Hoh Indian Tribe
General Fishing Ordinance
No. 78-9-01

SECTION 1. TITLE.
1.1 This ordinance shall be known as the Hoh General Tribal fisheries ordinance.
1.2 Annual Tribal Commercial, Subsistence and Ceremonial regulations shall be known as "Hoh Tribe Annual Fishing Regulations".

SECTION 2. DEFINITIONS.
As used in this Ordinance, the following words and phrases shall each have the designated meaning unless a different meaning is expressly provided or the context is clearly indicated.
2.1 Tribe. Means the Hoh Tribe of the Hoh Indian Reservation.
2.2 Member. Means any person whose name appears on the officially approved roll of the Hoh Tribe.
2.3 Usual and Acustomed Fishing Grounds. Means the usual and accustomed fishing places, grounds, and stations secured to the Tribe under the Quinailet Treaty of 1855.
2.4 Reservation. Means all lands and waters lying within the external boundaries of the Hoh Indian Reservation.
2.5 Hoh Tribal Court. The criminal court system established by the Hoh Tribe for the purpose of administering any ordinances and other laws and codes of the Hoh Tribe.
2.6 Fish and Game Committee. Means the legally designated committee empowered by the Tribe as set forth in its ratified and approved constitution and by-laws.
2.7 Fish and its derivatives, fishing, etc. Means any effort made to kill, injure, disturb, capture, or catch a fish or shellfish in waters at any usual and accustomed grounds of the Hoh Tribe on or off reservation.
2.8 Commercial fishing. Means an act where the participant fishes for monitory gain.
2.9 Ceremonial and Subsistence Fishing. An Indian act by which the participant fishes for fish for personal, religious, festive, or other traditional celebration uses, and by which the fish are not sold.
2.10 **Sport Fishing.** An act by which the participant fishes for recreational benefits, and by which the fish are not sold.

2.11 **Gill Net.** Any net of single panel construction designed to take fish by means of entangling them in strands of net material. Any material not specifically prohibited is allowed for construction of gill nets.

2.12 **Set Net.** Any gill net that is attached to stationary object or objects and which remains in a fixed location when fishing.

2.13 **Drift Net.** Any gill net which is not attached to a stationary object or objects and which drifts with the current or tide when fishing.

2.14 **Mesh Size.** The size of the mesh of any net shall be defined as the distance between the inside of one knot to the opposite knot of one mesh when the net is stretched vertically while wet, by using a tension of ten (10) pounds on any three consecutive meshes, then measuring the middle three while under tension.

2.15 **Chief Fisheries Patrol Officer.** Means the legally designated officer(s) of the Hoh Indian Tribe, or his authorized representative, in charge of the Hoh Indian Tribe Fisheries and Game Law Enforcement program.

2.16 **Fisheries Patrol Officer.** Means the legally designated officer(s) of the Hoh Indian Tribe.

2.17 **Fish Product.** Means fish or shellfish that is produced by nature or made by industry.

2.18 **Person.** Means all persons whether natural or artificial.

2.19 **Fish Product Dealer.** Any person who purchased fish products for resale or other commercial purpose, including barter for monitary gain on a professional basis.

2.20 **Fish Ticket.** Means the legally designated fish product receiving document authorized by the Hoh Tribe Fish and Game Resource Committee.

2.21 **Fisheries Manager.** Means the legally designated manager of the Hoh Tribe Fisheries Management Program, or his designee, who shall be a qualified expert in fishery science and management as defined by the Fish and Game Resource Committee, who is on the Tribal staff.
2.22 Fish and Game Resource Committee Constitution and By-Laws.
The legal instrument that identifies the powers and responsibilities of the Hoh Tribe and Fish and Game Resource Committee.

2.23 Fishing Location. Means the geographical position where the fisherman carries out fishing activities.

2.24 Native Fish Stock. Means any anadromous or non-anadromous fishes born or originating within the usual and accustomed fishing places of the Hoh Tribe that have not been manipulated by artificial propagation techniques.

2.25 Council. Means the Hoh Tribal Business Committee, as constituted by the constitution and by-laws of the Hoh Tribe of the Hoh Indian Reservation.

SECTION 3. JURISDICTION.

3.1 This ordinance, and the rules and regulations adopted pursuant to this ordinance, and the jurisdiction of the Tribal Court shall apply to all authorized fisherman or fish product dealers, all members, at all usual and accustomed fish grounds, and stations of the Tribe, including both on and off reservation fishing, and including commercial, subsistence and ceremonial, sport fishing, and commerce. It shall apply to all persons wherever found within the boundaries of the reservation.

3.2 Entry onto the reservation is deemed consent to the jurisdiction of the tribal court and to the application of this ordinance, and pursuant regulations.

3.3 Nothing here-in shall constitute a waiver of the Hoh Tribal Treaty rights nor recognition of state power to close or otherwise regulate usual and accustomed fishing places or activities.

SECTION 4. AUTHORIZED FISHERMAN.

4.1 Except as otherwise expressly provided in this Ordinance, fishing activities of persons under the jurisdiction of the Tribal Court and this Ordinance on the reservation and at usual and accustomed grounds and stations are prohibited.

4.2 Only members of the Tribe may fish for commercial, subsistence and ceremonial purposes under authority of this Ordinance; except that the married Indian spouse of a member who resides on the reservation at least nine months a year may...
Fish under authority of this Ordinance upon obtaining an affiliate member permit issued by the Fish and Game Committee.

4.3 Any person may fish on the Hoh Reservation under a guest status upon obtaining a guest permit from the Fish and Game Resource Committee or its designee.

4.4 Fishermen fishing under authority of section 4.3 are prohibited from profiteering or receiving monetary gain in any form while fishing as defined in section 2.7 of this Ordinance.

4.5 Only members of the Tribe who reside on the reservation at least nine months of the year and who maintain separate houses on reservation may hire another Indian with a BIA Fishing Card to fish for him or her, with the following limitations;
   (a) Only members 18 years or older may hire a fisherman;
   (b) Married couples may only hire one fisherman to fish for each couple.

4.5.1. Prior to hiring a fisherman, the member must obtain a permit from the Fish and Game Committee or its designee. Hired fishermen must carry a copy of the permit when engaged in fishing for an employer or have it readily accessible while fishing.

4.6 Persons who intend to fish drift and/or set gillnet gear under the authority of this Ordinance must obtain a drift net and/or set net license from the Fish and Game Resource Committee or its designee prior to use of such gear.

4.6.1. In order to conduct an orderly and efficient fishery consistent with allowing an appropriate income to individual fishermen and preventing overharvest of limited fish runs, drift and set net licenses will be limited to members qualified to hire fishermen under Section 4.5 of this Ordinance.

4.6.2. Drift or set net license holders may operate or control no more than the maximum amount of gear specified per license in the annual or seasonal fishing regulations. Family members or hired fishermen may operate or assist in operating gear allotted to
license holders, but may do so only for one license holder at a time. License holders must report changes of fishermen promptly to the Fisheries Management biologist or enforcement personnel.

4.6.3 Operation of drift or set net gear without a license, except as permitted under Section 4.6.2. of this Ordinance, is prohibited.

4.7 Persons fishing for broodstock fish or shellfish are required to have a permit from the Fish and Game Resource Committee prior to commencing such activities.

SECTION 5 PERMITS AND LICENSES

5.1 Affiliate Member Fish Permit. In accordance with Section 4.2 of this ordinance, a legally married Indian spouse of a member must obtain an Affiliate Member Fishing Permit to fish under the authority of this Ordinance. The Fish and Game Resources Committee or its designee shall issue a permit which shall contain:
(a) the cardholder's name;
(b) the name and relationship of the cardholder's spouse;
(c) the spouse's tribal affiliation;
(d) the BIA identification number of the spouse;
(e) the date of application

5.1.1. The permit is non-transferable and is valid until either the legal separation or divorce of the cardholder from the spouse or the death of the cardholder.

5.2 Guest Fishing Permit. In accordance with Section 4.3 of this Ordinance, a non-member must obtain a Guest Fishing Permit to fish under authority of this Ordinance. The Fish and Game Committee or its designee shall issue a permit which shall contain:
(a) the non-member's name and address
(b) the date of issue of the permit.

5.2.1. The permit is valid within the calendar year of issue, beginning January 1 and ending December 31 of that year. The fee is $10.00 a year. A special 10 day use permit is $2.00.

5.3 Hired Fisherman Permit. In accordance with Section 4.5 of this Ordinance, a member hiring a fisherman must obtai
a permit to fish under the authority of this Ordinance.
Such a permit shall contain:
(a) Name, address, and B.I.A. fishing and number of the employer.
(b) Name, address, and B.I.A. fishing card number of the hired fisherman.
(c) Date of application
(d) Permit number
(e) Gear license number(s) of employer.
(f) date of termination of employment of hired fisherman
(to be filled out after termination of employment).

5.2.3. Each permit is good for one year from date of issue and may be renewed from year to year. The employer must apply for renewal of a permit no less than seven days prior to its expiration date.

5.2.4. Termination of employment of a hired fisherman must be reported by the employer to the Fish & Game Resources Committee or its designee within three days of such action.

5.2.5. An employer may not hire more than one fisherman at a time nor may he/she be employed as a hired fisherman while he/she is employing a hired fisherman.

5.4 Drift and Set-Net Licenses. In accordance with Section 4.6 of this Ordinance, members intending to use drift and/or set net gear must obtain a license for each kind of gear to fish under the authority of this Ordinance.
Such licenses shall contain:
(a) the applicant's name and address;
(b) the applicant's B.I.A. fishing number;
(c) the intended fishing location of the gear; and
(d) the license number.

5.4.1. The fee is $2.0 a year for a drift net license and $10 a year for a set net license. A license is valid for one year from April 1 through March 31 the following year. A license may be renewed from year to year.

5.4.2. A license shall be transferable at the death of the licensee to the spouse if the spouse is an
enrolled member. The spouse shall give notice of the gear license transfer to the Fish and Game Resources Committee or its designee before the transferee starts fishing with the gear. The notice will contain:
(a) the type of gear and license number;
(b) The name, address, and B.I.A. identification number of the licensee;
(c) the name, address, and B.I.A. identification number of the person to whom the license is to be transferred.

5.5 **Broodstock Fishing Permit.** In accordance with Section 4.7 of this Ordinance, a person fishing for broodstock must obtain a permit to fish under the authority of this Ordinance. Such a permit shall contain:
(a) the permittee's name, address, and B.I.A. identification number (if any)
(b) purpose of the fishery
(c) date of permit issue and expiration date.

5.6 **Collection and Distribution of License and Permit Fees.**

The Fish and Game Resources Committee shall authorize printing of permits and licenses and shall designate specific persons to issue and collect fees for licenses and permits. License agents must turn over all fees to the Tribal Treasurer or designee within 10 days of sale of each license or permit.

5.6.1. Funds collected for permits and licenses shall be placed in a separate bank account and shall be only withdrawn for use in fisheries enhancement projects and for administrative costs of printing up permits & licenses.

5.6.2. Funds shall be withdrawn from the special account on authorization of the Fish & Game Resources Committee by resolution of the Committee. Checks issued from this fund must be signed by the Fish and Game Resources Committee chairman.

**SECTION 6 FISHERMEN AND GEAR IDENTIFICATION**

6.1 **Identification Card.** Fishermen and members qualified under these regulations shall first obtain and have in their possession a B.I.A. fishing card showing the name,
identification number, Tribal affiliation and picture of the cardholder, except that non-members fishermen fishing under authority of Sections 4.2 and 4.3 above shall have in their possession a personal identification card, and appropriate Tribal authorization documents (as described in Section 5.1 and 5.6) to be engaged in fishing activities under protection of this ordinance and pursuant laws and regulations.

6.2 Every person engaging in activity regulated by this Ordinance shall have on his/her person the authorized identification when approaching, fishing, or leaving either on or off reservation waters.

6.3 The holder of any of these several identification cards, by his/her use of the card(s), agrees to obey all fishing laws and regulations of the Hoh Tribe and agrees and stipulates to the jurisdiction of the Hoh Tribe and its officers and court over him in all matters having to do with Hoh fisheries, violations of the Hoh fishery laws and regulations and use of the identification card.

6.4 All fishing gear, whether attended or unattended, shall be conspicuously and legibly marked with the fisherman's name and B.I.A. fishing card number. On drift or set nets the outermost floats on both ends of the nets must be so marked in such a manner that it can be identified at the water surface without handling the gear.

SECTION 7 FISHING RESTRICTIONS.

7.1 Set Net Locations.

7.1.1. Set net locations on-reservation shall be located and assigned by the Fish & Game Resources Committee to Hoh members who are qualified set net license holders. Any assigned location vacant for one year or not worked on in a proper and business-like manner shall be reassigned to a Hoh member with a set net license who does not have a location or desires to relocate. Persons fishing on grounds not assigned them must have verbal or written permission to do so from the person to whom the ground is assigned and must inform the fishery patrol officers prior to use of the ground.
7.1.2. Set net locations on the north bank of the Hoh River opposite the reservation are reserved for set net license holders without set net grounds on the south bank. Those fishermen having a grounds on the south bank may not fish on the north bank below the reservation boundary.

7.2 Set Net restrictions.
7.2.1. Set nets will be placed so that they cover no more than one third of the wetted width of a stream channel.
7.2.2. Set nets must be separated by a distance of 250 feet.
7.2.3. A set net shall not be placed within 250 feet down stream of a tributary of the Hoh River, unless designated by a special fishery.
7.2.4. Set nets shall be checked and any fish removed at least once each day (24 hour period).

7.3 Drift net restrictions.
7.3.1. A fisherman shall control or operate no more than one drift net at any time.
7.3.2. A drift net shall not exceed 150 feet (25 fathoms).

7.4 Other gear.
7.4.1. Hook and line, pole net, dip net, spear, and gaff may also be used to take fish for commercial, ceremonial, and subsistence purposes.
7.4.2. Use of other fishing gear or capture methods not mentioned in these regulations including the use of poisons, chemicals, or explosives is prohibited for taking salmon & steelhead for commercial and subsistence or ceremonial use.

7.5 Interference with fishing gear: it shall be unlawful to interfere with, disturb, steal, damage, or destroy the fishing gear of another person whether the gear is in or out of the water. This does not apply to derelict gear which is abandoned or unusable for fishing.

7.6 Interference with fishermen. It is unlawful to physically interfere, disturb, or harass a fisherman actively engaged in legal fishing activity on waters within the usual and accustomed fishing areas of the Tribe.
SECTION 8 IMPOUNDING OF FISHING GEAR.

8.1 The Fisheries Patrol officer(s) shall impound and remove the following fishing gear, whether attended or unattended, together with any fish taken by said gear:

8.1.1. Fishing gear which is operated without appropriate permits or licenses as provided in Sections 5.1-5.6 of this Ordinance or pursuant laws and regulations

8.1.2. Fishing gear, which is not properly identified as provided for in Section 6.4 of this Ordinance or pursuant laws and regulations or which is intentionally mis-labeled.

8.1.3. Fishing gear which is operated in violation of restrictions set out in Sections 7.2 - 7.4 of this Ordinance and pursuant laws and regulations.

8.1.4. Fishing gear which is placed in waters closed pursuant to this Ordinance or pursuant laws and regulations.

8.2 If the fishing gear is attended at the time of impoundment, the Fisheries Patrol Officer shall issue a citation to the fisherman and shall promptly notify the Hoh Tribal Court of the citation and impoundment. If the fishing gear is unattended at the time of impoundment, the Fisheries Patrol Officer shall diligently attempt to locate the fisherman whose gear has been impounded. Upon locating the fisherman, the Fisheries Patrol Officer shall issue a citation and shall promptly notify the Hoh Tribal Court of the citation and impoundment.

8.3 Impounded fishing gear shall be maintained in a secure place by the Fisheries Patrol Officer, as directed by the Chief Fisheries Patrol Officer. Impounded gear which remains unclaimed for thirty (30) calendar days shall be declared forfeit and shall be disposed of in accordance to procedures as set forth elsewhere in this Ordinance. The original owner of the gear shall have no claim to fishing gear forfeited under this section or section 17.16

SECTION 9 FISHERIES AND GAME PATROL OFFICERS.

9.1 The council shall hire Patrol officers, who shall be compensated in a manner provided by Council. Fisheries patrol officers shall be technically competent to provide effective enforcement of all Tribal fish and game laws. The Patrol
officers shall regularly patrol all usual and accustomed fishing places with special emphasis on closed fishing locations.

9.2 Patrol officers hired by the Council as set out in Section 9.1 of this Ordinance shall be empowered to cite and arrest any violator of this Ordinance and pursuant fishing laws and regulations.

9.3 It shall be unlawful for anyone to interfere with a fishery patrol officer in the performance of his duties or to tamper with or remove evidence seized under these regulations and pursuant laws and regulations.

SECTION 10 FISH AND SHELLFISH PRODUCT DEALER LICENSE.

10.1 Any fish products dealer purchasing fish from persons fishing under authority of this ordinance shall have a license issued by the Council. Applicants for such license shall appear before the Hoh Tribe Fish and Game Resources Committee, on the Hoh Reservation, and submit a written contract proposal. The Hoh Tribe Fish and Game Resources shall review the contract proposal, and make recommendation, and forward the proposal and the recommendations to the Tribal Business Committee. Application for such a license constitutes consent to be bound by the jurisdiction of the Tribal Court.

SECTION 11 REPORTS OF CATCHES OF FISH AND SHELLFISH.

11.1 Each person authorized to fish under authority of this ordinance shall, on a daily basis, report the number of fish caught by him or her in both on and off reservation Treaty fishing for commercial purposes; provided however, persons engaging in fishing trips will report catches upon their return from a trip. All reports shall be made in the manner prescribed in this ordinance.

11.2 Fish product dealers shall provide all information required on the authorized fish receiving ticket, as follows:

(a) Dealer name and address, buyer name and address;
(b) Name and address of fisherman, Tribal affiliation, and authorized identification card number;
(c) Signature of fisherman;
(d) River or area where fish or shellfish were captured;
(e) Number of pounds of fish or shellfish, except in cases
where it is not practical to record both, in which case pounds will be recorded, example: herring, smelt, anchovies;
(f) Number of individual landings;
(g) Type of fishing gear;
(h) Designation of catch either on or off reservation; and,
(i) Date of purchase.
11.3 Buyers will issue a separate ticket for each landing unless otherwise indicated on ticket.
11.4 Buyers shall daily deliver all Tribal and external copies of all landing tickets to the Tribal fisheries office. Star Route 1 Box 917, Forks, Washington.
11.5 Buyers shall use books of tickets in rotation starting with the lowest numbered tickets.
11.6 No person shall devulge on individual fishermen's catches or on price from fish receiving tickets or summaries of tickets, except as directed by the Fish and Game Resource Committee.
11.7 Fish receiving tickets voided shall be returned to the Tribal Fisheries office daily with all other tickets.
11.8 Only dealers and their agents may fill out tickets, and only when directly at the scene of the sale.
11.9 Technical fisheries staff personnel authenticate information recorded on the fish tickets and shall inform the fish product dealer and the Tribal Enforcement officer of improperly filled out fish receiving documents.
11.10 No person shall purchase fish or shellfish caught under authority of this ordinance except from fisherman authorized to fish by this ordinance or commercial, subsistence and ceremonial purposes.
11.11 The Technical Fisheries Management Program Manager shall prepare and provide to the Tribal Council Business Committee and Fish and Game Resource Committee accurate weekly catch reports of the total catches by all Treaty parties affecting fishing opportunity and conservation requirements of the Tribe.
11.12 Any person authorized to fish under authority of Section 4 of this ordinance who sells, gives, barter, or trades any fish or shellfish to a person not licensed to purchase by the Tribal Business Committee shall record the transaction on a receipt form; one copy to be given to the recipient of the product, and; one copy to be delivered, within seven (7) calendar days, to the Hoh Tribal Fisheries Office. The receipt shall contain the following information:
(a) Name and address of the direct parties to the transaction;
(b) The species identification of the product sold, given, bartered, or traded;
(c) Official geographical name place the species were captured from;
(d) Specific type of fishing gear utilized to capture the species;
(e) Number, and pounds of fish and/or shellfish involved in the transaction.

SECTION 12 ANNUAL REGULATIONS.

12.1 Fishing and fish commerce will be regulated in accordance with the general provisions and annually promulgated regulations as to gear, locations, season, and other matters deemed advisable by the Fish and Game Resources Committee to conserve the Tribal fish and shellfish resources and provide for the orderly exploitation thereof, and continuation of the traditional aspects of Indian fishery culture.

12.2 No person shall enact Annual Fishing Regulations except the Hoh Tribe Fish and Game Resources Committee under authority of this Ordinance and the Constitution and By-Laws of the Hoh Tribe Fish and Game Resources Committee.

12.3 The Tribal Business Committee and Fish and Game Resources Committee are prohibited from enacting laws affecting the fishing and commerce opportunity of any person, except in specific cases where the following provisions have been met:
(a) A complete and accurate report of the total fish harvested by affected Treaty parties by individual fishery name has been verbally presented at a hearing by technical fisheries experts and has been read into the record.
(b) A biological impact statement specifically related to the regulatory proposal has been presented at a hearing by one or more parties and read into the record.

(c) A Indian cultural impact statement describing accurately the effects of the regulatory proposal on traditional Tribal fishing and commerce practices has been read into the record at a hearing.

12.4 The Hoh Tribal Technical Fisheries Management Program Management shall submit recommended annual commercial fishing regulations to the Tribal Fish and Game Resource Committee, including technical justifications for the regulatory proposal. The technical justifications shall be in the form of a written report. The Fish and Game Resources Committee shall, after consultation with the fisheries program manager and the appointed Tribal fisheries attorney, convene a Tribal hearing for the purpose of obtaining recommendations, criticism, objections on the regulatory proposal(s). All hearing records shall be maintained by the secretary of the Fish and Game Resources Committee as provided for in the Committee constitution and by-laws, Article VI section 2. The records shall be maintained on a on-going basis.

12.5 The annual fishing regulations shall be effective when enacted by the Fish and Game Resources Committee and shall remain in effect until rescinded by the Committee.

12.6 Nothing in this ordinance shall be construed in a manner that will diminish the right of the people to vote directly any laws by referendum.

12.7 Complete and accurate copies of purposed regulations and enacted regulations shall be made available for any person, to reference and/or inspect at the Tribal office, fisheries office, and fisheries enforcement officer.

SECTION 13 EMERGENCY AND SPECIAL REGULATIONS.

13.1 The Fish and Game Resource Committee is empowered by its constitution and by-laws to change the annually promulgated fishing regulations on a special or emergency basis in the interest of conservation or orderly exploitation of the fish and/or shellfish resources
Such changes shall be made public by posting notice of such change at the Tribal office, and the fisheries office and at the fishing location that is affected.

13.2 Notice of special or emergency closures and permitted periods of fishing shall be posted 12 hours prior to their effective time at the Tribal office, fisheries office, and fishing locations that are effected, in a conspicuous manner.

SECTION 14 ASSIGNED FISHING LOCATIONS.

14.1 No tribal fisherman may be deprived of his or her fishing location (s) and/or station (s) without due process of law. Nothing in this subsection, however, shall be deemed to create a property interest in any particular location or station.

14.2 The Fish and Game Resources Committee shall make itself available and provide mediation of disputes between parties within the Tribes jurisdiction, when desirable by both parties, concerning assigned, assignment, or reassignment of fishing locations. In the event agreement cannot be reached between the disputing parties, the committee shall make itself available to the Tribal Court in an advisory capacity concerning the matter.

14.3 Fisherman having a complaint concerning a fishing location shall notify the Patrol officer immediately and accurately describe the possible violations (s).

SECTION 15 FISHERIES PROJECT PERMITS

15.1 No native fish stock may be removed from, transferred within, or entered into usual and accustomed grounds for propagation purposes by any person or agency without prior recommendation from the Hoh Fish and Game Resource Committee, and final agreement of the Hoh Tribal Council, provided however, that free enterprise opportunities of Tribal members are not diminished.

15.2 Any person engaged in scientific fisheries related projects or investigations on the Hoh Reservation must have a permit issued by the Hoh Fish and Game Resource Committee. Investigations are prohibited except in accordance with the following provisions:
(a) The applicant must apply in writing to the Hoh Tribe Fish and Game Resources Committee sixty (60) days prior to the proposed beginning date of the project.

(b) The application shall receive technical written comment from the Technical Fisheries Management Program Manager approval in writing by the Hoh Tribe Fish and Game Resources Committee, and written endorsement from the Hoh Tribal Council.

(c) The permittee(s) conduct their project activities in accordance with the Tribal Fisheries Program document(s), and special directives of the Hoh Tribe Fish and Game Resources Committee.

15.3 Arrangements, agreements, and/or contracts with any person, in any event, shall be made in accordance with Article VII of Constitution and By-Laws of the Hoh Tribe Fish and Game Resources Committee.

SECTION 16 CONTRACTS: FISHERIES DEVELOPMENT PLANS.

16.1 Major Tribal fisheries management and/or development plans effecting the fishing and commerce opportunity of the Hoh Tribe fisherman on the reservation shall be submitted to the total voting membership residing on the Hoh Indian Reservation for a vote, by referendum. Voting shall take place at a regular or special meeting, and shall be conducted in accordance with provisions of the Hoh Tribe Constitution, and Constitution and By-Laws of the Hoh Tribe Fish and Game Resources Committee, and this Ordinance.

16.2 In any event, all agreements, arrangements, or contracts effecting the fishing rights of the Hoh Tribe fisherman, or their opportunity of harvest fish and shellfish resources, shall be investigated by the appointed Tribal fisheries attorney, and the attorney shall prepare a written report, and deliver the written report the Fish and Game Resources Committee and to the Tribal Council prior to any legal or other commitments on the part of the Tribe. The attorney's report shall be made available for inspection by all Tribal members, during office hours, at the Tribal office.
16.3 Major Tribal fisheries management and development plans shall be made available to the Northwest Indian Fisheries Commission through appropriate channels, on a need to know basis.

SECTION 17 PENALTIES AND PROCEDURES.

17.1 Any person who violates this ordinance or the regulations promulgated in accordance therewith, shall be prosecuted in accordance with the provisions of the Hoh Tribe General Fishing Ordinance, the Hoh Tribe Law & Order Code, and the Hoh Tribe Fish and Game Resources Committee Constitution and by-laws.

17.2 Persons who violate Section 4, Authorized Fisherman, shall be subject to a fine of not less than $50 on each count and confiscation of catch nor more than $500 and/or exclusion for the Hoh Indian Reservation for not more than on consecutive calendar year on each count.

17.3 Persons who violate Section 5, Permits and Licenses, shall be fined not less than court cost nor more than $25 on each count.

17.4 Persons who violate Section 6, Identification of fishing gear, shall be fined not less than court cost nor more than $25 on each count.

17.5 Persons who violate Section 7, Fishing Restriction and the Hoh Tribe Annual Fishing Regulations, shall receive a minimum penalty of suspended fishing not less than three consecutive fishing days nor more than $500 on each count.

17.6 Persons who violate 8, Impounding of fishing gear, shall be fined not less than $100 nor more than $1000 on each count.

17.7 Persons who violate Section 9.3 Interference with a fishery patrol officer and with seized gear, shall be fined no less than $100 nor than $500 on each count.

17.8 Persons who violate Section 10, Fish and Shellfish product dealer license, shall be fined not less than $500 and/or revocation or termination of any regular or special permit, license, or lease and/or exclusion from the reservation until such suitable guarantee is provided in writing to the Tribal Court against further violations. Reinstatement is subject to the approval of the Hoh Tribe Fish and Game Resources Committee.
17.9 Persons who violate section 11. Reports of catches of fish and shellfish, shall be fined not less than $25 nor more than $500 and/or exclusion from the Hoh Indian Reservation on each count.

17.10 Persons who violate Section 12.2, 12.7 of Section 12, Annual Regulations shall be fined not less than $250 and/or exclusion from the reservation nor more than $500 and exclusion from the reservation.

17.11 Persons who violate Section 13.1, 13.2; Emergency and special regulations, shall be fined not less than $50 nor more than $500. Persons who violate Section 13.3 shall be fined not less than $450 and exclusion from the reservation. In addition, just compensation to the Tribe and/or a member shall be given for any damages incurred.

17.12 Persons who violate Section 14. Assigned fishing location, shall be fined not less than $50 nor more than $500. In addition, just compensation to the Tribe and/or a member shall be given for any damages incurred.

17.13 Persons who violate Section 15. Fisheries Project Permits, shall be fined not less than $500 nor more than $5000 on each count and/or exclusion from the reservation.

17.14 Persons who violate Section 16, Contracts: Fisheries development plans, shall be fined not less than $500 and/or exclusion from the Hoh Indian Reservation. In addition, just compensation to the Tribe and/or a member shall be given for any damages incurred.

17.15 Disposition of Fines, Fees and Other Payments made to the Court. Any funds paid to the Hoh Tribal Court as a provision of this Ordinance or any pursuant fishing laws and regulations shall be paid to the clerk of the court who shall issue a receipt therefor and shall deposit the funds into the Fisheries Court Fund of the general Tribal Treasury. The funds shall be recorded upon the accounts of the Tribe and shall be available upon the order of the Judge of the Tribal Court and by appropriation of the Tribe for court operating costs, for fisheries enforcement expenses and for other fisheries purposes as directed by resolution of the Hoh Tribal Fish and Game Resources Committee. Checks drawn from this fund
must be either signed by the Judge of the Tribal Court for court cost or be signed by the Chairman of the Fish Committee for fisheries purposes.

17.16 Disposition of Gear Confiscated by the Court
Any fishing gear confiscated by lawful order of the Hoh Tribal Court under provision of this or pursuance laws and regulations shall be first offered to the Tribal fisheries program for its use. Gear not needed for fishery program shall be sold by sealed bid to the highest bidder at public auction at the end of the season. Proceeds from the gear sales shall be deposited by the Clerk of the Court into the Fisheries Court Fund of the general Tribal Treasury and shall be available for expenditure upon the order of the Judge of the Tribal Court and by appropriation of the Tribe for court operating costs, for fisheries enforcement purposes, and for other fisheries purposes as directed by resolution of the Hoh Tribal Fish and Game Resources Committee. Checks drawn from this fund must either be signed by the Judge of the Tribal Court for court costs or be signed by the Chairman of the Fish Committee for fisheries purposes.

SECTION 18. EFFECT OF PARTIAL.

18.1 If any provisions of this Ordinance or its application to any person or circumstance is held invalid, the remainder of this Ordinance or the application of any provision to other persons or circumstances is not affected.

SECTION 19. EFFECTIVE DATE.

19.1 This Ordinance shall take effect and be enforcable from and after it has been recommended by the Hoh Tribe Fish and Game Resources Committee, in accordance with the committee Constitution and By-Laws, and its adoption by the Tribal Council.
WHEREAS, the Hoh Tribal Business Committee, as governing body of the Hoh Indian Tribe, has authority under the Constitution and By-Laws of the Hoh Indian Tribe, approved by the Secretary of the Interior of the United States, July 1, 1969, in accordance with Article IV of the Hoh Tribe Constitution and By-Laws; and

WHEREAS, the ancestors of the present Hoh Tribe were a party of the Quinaielt Treaty of 1855; and

WHEREAS, the Hoh Tribe enjoys the rights reserved to it by the Quinaielt Treaty, and Executive Order for the President of the United States; and

NOW THEREFORE BE IT RESOLVED, that the Hoh Tribal Fish and Game Resources Committee recommends the passing of the Ordinance for the Hoh Tribe, the Hoh Tribal Fish and Game Resource Committee passed the Ordinance; and

BE IT FURTHER RESOLVED, that the Hoh Tribal Business Committee having heard the recommendations of the officially empowered Hoh Tribal Fish and Game Resources Committee, that the Hoh Tribal Council hereby promulgates and enacts the following Ordinance for the Hoh Tribe and all persons subject to its jurisdiction.

***** CERTIFICATION *****

The foregoing resolution was passed at a Hoh Tribal Fish and Game Resources Committee held September 8, 1978, at which time a quorum was present. Voted 2 FOR and 0 AGAINST.

The foregoing resolution was passed at a Hoh Tribal Business Committee meeting held July 26, 1978, at which time a quorum was present, by a vote of 2 FOR and 0 AGAINST.

Esther I. Penn, Chairperson

Yvonne Hudson, Vice-Chairperson

Viola Olmstead, Treasurer

Mary K. Litten, Secretary

Alvin Penn, Chairman

Herbert Fisher Sr.

Howard Hudson

Herbert Fisher Jr.

Glenn Penn