulations identifying and protecting specific wildlife species and their habitat on or off the Reservation due to special considerations including, but not limited to, the threat of extinction on the reservation, specific activities threatening populations, nesting areas, special habitat, etc.

*STATUTES of the CONFEDERATED TRIBES of the UMATILLA INDIAN RESERVATION
As Amended through Resolution No. 19-081 (December 16, 2019)*

- H. The Commission may adopt regulations establishing wildlife refuges on Tribal property with final approval by the Board.
- I. The Commission may adopt regulations limiting the use of firearms near residential areas and individual home sites.
- J. The Commission may require the DNR Fisheries, Wildlife and Environmental Planning/Rights Protection Programs to meet with it periodically to review policies, performance, allocation of staff personnel and budgets and to recommend improvements.

SECTION 2.09. RULEMAKING AUTHORITY OF THE COMMISSION

- A. Whenever the Commission deems it necessary to enact a rule or regulation pursuant to their authority in this Code the procedures outlined in this section or section 2.08 shall apply.
- B. Whenever the Commission proposes to adopt, amend, suspend or repeal any rule or regulation pursuant to this Code, it shall give all Tribal members and other persons affected by the proposed action thirty (30) days to comment on the proposed action.
- C. The Commission proposing the adoption, amendment, suspension or repeal of any rule or regulation shall prepare a notice on its intended action comprised of a brief written statement, which includes:
 - 1. A statement of the Commission's legal authority to promulgate a rule or regulation;
 - 2. A reproduction of the proposed rule and statement of how the rule is intended to meet the need; and
 - 3. The name and address where comments on the proposed action can be sent, as well as the deadline for making comments on the proposed action, the deadline not to be less than thirty (30) days from the date the notice is posted and published.
- D. The Commission shall:
 - 1. Post the notice at Tribal and Agency buildings, the Confederated Tribes' convenience store, and URHA mailboxes;
 - 2. Publish it once in the Confederated Tribes' newspaper, or, if the Confederated Tribes' newspaper is unavailable, once in a newspaper of general circulation in Umatilla County; and
 - 3. Notify the Board, in writing, of the proposed action.
- E. At the end of the time period allowed for comment, as its final action, the Commission may:
 - 1. Adopt the proposed rule or regulation as posted and published;
 - 2. Adopt the proposed rule or regulation after amending it based on comments received;
 - 3. Suspend the effect of a rule or regulation for a designated time period,
 - 4. Reject the adoption of the proposed rule or regulation, or
 - 5. Take any other action it deems necessary.
- F. The Commission shall notify the public of any final action taken by the Commission by:

*STATUTES of the CONFEDERATED TRIBES of the UMATILLA INDIAN RESERVATION
As Amended through Resolution No. 19-081 (December 16, 2019)*

1. Posting the notice at Tribal and Agency buildings, any mini-market or grocery store owned by the Confederated Tribes and located on the Reservation, and at URHA mailboxes;
2. Publishing it once in the Confederated Tribes' newspaper or, if the Confederated Tribes' newspaper is unavailable, once in a newspaper of general circulation in Umatilla County; and
3. Notifying the Board, in writing, of the final action.

SECTION 2.10. EMERGENCY RULEMAKING AUTHORITY OF THE COMMISSION

- A. Whenever the Commission deems it necessary to act promptly in order to prevent serious injury or prejudice to the public or Tribal interest, the Commission may take emergency action pursuant to this section.
- B. The Commission may take emergency action to adopt or suspend a rule or regulation without prior notice and hearing as required by section 2.07.
- C. An emergency action taken pursuant to this section shall be effective no longer than thirty (30) days. Any emergency action adopted may be finalized at the end of the thirty (30) days provided section 2.07 is complied with. Any rule or regulation temporarily suspended shall become effective at the end of the temporary period unless repealed pursuant to section 2.07.
- D. Within seven (7) days from the date of any emergency action the Commission shall post and publish the appropriate notice in compliance with section 2.07 and inform the Board in writing of the action,

SECTION 2.11. BOARD REVIEW

- A. The Board may review or modify any action of the Commission at any special or regular meeting. However, until the Board review, the Commission's action is binding.
- B. The Commission shall submit, in writing, to the Board any action taken pursuant to sections 2.07 and 2.08 within ten (10) days of taking the action.
- C. If the Board modifies any Commission action, the Board Chair shall notify the Commission Chair within 24 hours of the Board's action.

SECTION 2.12. REMOVALS AND RESIGNATIONS

- A. Removal for Cause. Except as provided by subsection (B) below, removal of Commission members shall only be for cause. For cause removal must be initiated by a vote in favor of filing removal charges by at least two (2) members of the Commission. Should a petition for removal be filed against a member, the Commission member subject to removal shall be provided a written statement of the charges against him/her, and notice of an opportunity to appear and answer any and all charges before the full Commission. The notice to the member subject to removal shall be provided at least five (5) days prior to the Commission hearing on removal charges. The removal of a Commission member shall require a vote in favor of removal by at least three (3) Commission members hearing the removal charges. A Commission decision providing for removal of a member shall be submitted to the Board of Trustees for final action. The removal of a Commission member shall require a majority vote of the Board of Trustees. The decision of the Board of Trustees on removal shall be final
- B. Resignation by Default. Resignation by Default. Commission members who miss three (3) consecutive unexcused meetings during their term or more than 50% of regular meetings during a calendar year without excuse shall be considered to have resigned from the Commission. Such members are immediately removed from office without further action of

the Commission or the Board of Trustees. The Commission shall immediately notify the Board of Trustees when a vacancy has been created due to resignation by default

- C. Voluntary Resignation. Any Commission member who finds that he must resign his position should do so in writing setting forth the reasons for his resignation. The notice of resignation should be presented to the Chair of the Commission who shall present the letter of resignation to the Board of Trustees at the next regular Board meeting. The vacancy in the Commission shall be deemed to exist at the time the letter of resignation is served upon the Board of Trustees by the Commission Chair.

CHAPTER 3. ENFORCEMENT

SECTION 3.01. TRIBAL POLICE OFFICERS

Enforcement of this Code is the responsibility of the Umatilla Tribal Police Department which shall assign Tribal police officers, as needed and available, to specific Fish and Wildlife Code enforcement activities. All Tribal police officers shall be eligible to enforce this Code and are required to be familiar with the provisions of this Code.

SECTION 3.02. SUPERVISION

The Tribal police officers assigned to enforce this Code shall be supervised by the same supervisors and under the same personnel policies as all other Tribal police officers. However, since the Commission has policy oversight regarding fish and wildlife issues, the Tribal police officers assigned to Wildlife Code enforcement shall periodically meet with the Commission to discuss policy considerations involving enforcement of this Code.

SECTION 3.03. AUTHORITY TO ENTER PRIVATE LANDS

A Tribal police officer may, while performing his or her duties, enter and remain on any lands or waters on the Reservation or any off-reservation lands or waters in which the Confederated Tribes has treaty hunting, trapping or fishing rights. Any such action by a Tribal police officer shall not constitute trespass.

SECTION 3.04. SEIZURE

- A. A Tribal police officer may seize without warrant:
1. Any birds, mammals or fish, including parts, taken, killed, transported or possessed, contrary to this Code or any rules or regulations of the Commission; and
 2. Any dog, gun, trap, net, seine, decoy, bait, boat, light, fishing tackle, motor vehicle or other device used in unlawful hunting, fishing or trapping or held with the intent to use in unlawful hunting, fishing or trapping.
- B. The Tribal police officer who seizes personal property shall issue to the person, from whom it is seized, a receipt listing the serial number of any firearm seized and describing any other property seized. Each Tribal police officer shall maintain a complete record of all property and wildlife seized, which describes each item and identifies its disposition. Any property seized shall not be disposed of except pursuant to the order of the Court.

SECTION 3.05. HEARINGS AND TRIALS

The Court shall conduct hearings and trials for violations of this Code pursuant to the Confederated Tribes' rules of criminal or civil procedure depending on whether the violation imposes a criminal or civil penalty.

CHAPTER 4. PENALTIES

SECTION 4.01. CIVIL OFFENSES

- A. Any person subject to civil jurisdiction of the Confederated Tribes who is charged with an offense under this Code, whether as a civil infraction or a crime, shall be subject to the procedures and remedies provided by this Code and other Tribal civil laws.
- B. Any violation of this Code or of a regulation adopted pursuant to this Code is a civil offense unless specifically limited to a criminal offense only.
- C. For a civil offense the Court may:
 - 1. Impose a fine of not less than \$25.00 nor more than \$25,000 per violation;
 - 2. Exclude the person from the Reservation;
 - 3. Suspend, confiscate or permanently revoke any Tribal hunting or fishing licenses or permits or identity cards issued by the Confederated Tribes, including the suspension or permanent revocation of a Tribal Member's aboriginal or treaty right to hunt or fish;
 - 4. Forfeiture as defined by this Code, or
 - 5. Any combination of the above.

SECTION 4.02. CRIMINAL OFFENSES

Any person subject to the criminal jurisdiction of the Confederated Tribes who is charged with a criminal offense under this Code shall be prosecuted under Tribal criminal law and procedure and, if found guilty, penalized as a criminal offender.

SECTION 4.03. FORFEITURES

- A. The Court may subject to forfeiture, by court order, any contraband wildlife, or any personal property used in the commission of a violation and seized by the Tribal police, including, but not limited to, motor vehicles, watercraft, hunting rifles and gear, and fishing gear.
- B. At the time any contraband wildlife or any personal property is seized, the game warden or Tribal police shall issue to the owner a field citation and notice of intent to forfeit which shall contain, at a minimum, the following information:
 - 1. A date, no more than thirty (30) days after the date of seizure, on which the owner may appear in Court to contest the validity of the seizure and the intended forfeiture;
 - 2. A statement that the owner's failure to appear on the date may constitute automatic grounds for forfeiture of the seized wildlife or personal property; and
 - 3. A statement that the owner may be granted a continuance by the Court in order to adequately prepare his or her case.
- C. If the owner of any seized contraband or personal property is unknown, the Court shall publish a notice of forfeiture in the Tribal newspaper for two (2) issues or, if the Tribal newspaper is unavailable, in any newspaper of general circulation in Umatilla County once per week for eight (8) consecutive weeks, describing with specificity the contraband or personal property seized, and stating that the owner has fifteen (15) days from the last date of publication to appear at a hearing before the Court to contest the seizure and forfeiture.

*STATUTES of the CONFEDERATED TRIBES of the UMATILLA INDIAN RESERVATION
As Amended through Resolution No. 19-081 (December 16, 2019)*

- D. After the hearing, the Court may forfeit the contraband or personal property. However, if no owner appears within fifteen (15) days following the last date of publication of the notice, the contraband or personal property is forfeited automatically.

SECTION 4.04. AIDING IN A WILDLIFE VIOLATION

Any person who aids, abets, or counsels another in violation of this Code, shall be subject to the same penalties as the person who actually committed the violation. It shall not be a violation of this section for a person to aid or counsel another person to mitigate the adverse effects of that person's violation of this Code, so long as he or she took no part in the initial violation and immediately notified the Umatilla Tribal Police Department of the violation.

SECTION 4.05. REWARDS FOR ARREST AND CONVICTION

If funds are available and budgeted, the Commission may offer monetary rewards for information leading to the arrest and conviction of any person violating this Code.

SECTION 4.06. CIVIL FINE SCHEDULE

- A. As restitution to the Confederated Tribes for the loss of wildlife, any person who takes wildlife in violation of this Code may be required to pay a fine. In determining the appropriate fine for the species listed below, the Tribal Court shall take into account the following guidelines:

1. Branch Bull Elk (during closed season): \$1,500,
2. Buffalo: \$4,000,
3. Moose: \$5,000,
4. Bighorn Sheep or Mountain Goat: \$5000,
5. Protected Species: \$5,000

- B. The fines listed above may be in addition to any civil or criminal penalty imposed as sanction for the violation of this Code which resulted in the loss of wildlife.

SECTION 4.07. CULTURAL COMMUNITY SERVICE

In addition to, or in lieu of, any other civil or criminal penalties authorized by this Chapter, any person who violates this Code may be required to perform Cultural Community Service (CCS) hours. The Tribal Court may require CCS hours by order of the Tribal Judge or upon a recommendation from the Community Accountability Board (CAB), taking into account such factors as the age and experience of the defendant, the defendant's history of violations of this Code, and the type, number, and severity of current violations. The Tribal Court, in consultation with the CAB, the Fish and Wildlife Commission, the Cultural Resources Committee, and the Law and Order Committee may develop more detailed guidelines for the Tribal Judge to consider in reaching decisions regarding the appropriateness of imposing CCS hours and the appropriate types of CCS activities.

CHAPTER 5. GENERAL FISHING AND HUNTING PROVISIONS

SECTION 5.01. FISHING AND HUNTING ALLOWED ONLY DURING OPEN SEASONS

No person shall fish or hunt on or off the Reservation except during open seasons established by this Code or the Commission. Violation of this section is a crime.

SECTION 5.02. WILDLIFE HARRASSMENT

- A. No person shall engage in wildlife harassment on the Umatilla Indian Reservation, as defined in Section 1.06 of this Code.
- B. The following actions shall not constitute wildlife harassment:
 - 1. Lawful hunting or fishing activities as set forth in this Code or regulations issued pursuant thereto;
 - 2. Approved fish and wildlife management actions carried out by, on behalf of, or otherwise with the approval of the Confederated Tribes. Such actions may include, but are not limited to, hazing, aerial wildlife surveys, and translocation of fish and game.
- C. Violation of this section is a civil infraction.

SECTION 5.03. TRIBAL IDENTIFICATION CARD

- A. Possession of a Tribal identification card shall establish a presumption that the holder is entitled to exercise all fishing and hunting rights reserved for Tribal Members, subject to all restrictions of this Code and rules and regulations promulgated by the Commission.
- B. Any person, who is a Tribal Member and who fishes or hunts on the Reservation or exercises off-reservation treaty rights, shall have in his or her possession a Tribal identification card and any required permit, license or tag issued by the Confederated Tribes.
- C. Failure to possess the required Tribal identification card is a civil infraction.

SECTION 5.04. DISPLAY UPON DEMAND

- A. Upon demand by any Tribal, federal or state police officer or purchaser of commercial fish, such card, permit, license or tag shall be displayed and refusal or failure to do so shall establish a presumption that such person is not authorized by the Confederated Tribes to hunt, fish or trap.
- B. Refusal to display such permit and/or tag and write his or her name on demand shall establish a presumption that such non-member has no permit and/or tag and is not the person named on the permit and/or tag in his or her possession.
- C. Refusal or failure to display a card, permit, license or tag, upon demand by a Tribal, federal or state police officer, is a civil infraction.

SECTION 5.05. NOT TRANSFERABLE

Tribal identification cards issued by the Confederated Tribes are not transferable. Permits, licenses or tags issued by the Commission are not transferable. Fraudulent transfer is a crime.

SECTION 5.06. CONSERVATION

The Commission shall determine the length of all open seasons and issues all fishing and hunting permits based on sound principles of conservation.

SECTION 5.07. TRAFFICKING IN WILDLIFE

- A. Concerning any wildlife, including parts, raw or processed, no person subject to Tribal jurisdiction shall:

*STATUTES of the CONFEDERATED TRIBES of the UMATILLA INDIAN RESERVATION
As Amended through Resolution No. 19-081 (December 16, 2019)*

1. Sell it or have it in his or her possession with the intent to sell;
 2. Expose or offer it for sale;
 3. Use it as part of any exchange of consideration, including money or other items of value; or
 4. Ship it for commercial purposes.
- B. However, this provision does not apply to:
1. Lawful commercial fishing activities,
 2. The purchase, sale, exchange, or possession of the following parts of lawfully taken wildlife:
 - a. Processed or unprocessed hides, hooves, dewclaws, sinews, or capes of big game or furbearers;
 - b. Teeth, antler, horn, claws or bone of big game or furbearers that have been processed into handcrafted items. Handcrafted items do not include complete sets of antlers or whole heads and antlers which are mounted for display or other purposes; and
 - c. Lawfully collected naturally shed horns or antlers; or
 3. The bartering of subsistence wildlife by a Tribal Member to a member of a federally recognized tribe.
- C. A Tribal member who wishes to raise money for a charitable cause by selling tickets for a dinner, lunch or other meal may include in that meal portions of lawfully taken wildlife, provided that the tribal member first obtains a permit for this purpose from the Fish and Wildlife Commission and the meal is served on the Umatilla Indian Reservation. Tickets for a properly permitted meal may be sold to the general public.
- D. Violation of this section is a crime.

SECTION 5.08. WASTING WILDLIFE

- A. No person shall needlessly waste, after killing or wounding, any wildlife or so mutilate any wildlife that its species, sex or size cannot be determined.
- B. Waste includes the deterioration of those portions of wildlife normally utilized for human consumption, to the point where it is no longer fit for such use.
- C. Waste includes abandoning meat in a locker. If the Confederated Tribes voluntarily pay for abandoned meat in lockers, the Confederated Tribes may pursue repayment from the abandoning person through the courts. The Commission may voluntarily pay for abandoned meat in lockers.

SECTION 5.09. TAKING OF WILDLIFE DAMAGING PROPERTY

- A. Any person who resides within the boundaries of the Reservation and whose real or personal property is being damaged by any animal not classified as fish, big game, small game, upland game, waterfowl or fur bearers, may destroy, trap or arrange for the removal of the animal.
- B. Upon application, the Commission may authorize enforcement personnel to destroy, trap or remove an animal or may grant permission to the applicant for the destruction, trapping or

*STATUTES of the CONFEDERATED TRIBES of the UMATILLA INDIAN RESERVATION
As Amended through Resolution No. 19-081 (December 16, 2019)*

removal of an animal classified as fish, big game, small game, waterfowl, or fur bearer provided the animal is substantially damaging the real or personal property of the applicant. The Commission shall not allow the taking of such wildlife if the damage is minimal.

- C. Whenever possible, before the Commission approves an application for the destruction, trapping or removal of any animal classified as fish, big game, small game, waterfowl, or fur bearer, the Commission shall arrange for enforcement or biological personnel to investigate and report to the Commission regarding the extent of the alleged damage.
- D. The Commission may require the permittee to provide the remains of the destroyed wildlife to the Tribal member who suffered damages or to other Tribal members as deemed appropriate by the Commission.
- E. A violation of this section is a civil infraction.

SECTION 5.10. CAPTURE OF WILDLIFE

- A. No one shall capture and keep any wildlife as a pet.
- B. Violation of this section is a civil infraction.

SECTION 5.11. TOXIC SUBSTANCE AND WILDLIFE

- A. No one, including licensed state and federal trappers, shall make caustic or toxic substances available to wildlife unless the substance and method of application is approved by the Commission for control purposes. Off-reservation, Tribal Members may make such substances available to wildlife if the application is approved by federal and/or state governmental agencies authorized to prescribe environmental control programs.
- B. A violation of this section is a civil infraction.

SECTION 5.12. POSTING LANDS

- A. Due to the Confederated Tribes' exclusive on-reservation treaty fishing and hunting rights, no one on the Reservation, including the owner or lessee of real property, shall post property against trespassing, hunting, or fishing. However, an owner or lessee of property may establish a hunting safety zone by clearly posting the land around his or her residence for a distance not to exceed 600 yards, unless the Commission adopts a greater distance pursuant to its regulatory authority. It shall be unlawful for any person to discharge a weapon within a clearly posted hunting safety zone.
- B. The Commission may close, by regulations adopted pursuant to this Code, residential areas on the reservation to hunting in the interest of public safety.
- C. A violation of this section is a civil infraction.

SECTION 5.13. DESTRUCTION OF PROPERTY

- A. No one hunting or fishing on land belonging to another person or the United States on or off the Reservation shall damage the land, crops or property. All motor vehicles must remain on established roads and tracks.
- B. A violation of this section is a civil infraction.

SECTION 5.14. DUMPING GARBAGE/WASTE IN WATERS

- A. No one shall dump, throw, shoot or cause to be placed in any waters on or off the Reservation any garbage, foreign matter (including, but not limited to, pollutants, toxics and poisons), human or animal waste.
- B. A violation of this section is a civil infraction.

SECTION 5.15. USE OF WILDLIFE FOR SCIENTIFIC PURPOSES

- A. A person may take, possess, inspect, sample, measure, count or collect data on fish and wildlife for scientific, management and/or enhancement purposes pursuant to a scientific permit issued by the Commission.
- B. The Commission may deny a permit without cause, may impose any reasonable conditions on any permits issued, and shall impose specific expiration dates.
- C. Any violation of this section or any permit conditions is a civil infraction.

SECTION 5.16. KILLING OF WOUNDED WILDLIFE

- A. Anyone may kill wildlife that is found suffering from mortal wounds. However, no one shall use any such remains, out of season, for any purpose without a prior obtained permit from the Commission. Anyone who kills wildlife found suffering from mortal wounds shall take reasonable steps to prevent waste including immediately notifying Tribal Police and notifying the Fish and Wildlife Commission as soon as practicable.
- B. A violation of this section is a civil infraction.

SECTION 5.17. CLOSED AREAS

- A. No one shall engage in fishing or hunting at any time, on or off-reservation, in areas closed pursuant to this Code.
- B. The Commission shall set closed areas by regulations adopted pursuant to this Code.
- C. No one shall engage or attempt to engage in hunting or fishing in areas closed by the Commission.
- D. A violation of this section is a civil infraction

SECTION 5.18. FISHING GENERALLY

Violations of this section are civil infractions unless specifically stated otherwise in the subsections below.

- A. No one shall use any substance in a body of water to attract fish to the place where the substance is deposited, unless used as bait when attached to a hook fished in the ordinary manner.
- B. No one shall use electric current that may attract, retard, stun, kill or obstruct movement of fish in any body of water.
- C. No one shall use any explosive device for the purpose of taking fish in any body of water. A violation of this subsection is a crime.
- D. No one shall use any gas or chemical that may attract, frightens retard, stun, kill or obstruct the movement of fish in any body of water.

*STATUTES of the CONFEDERATED TRIBES of the UMATILLA INDIAN RESERVATION
As Amended through Resolution No. 19-081 (December 16, 2019)*

- E. No one shall take fish by gill net, dip net, bag net, hoop net, spear, gaff, club, fowling hook or other traditional methods, unless authorized by rule or regulation issued pursuant to this Code.
- F. No one shall take fish with commercial fishing gear except in those areas where commercial fishing gear is authorized pursuant to this Code. Any such commercial gear shall be marked and identified in a permanent manner with the fisherman's Tribal identification number on the cork line.
- G. No one shall sell or offer for sale, and a commercially licensed fish buyer or wholesale fish dealer shall not have in his or her possession, fish taken for subsistence or ceremonial purposes.
- H. Any gear that is discovered missing shall be reported 36 hours from the time of such discovery to tribal, federal or state law enforcement personnel along with a description, a location last seen and any other information that will aid in identification and recovery.
- I. No one shall falsely report any fishing gear as missing.
- J. Anyone selling, trading or bartering fish taken pursuant to treaty rights must provide his Tribal enrollment number to buyers requesting it, so that the buyer can record the seller's number with the buyer's purchase record.

SECTION 5.19. HUNTING GENERALLY

A violation of this section is a civil infraction unless specifically stated otherwise in the subsections below.

- A. No one shall hunt, pursue, molest, catch, kill or attempt to hunt, pursue, molest, catch or kill any animal from a motor propelled vehicle. A violation of this subsection is a crime.
- B. No one shall shoot any pistol, rifle, shotgun, or other firearm from a vehicle or along any public road.
- C. No one shall hunt, pursue, take or attempt to hunt, pursue or take animals from one half hour after sunset to one half hour before sunrise.
- D. No one shall hunt big game with any firearm other than a rifle or handgun with a caliber designation of .222 (center fire) or larger, or a shotgun using slugs or number one buckshot or larger.
- E. No one shall hunt with an artificial light of any kind. It is prima facie evidence of unlawful hunting if found with an artificial light and any rifle, shotgun or other firearm in any place where game animals may reasonably be expected to be found. However, this provision does not apply:
 - 1. To the headlights of a motor vehicle that is being operated on a road in the usual manner, if the operator or occupants of the motor vehicle makes no attempt to kill wildlife; or
 - 2. When the weapon the operator or occupants of the motor vehicle have in their possession or immediate physical presence is disassembled or stored, or in the trunk or storage compartment of a motor vehicle.
- F. No one shall hunt small game, upland game or waterfowl with any firearm other than a shotgun, 10 gauge or smaller, except that game may be taken with a caliber designation of 6 mm. (. 243 caliber) or smaller.

*STATUTES of the CONFEDERATED TRIBES of the UMATILLA INDIAN RESERVATION
As Amended through Resolution No. 19-081 (December 16, 2019)*

- G. Hunting big game and small game by means of bow and arrow shall be allowed during any season set by the Commission. However, no one shall hunt with a crossbow or utilize explosive devises on arrows while bow hunting.
- H. No one shall hunt, trap, chase, or harass big game with dogs except as authorized by Commission rule or regulation adopted pursuant to this Code.
- I. No one under the 12 years of age shall hunt unless the person is accompanied by an adult 18 years of age or older. The adult shall be either the minor's parent, legal guardian, or shall have the express permission of the minor's parent or legal guardian.
- J. No one aged 12 to 18 years of age shall hunt unless:
 - 1. The person has in his or her possession a hunting safety certificate meeting the standards of the Confederated Tribes or a state government; or
 - 2. The person is accompanied by an adult 18 years of age or older. The adult shall be either the minor's parent, legal guardian, or shall have the express permission of the minor's parent or legal guardian.
- K. No one shall engage in any hunting right, if a court order prohibits him or her from possessing a firearm. The Commission shall deny any application for a hunting permit pursuant to this Code, if the applicant is prohibited from carrying a firearm. A violation of this subsection is a crime.
- L. No one shall hunt with or discharge firearms while under the influence of any drug, narcotic or liquor. A violation of this subsection is a crime.
- M. No one shall aim any firearm whether loaded or not at or towards any human being or willfully discharge any firearm, in a public place, or in any place where any person might be endangered, even if no injury results. A violation of this subsection is a crime.
- N. No one shall carry, transport or convey or have in his or her possession or under his or her control in any vehicle any loaded shotgun, pistol or rifle. Loaded is defined as any weapon having a round of ammunition in the chamber.
- O. No one shall intentionally disrupt or attempt to disrupt lawful hunting activities.
- P. Any attempt to take a wildlife decoy under the control of Tribal police officers shall be an unlawful taking of wildlife and punishable pursuant to this Code.

SECTION 5.20. HUNTING AND FISHING PERMITS

Any person who is engaged in hunting or fishing pursuant to a permit required by this Code shall have the permit in his or her possession at all times while engaging in the activity authorized by the permit. All permits issued by the Commission shall expressly state this requirement.

CHAPTER 6. ON-RESERVATION FISHING BY TRIBAL MEMBERS

SECTION 6.01. SUBSISTENCE FISHING

The season for subsistence fishing on the Reservation is open all year to Tribal Members, unless the Commission adopts a rule or regulation to the contrary.

SECTION 6.02. CEREMONIAL FISHING

- A. No Tribal Member shall engage in ceremonial fishing on the Reservation without a permit issued by the Commission, and only during the ceremonial fishing season set by the Commission.
- B. The Commission may impose any reasonable conditions on Ceremonial fishing either through its permits and/or through regulations.
- C. A Tribal Member shall turn in, to the person requesting the ceremonial fish, all fish taken pursuant to the ceremonial permit.
- D. The user group requesting ceremonial fish shall be responsible for transporting the fish from the fishing site to the place of the ceremony and for preparing the fish as required for the ceremony.
- E. A violation of this section is a civil infraction.

SECTION 6.03. COMMERCIAL FISHING

No Tribal Member shall engage or attempt to engage in commercial fishing on the Reservation.

CHAPTER 7. ON-RESERVATION FISHING BY NON-MEMBER INDIANS

SECTION 7.01. RESTRICTIONS

No non-member Indian shall hunt or fish on the Reservation without obtaining and carrying at all times on his or her person all permits and tags required by the provisions of this Code, or required by any rules or regulations promulgated by the Commission.

SECTION 7.02. SUBSISTENCE AND CEREMONIAL FISHING

- A. Any non-member Indian meeting the following qualifications may apply to the Commission for a subsistence fishing permit allowing him or her to fish on the Reservation for a limited and definite period of time:
 - 1. The non-member Indian's tribe provides reciprocal fishing rights to Tribal members; and
 - 2. The applicant is a member of a federally recognized Indian tribe, is domiciled on or near the boundaries of the Reservation, and is married to a Tribal Member; or
 - 3. The applicant is a member of a federally recognized Indian tribe, is domiciled on or near the boundaries of the Reservation, and has residing in his or her household one or more dependents who are Tribal Members; or
 - 4. The applicant is a member of a federally recognized Indian Tribe, is domiciled on or near the Reservation, and his or her mother, father, or legal guardian is a Tribal Member.
- B. Any non-member Indian holding a subsistence fishing permit issued pursuant to this Code shall comply with this Code, any regulations, and the conditions on the permit.

SECTION 7.03. COMMERCIAL FISHING

No non-member Indian shall engage in or attempt to engage in commercial fishing on the Reservation.

SECTION 7.04. SPORT/RECREATIONAL FISHING

No non-member Indian shall engage in or attempt to engage in sport or recreational fishing on the Reservation without a permit issued by the Commission.

CHAPTER 8. ON-RESERVATION FISHING BY NON-INDIANS

SECTION 8.01. GENERALLY

- A. Any violation of any provision of this Code, or of any regulation issued pursuant to this Code, shall automatically withdraw any lawful authority or permission from the Confederated Tribes to fish and the non-Indian shall be deemed to be acting without lawful authority or permission of the Tribes.
- B. No non-Indian shall fish on the Reservation without obtaining, and carrying at all times on his or her person, all permits and tags required by the provisions of this Code, or required by any rules or regulations promulgated by the Commission.

SECTION 8.02. SUBSISTENCE AND CEREMONIAL FISHING

No non-Indian shall engage in or attempt to engage in subsistence or ceremonial fishing on the reservation.

SECTION 8.03. COMMERCIAL FISHING

No non-Indian shall engage in or attempt to engage in commercial fishing on the Reservation.

SECTION 8.04. SPORT OR RECREATIONAL FISHING

No non-Indian shall engage in or attempt to engage in sport or recreational fishing on the Reservation without a permit issued by the Commission.

CHAPTER 9. OFF-RESERVATION FISHING BY TRIBAL MEMBERS

SECTION 9.01. SUBSISTENCE FISHING

The season for subsistence off-reservation fishing for Tribal Members shall be open all year, unless the Commission adopts a rule or regulation to the contrary.

SECTION 9.02. CEREMONIAL FISHING

- A. A Tribal Member may engage in ceremonial off-reservation fishing only during the ceremonial fishing season set by the Commission and only while in possession of ceremonial permit issued by the Commission.
- B. No Tribal Member shall fish off-reservation for ceremonial purposes without having in his or her possession a signed copy or duplicate copy of the written Tribal notification to the appropriate state agencies of the ceremonial fishing.
- C. All Tribal Members fishing pursuant to a ceremonial fishing permit off-reservation shall submit a written catch report on the number of fish taken to the Commission and to the State of Oregon by the user group and the person authorized to fish pursuant to the ceremonial permit.
- D. The Commission shall notify the State of Oregon, in writing, of the issuance of a ceremonial fishing permit for off-reservation fishing at least one week prior to the start of the fishing. However, in the event of a bona fide emergency need for ceremonial fish notice to state

*STATUTES of the CONFEDERATED TRIBES of the UMATILLA INDIAN RESERVATION
As Amended through Resolution No. 19-081 (December 16, 2019)*

authorities by telephone will be allowed, so long as sufficient time is provided for the notification of all state agencies and agents.

SECTION 9.03. COMMERCIAL FISHING

- A. No Tribal Member shall take fish for commercial purposes, except during the time, in the areas, with the gear and for the species as provided in this Code or by Commission rules or regulations, and in accordance with federal laws and regulations consistent with the Treaty.
- B. Commercial fishing gear shall be used as follows:
 - 1. No one shall use commercial fishing gear which is not branded in a permanent manner with the fisherman's tribal identification number on the corkline.
 - 2. No one shall use a foam float that is not encapsulated.
 - 3. No one shall use a set net or combination thereof longer than 400 feet.
 - 4. Every net shall be lifted and inspected and all fish removed therefrom at least once daily, except during the winter season during which time nets shall be lifted, inspected and all fish removed therefrom at least once during every 48 hour period.
 - 5. No one shall take or appropriate, without authorization, the fishing gear of another. Any person using the gear of another shall have in his or her possession at all times during such use written authorization signed by the owner of the gear.
 - 6. No one shall, while exercising off-reservation treaty commercial fishing rights, permit any person to fish for him or her, assist him or her in fishing or use any gear or fishing location identified as his or her gear or location, other than those members of the Columbia River Treaty Tribes who have a treaty-reserved right to fish.

CHAPTER 10. ON-RESERVATION HUNTING BY TRIBAL MEMBERS

SECTION 10.01. RESTRICTIONS

- A. No Tribal Member shall engage in or attempt to engage in hunting on the Reservation except during open seasons.
- B. No Tribal Member shall engage or attempt to engage in hunting on the Reservation in the company of any person not authorized to exercise treaty hunting rights. However, any Tribal Member may engage in hunting with a non-member on the Reservation if both the Tribal Member and the other person hunt in compliance with the provisions of the Code.

SECTION 10.02. SUBSISTENCE HUNTING

Any Tribal member may apply to the Commission for a subsistence hunting permit during closed seasons. Each application for a subsistence hunting permit shall be made in person to the Commission Chair who shall call a meeting for the purpose of acting on the application. Each application shall, at a minimum, include:

- A. The name, age, Tribal identification number of the person applying for the permit;
- B. Special facts and/or reasons justifying the applicant's request for a subsistence hunting permit during a closed season;
- C. The dates on which the hunting is to take place, not to exceed five (5) days;
- D. Whether one deer or one elk is to be taken, but not both;

E. Any other information the Commission deems relevant.

SECTION 10.03. CEREMONIAL HUNTING

Any Tribal Member may apply to the Commission for a ceremonial hunting permit during a closed season. Each application for a ceremonial hunting permit shall be made to the Commission Chair who shall call a meeting for the purpose of acting on the application. Each application shall, at a minimum, include:

- A. The name, age and tribal identification number of the applicant;
- B. The name of the ceremony for which the meat is to be used and an estimate of the number of people expected to attend the ceremony;
- C. The dates on which the hunting is to take place, not to exceed five (5) days,
- D. A preference on which type of game animal is desired;
- E. The names of persons engaging in the ceremonial hunting; and
- F. Any other information the Commission deems relevant.

An emergency ceremonial hunting permit may be granted by any two members of the Commission if a regular quorum of the Commission is unavailable, provided that the two acting members submit to the remaining Commission members a copy of the ceremonial hunting permit application acted upon within ten (10) days from the date of its approval.

SECTION 10.04. COMMERCIAL HUNTING

No Tribal member may engage or attempt to engage in commercial hunting on the Reservation.

CHAPTER 11. ON-RESERVATION HUNTING BY NON-MEMBER INDIANS

SECTION 11.01. PERMITS REQUIRED

Non-member Indians meeting the following qualifications may apply to the Commission for a special hunting permit allowing him to hunt on the Reservation during any season open to Tribal Members:

- A. The non-member Indian's tribe allows reciprocal hunting rights; and
- B. The applicant is a member of a federally recognized Indian tribe, is domiciled on or near the Reservation, and is married to a Tribal Member; or
- C. The applicant is a member of a federally recognized Indian tribe, is domiciled on or near the Reservation, and has residing in his or her household one or more dependents who are Tribal Members; or
- D. The applicant is a member of a federally recognized Indian tribe, is domiciled on or near the Reservation, and his or her mother, father, or legal guardian is a Tribal Member.
- E. Any permit issued pursuant to this subsection shall include a requirement that the permittee be accompanied by a Tribal Member while hunting on the Reservation and have in his or her possession proof of enrollment with a federally-recognized Indian tribe, such as a valid tribal identification card.

SECTION 11.02. SUBSISTENCE HUNTING

A non-member Indian may apply to the Commission for a subsistence hunting permit during a closed season. Each application for a subsistence hunting permit shall be submitted in writing to the Commission Chair and the Commission shall act upon the application at its next regular meeting. Subsistence hunting permits may only be granted to non-member Indian applicants who meet the criteria set forth in Section 11.01. Any permit issued pursuant to this subsection shall include a requirement that the permittee be accompanied by a Tribal Member while hunting on the Reservation and have in his or her possession proof of enrollment with a federally-recognized Indian tribe, such as a valid tribal identification card.

SECTION 11.03. CEREMONIAL HUNTING

No non-member Indian may engage or attempt to engage in ceremonial hunting on the Reservation.

SECTION 11.04. COMMERCIAL HUNTING

No non-member Indian shall engage or attempt to engage in commercial hunting on the Reservation.

CHAPTER 12. ON-RESERVATION HUNTING BY NON-INDIANS

SECTION 12.01. CEREMONIAL, COMMERCIAL, AND SUBSISTENCE HUNTING

No non-Indian shall engage in or attempt to engage in ceremonial, commercial, or subsistence hunting on the reservation.

SECTION 12.02. SPORT AND RECREATIONAL HUNTING

No non-Indian shall engage in or attempt to engage in sport or recreational hunting on the reservation without a valid permit from the Commission.

CHAPTER 13. OFF-RESERVATION HUNTING BY TRIBAL MEMBERS

SECTION 13.01. SEASONS

No Tribal Member shall take wildlife off-reservation pursuant to treaty hunting rights except during open seasons established by the Commission.

SECTION 13.02. RESTRICTIONS

No Tribal Member shall take wildlife pursuant to off-reservation treaty hunting rights in the company of any person not authorized to exercise treaty hunting rights, except as follows:

- A. Any Tribal Member may engage in hunting with a person who is not authorized to exercise treaty hunting rights if:
 - 1. Both the Tribal Member and the other person comply with the state laws as to weapons restrictions and as to the number, sex, age, location, and open season dates of animals that may be taken, or
 - 2. The other person is unarmed and receives no payment in exchange for his or her participation.
- B. Any Tribal Member may engage in hunting or trapping with a non-member Indian who is also entitled to exercise off-reservation treaty hunting rights under another treaty. However, both the Tribal Member and the non-member Indian must comply with their respective tribal laws.

SECTION 13.03. SUBSISTENCE HUNTING

Tribal Members may engage in off-reservation subsistence hunting pursuant to section 10.02 of this Code.

SECTION 13.04. CEREMONIAL HUNTING

Tribal Members may engage in off-reservation ceremonial hunting pursuant to section 10.03 of this Code.

SECTION 13.05. COMMERCIAL HUNTING

No Tribal Member may engage, or attempt to engage, in commercial hunting off-reservation pursuant to treaty reserved rights.

CHAPTER 14. TRAPPING

SECTION 14.01. TRIBAL MEMBERS

- A. Tribal members shall not engage in or attempt to engage in subsistence or ceremonial trapping on the reservation without a permit issued by the Commission. Violation of this section is a civil infraction.
- B. Tribal members shall not engage in or attempt to engage in commercial or sport trapping on the reservation. Violation of this section is a crime.

SECTION 14.02. NON-MEMBER INDIANS

- A. Non-member Indians shall not engage in or attempt to engage in subsistence or ceremonial trapping on the reservation without a permit issued by the Commission. Violation of this section is a civil infraction.
- B. Non-member Indians shall not engage in or attempt to engage in commercial or sport trapping on the reservation. Violation of this section is a crime.

SECTION 14.03. NON-INDIANS

Non-Indians shall not engage in or attempt to engage in subsistence, ceremonial, commercial or sport trapping on the reservation. Violations of this section shall result in substantial civil penalties.

CHAPTER 15. GATHERING

SECTION 15.01. TRIBAL MEMBERS

Tribal members may engage in gathering traditional foods and medicines on-Reservation.

SECTION 15.02. NON-MEMBER INDIANS

- A. Non-member Indians shall not engage in subsistence gathering of traditional foods and medicines on-Reservation except:
 - 1. When accompanied by a family member who is a tribal member,
 - 2. When gathering for such a person, or
 - 3. When acting within their scope of employment as Tribal employees.

*STATUTES of the CONFEDERATED TRIBES of the UMATILLA INDIAN RESERVATION
As Amended through Resolution No. 19-081 (December 16, 2019)*

- B. Non-member Indians shall not engage in the collection of shed antlers on Tribally-Owned Lands except:
1. When accompanied by a family member who is a tribal member,
 2. When acting within their scope of employment as Tribal employees, or
 3. When collecting from Tribally-Owned Lands held in trust by the United States and in which the Non-member Indian holds a beneficial interest.

SECTION 15.03. NON-INDIANS

Except for authorized tribal staff members acting within the scope of their work, non-Indians shall not engage in subsistence gathering of traditional foods and medicines on the Reservation. Except for authorized tribal staff members acting within the scope of their work, non-Indians shall not engage in the collection of shed antlers on Tribally-Owned Lands.

SECTION 15.04. REGULATIONS

The Commission shall make every effort to consult with the Cultural Resources Committee and the Law and Order Committee prior to promulgating regulations concerning gathering.

APPENDIX A

LEGISLATIVE HISTORY

FISH AND WILDLIFE CODE

LEGISLATIVE HISTORY

The first seven statutes enacted by the Confederated Tribes regulated various aspects of the exercise of treaty-reserved hunting and fishing rights by tribal members. In this early period the Board did not name statutes according to the statutes' topic. Instead the statutes were simply named by the numerical order in which they were enacted.

Tribal Ordinance No. One prohibited the sale of game that had been killed by a person while that person was exercising hunting rights reserved under the Tribes' Treaty of 1855, and set up a hearing and penalty process for punishing violations of the ordinance. Ordinance No. One was passed by the Board and signed by Board Chairman Louis McFarland and Board Secretary Elias J. Quaempts on October 2, 1953. It is not clear whether the Board also passed a resolution recording the enactment of this ordinance.¹

Tribal Ordinance No. Two established a procedure for the issuance of licenses to hunt, trap and fish on the Umatilla Indian Reservation to Indians who are not enrolled in the Confederated Tribes of the Umatilla Indian Reservation. Ordinance No. Two was passed by the Board and signed by Board Chairman Elias J. Quaempts and Board Secretary David S. Hall on October 27, 1959. Its enactment was also recorded in Board Resolution No. 60-4 (October 27, 1959).

Tribal Ordinance No. Three established hunting seasons for members of the Confederated Tribes and persons who held tribal hunting licenses. It also prohibited persons exercising rights under the Tribes treaty of 1855 or tribal license from hunting with persons who did not have such rights, except when all members of the party complied with state hunting regulations. Ordinance No. Three established a process whereby a Tribal member who is the wife of a non-member could obtain a special seven-day permit for the hunting of one deer or one elk. The ordinance set up a process for hearing complaints about violations of the ordinance and for setting penalties for violations. Ordinance Three was passed by the Board of Trustees and signed by Board Chairman Elias J. Quaempts and Board Secretary David S. Hall on October 11, 1960. Its enactment was also recorded in Board Resolution 61-11 (October 11, 1960).

Tribal Ordinance No. Four established a process for the issuance of Tribal identification cards for the purpose of identifying persons who were entitled to exercise treaty rights under the Tribes' Treaty of 1855. Ordinance No. Four was passed by the Board of Trustees and signed by Board Chairman Elias J. Quaempts and Secretary David S. Hall on October 11, 1960. Its enactment was also recorded in Board Resolution 61-12 (October 11, 1960).

Tribal Ordinance No. Five prohibited the exercise of treaty-reserved rights to hunt and trap in lands that were outside the original 1855 treaty boundary of the Umatilla Indian Reservation and were not unclaimed lands. Hunting in lands located within the 1855 treaty boundary but west of the line separating Ranges 32 and 33 was also prohibited. Ordinance No. Five was passed by the Board of Trustees and signed by Board Chairman Elias J. Quaempts and Secretary David S. Hall on October 11, 1960. Its enactment was also recorded in Board Resolution 61-13 (October 11, 1960).

Tribal Ordinance No. Six prohibited all members of the Confederated Tribes of the Umatilla Indian Reservation from taking salmon or steelhead in the fish ladder planned for construction at Three Mile

¹ Prior to the enactment of the Tribes' Sign Code, in Resolution 76-49 (May 17, 1976), the Board would indicate the enactment of a statute by having the Board Chairman and Secretary sign a certification at the end of the statute. During this early period, the Board would also typically (although not necessarily always) pass a resolution recording the enactment of the statute. From 1976 onward, the Board has always passed a resolution whenever enacting a statute, regardless of whether the statute was also signed. The only statutes to be signed during this latter period are the original Land Development Code (August 24, 1983) and the original Gaming Ordinance (signed only by the Chairman, February 22, 1994).

*STATUTES of the CONFEDERATED TRIBES of the UMATILLA INDIAN RESERVATION
As Amended through Resolution No. 19-081 (December 16, 2019)*

Dam on the Umatilla River. Ordinance No. Six was passed by the Board of Trustees and signed by Board Chairman Gilbert E. Conner and Secretary Thelma M. Reick on July 30, 1963. It appears that the Board did not pass a resolution recording the enactment of this ordinance (Resolution 61-03 was passed on July 23, 1963, while Resolution 61-04 was passed on August 26, 1963. Neither of these resolutions enacted Ordinance No. Six.).

Tribal Ordinance No. Seven closed certain locations to all fishing and closed other locations to commercial fishing, and established seasons and harvest methods for additional locations. Ordinance Seven was passed by the Board of Trustees and signed by Board Chairman David S. Hall and Secretary Thelma M. Reick on May 24, 1966. Enactment of this ordinance may have been recorded in Board Resolution 66-18 (which is missing) and which would have been passed between March 8, 1966 (the date of Resolution 66-17) and June 1, 1966 (the date of Resolution 66-19).

The Board of Trustees amended Ordinance No. Seven to clarify the intent of one section on August 9, 1966. The amendment was signed by Board Chairman David S. Hall and Secretary Thelma M. Reick. The Board also recorded its enactment of this amendment in Resolution 67-3 (August 9, 1966).

Tribal Ordinance No. Nine repealed and replaced Tribal Ordinance No. Seven, as amended. Tribal Ordinance No. Nine was apparently enacted sometime in 1969 and signed by Board Chairman Roy McIntyre and Secretary Viola P. Wocatsie. Unfortunately the only currently available copy of this ordinance is neither signed nor dated. Its enactment may have been recorded in Resolution 70-06, which is the only resolution enacted in 1969 that is currently missing. Resolution 70-06 would have been passed in late August or early September 1969. This would be consistent with the Board's usual pattern at this time of enacting fish and wildlife ordinances in the early fall of the year.

On September 22, 1977, the Board of Trustees enacted by motion a Fish and Game Code, which took effect on January 1, 1978. The Fish and Game Code re-codified and elaborated upon the provisions of Tribal Ordinances No. One through No. Seven and Ordinance No. Nine, and repealed those statutes (See Chapter I, Part I, section 10 of the Fish and Game Code). In addition, this code established the Umatilla Tribal Court of Game Offenses and its rules of procedure. It also defined civil and criminal law and penalties concerning fish and game matters. Resolution 79-08 (February 21, 1979) reaffirmed and provided a formal record of the September 22, 1977 motion. The Board amended the Fish and Game Code once, on September 28, 1979 (This resolution has been lost.).

The Board enacted a revised Fish and Game Code, renamed the "Wildlife Code," in Resolution 81-21 (March 4, 1981). The Wildlife Code was amended by Resolution 91-56 (November 6, 1991).

The Board enacted a revised Wildlife Code in Resolution No. 99-32 (April 7, 1999). The revised Wildlife Code was amended by Resolution No. 99-63 (July 28, 1999), which changed the title to the "Fish and Wildlife Code" and corrected some errors in internal citations. The Board of Trustees further amended the Fish and Wildlife Code in Resolution No. 04-022 (April 12, 2004). This amendment elaborated on existing provisions regarding gathering, changed the name of the Fish and Wildlife Committee to "Fish and Wildlife Commission" and approved the reformat of the Code, making its citation form consistent with that of other tribal statutes.

The Board amended the Fish and Wildlife Code in Resolution 13-002 (January 14, 2013) following a multi-year review process. In addition to several technical amendments, major substantive amendments included (1) the removal of the Fish and Wildlife Commission's authority to suspend or terminate a Tribal Member's treaty hunting and fishing rights, (2) a new offense of aiding in a wildlife violation, (3) a new provision expressly authorizing the Umatilla Tribal Court to impose traditional punishments, (4) clarification of the activities that constitute trafficking in wildlife, and (5) modification of the conditions under which minors may hunt on the Umatilla Indian Reservation.

The Board amended the Fish and Wildlife Code in Resolution 15-080 (December 21, 2015) to comply with Amendment XV to the Constitution and Bylaws of the Confederated Tribes. Amendment XV removed restrictions on the ability of members enrolled under the former Article IV(C) of the Constitution to exercise Treaty-reserved rights. As such, the provisions of the Fish and

*STATUTES of the CONFEDERATED TRIBES of the UMATILLA INDIAN RESERVATION
As Amended through Resolution No. 19-081 (December 16, 2019)*

Wildlife Code distinguishing between “full” members of the Confederated Tribes and “Section C” members have been removed. Amendment XV and the corresponding Fish and Wildlife Code amendments took effect on January 6, 2016.

The Board amended the Fish and Wildlife Code in Resolution 16-034 (June 6, 2016) to clarify section 5.12 regarding posting lands. The purpose of the amendment is to clarify that Reservation landowners may post a 600-year radius around a residence to establish a hunting safety zone in which discharge of a firearm is not permitted by law, but that such landowners may not otherwise prevent Treaty access to hunting, fishing and gathering areas.

In Resolution 19-026 (April 8, 2019), the Board of Trustees enacted three categories of amendments to the Fish and Wildlife Code. First, provisions were added expressly prohibiting the collection of shed antlers by non-Indians and non-member Indians on Tribal Lands. Second, the 1991 Fish and Wildlife Committee Bylaws were rescinded and incorporated, with updates, into Chapter 2 of the Code. Third, section 4.07 was revised and renamed from “Traditional Punishment” to “Cultural Community Service.”

In Resolution 19-081 (December 16, 2019), the Board of Trustees amended the Fish and Wildlife Code to expressly prohibit wildlife harassment. Wildlife harassment does not include lawful hunting and fishing activities or wildlife management actions undertaken by, on behalf of, or with the approval of, the Confederated Tribes.