

Yurok Tribal Code, Natural Resources

WILDLIFE ORDINANCE

Pursuant to its authority under Article IV, Section 5 of the Yurok Constitution, as certified on November 24, 1993, the Yurok Tribal Council hereby enacts the following ordinance to ensure sustainable wildlife populations are maintained within the Yurok Reservation:

GENERAL PROVISIONS

SECTION 2001. Short Title

Sections 2001 through 3301 shall be referred to as the “Yurok Tribe Wildlife Ordinance.”

SECTION 2002. Findings

The Council hereby finds as follows:

- (a) Since time immemorial deer, elk, bear, mountain lions, waterfowl and other wildlife species have been profoundly important to the Yurok People as cohabitants in our world, and for cultural, ceremonial, religious, subsistence, and other purposes fundamental to the Tribe’s way of life.
- (b) Community concerns indicate an imbalance in traditionally and ecologically important wildlife species on the Yurok Reservation. A community survey found that this imbalance was due to changes in hunting practices, and habitat modification, which have affected wildlife populations within the Yurok Reservation and Yurok Ancestral Territory. These changes were in large part due to restrictions placed on the Yurok people that prohibited them from engaging in traditional land management.
- (c) Changes in hunting practice that are contributing to wildlife imbalance include: over harvest, harvest of females necessary to grow diminished populations, introduction of toxic lead into the environment through use of lead ammunition, and diminishment of traditional relationships with the ecological community.
- (d) Community findings indicate that regulation based on traditional ethics, along with ecological education based on tradition, is the most efficacious method to restore ecological balance.
- (e) Traditional ecological knowledge recognizes:
 - (1) Native people have always managed this landscape, and are integral to it, both as care takers and as a part of the ecology;

- (2) Preservation of our traditional knowledge and way of life is critical to our survival;
 - (3) Elders teaching youth is key to the survival of our way of life;
 - (4) Yurok people need to maintain teachings without modern societal bias, but with adaptation to changed modern realities.
 - (5) Animals are people;
 - (6) The system of energy or “oolekweeshon” connects all things. All components, including ourselves, are related to and affect all other components;
 - (7) Our purpose is to “make our world balanced,” which encompasses both ecological balance, and spiritual and physical balance, as neither the spirit nor the physical is fulfilled without the other. Hlkeylonah ue meygehtohl – we take care of the world;
 - (8) Active land management is key to wildlife management;
- (f) Traditional wildlife harvest ethics, and practices of particular concern to the tribal membership include:
- (1) Recognizing that traditional ethics are a way of life, not just something you put on and take off as desired;
 - (2) Taking only what is needed;
 - (3) Not hunting for pride, but only for sustenance;
 - (4) Taking good care of the animals harvested, including not wasting food or other materials;
 - (5) Respecting the relationships that exist with wildlife;
 - (6) Hunting with a clean body and spirit;
 - (7) Praying prior to, during, and after harvest;
 - (8) Being grateful;
 - (9) Engaging in ceremony as part of world management;
 - (10) Understanding and complying with the seasons of harvest. There are appropriate times and ways to hunt, harvest, and prepare traditional food. Conversely, there are inappropriate times as well;

- (11) Understanding and complying with appropriate places to hunt;
 - (12) Sharing with elders and those in need;
 - (13) Taking care for the spiritual needs of animals, and the spirit people;
 - (14) Taking action to protect the resource.
- (g) The Yurok Constitution mandates that the Tribe shall “restore, enhance, and manage the tribal fishery, tribal water rights, tribal forests and all other natural resources.”
- (h) The Yurok Tribe maintains the rights to fish, hunt, and gather for subsistence and cultural purposes in all areas within the Tribe’s jurisdiction. The regulation of Tribal activities is a sovereign responsibility of the Yurok Tribe.

SECTION 2003. Purpose

This ordinance is enacted for the purpose of responsible management of the wildlife species referenced herein, to be based on traditional ethic and moral practices, to ensure wildlife populations on lands within Tribal jurisdiction can be sustainably maintained for all current and future generations.

SECTION 2004. Scope

This ordinance shall govern all persons under Tribal jurisdiction within the Reservation and on other Tribal lands.

SECTION 2005. Sovereign Immunity Preserved

Except as judicial review is authorized in this ordinance, and in accordance with the Tribe’s Supreme Ordinance, nothing in this ordinance shall be interpreted as a waiver of the Tribe’s sovereign immunity from unconsented lawsuit, or as authorization for a claim for monetary damages against the Tribe.

SECTION 2006. Severability

If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or application of its provisions to other persons or circumstances shall not be affected, and to this end, the provisions of this ordinance are severable.

SECTION 2007. Effective Date

This ordinance shall take effect immediately upon adoption by Council.

SECTION 2008. Repeal of Conflicting Ordinance Provisions

All prior ordinance provisions previously enacted by the Tribal Council and inconsistent with the provisions of this ordinance are hereby repealed. If the provisions of this ordinance conflict with the provisions of any other previously enacted ordinance, the provisions of this ordinance shall control.

SECTION 2009. Definitions

- (i) *Antlerless Deer or Elk* means all does, cows, fawns and calves. Bull elk and buck deer are considered antlerless until they have acquired at least two inches of growth on at least one antler.
- (j) *Aquatic Game Birds* means coots, ducks, and geese.
- (k) *Council* means the Yurok Tribal Council.
- (l) *Culture Committee* means the appointed members of the Yurok Tribe Culture Committee.
- (m) *Depredation Permit* means a permit issued by the Yurok Tribe Wildlife Program authorizing the take of a specified animal that has become a nuisance.
- (n) *Hunt* means to actively engage in the steps, process, or pursuit leading up to take.
- (o) *Reservation* or *Yurok Reservation* means all lands within the exterior boundaries of the Yurok Tribe Indian Reservation.
- (p) *Rim Fire Ammunition* means ammunition that causes a bullet to be discharged from a firearm because the firing pin strikes the rim of the cartridge, and not the center. Rim fire cartridges include, but are not limited to, 4mm, .22, .17, and .267 caliber ammunitions.
- (q) *Nuisance* means there is reasonable cause to believe an animal is threatening human life, killing livestock or other domestic animals, or repeatedly destroying property.
- (r) *Season* means the time period when it is legal to take a particular species.
- (s) *Take* means to intentionally harm, wound, trap, capture, kill or bring about the death of wildlife.
- (t) *Tribe* means the Yurok Tribe acting through the Tribal Council and its authorized entities and programs.
- (u) *Tribal Lands* means all fee lands owned or managed by the Tribe or other Tribal entity and any lands held in trust for the Yurok Tribe.
- (v) *Tribal Member* means a duly enrolled member of the Yurok Tribe listed on the Yurok Tribal Membership Roll.

- (w) *Valid certification* means a hunting certificate, properly issued by the Wildlife Program to the person possessing the certification, which has not been invalidated through suspension of hunting rights or other means.
- (x) *Vehicle* means any mechanized mode of transportation including but not limited to, automobiles, watercrafts, motorized bicycles, and all-terrain vehicles.
- (y) *Wildlife* means animals that live in the wild and domesticated and feral animals.
- (z) *Yurok Ancestral Territory* means that area as described in the Yurok Constitution Article I, Section 1.
- (aa) *Wildlife Program* means the Yurok Tribe Wildlife Program, a Natural Resources subprogram of the Yurok Tribe.

CHAPTER 1. HUNTER REQUIREMENTS

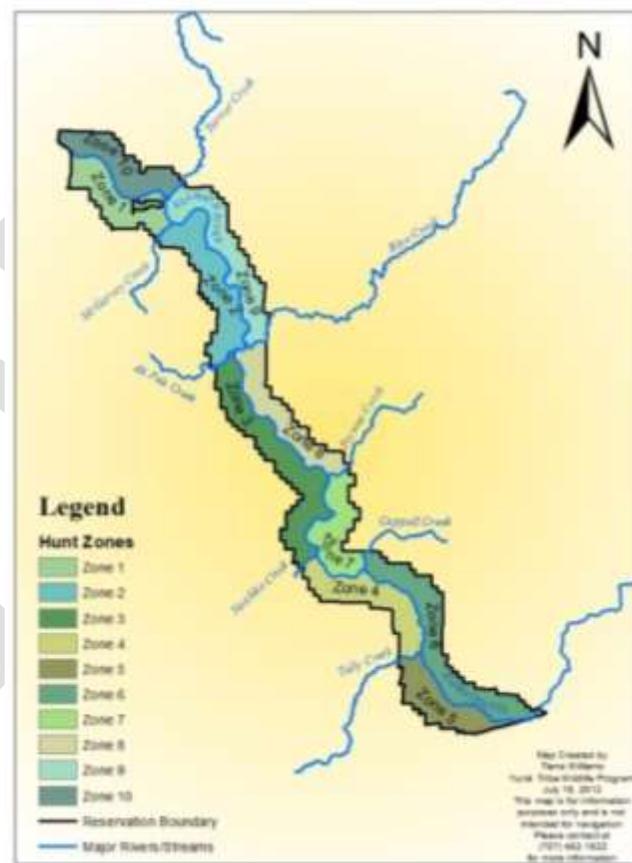
SECTION 2101. Hunting Certification

- (a) Individuals may not hunt or take wildlife within the exterior boundaries of the Yurok Reservation, or other Tribal Lands, without a valid hunting certificate issued by the Yurok Tribe Wildlife Program on his or her person, unless:
 - (1) an individual is taking wildlife pursuant to a depredation permit.
 - (2) an individual is taking one's own domestic animals on one's own property or at the behest of another property owner where said domesticated animal is located.
- (b) All hunters will be required to undergo a Yurok Tribe Hunter Education course prior to receiving their certification.
- (c) A person commits a level one offense if the person violates Section 2101.

SECTION 2102. Harvest Reporting Requirements

Any person engaged in the take of an animal managed under this ordinance must report their harvest. Hunters must have the applicable reporting form on their person at the time of take, with the exception of sections 2303(b) & (c) and section 2304(b). Report forms can be acquired at the Klamath and Weitchpec offices, or online at <http://www.yuroktribe.org/reporting/htm>. Report forms must be filled out as soon as practicable after the take of the animal, and received by the Wildlife Program as set out below:

- (a) Deer, elk, bear, and mountain lion report forms must be received by the Wildlife Program within seven days of the take.
- (b) Aquatic game bird report forms must be received at the end of the aquatic game bird and goose seasons.
- (c) Completed forms may be mailed to the Yurok Tribe's Klamath administrative office, or dropped off in report boxes at the Klamath or Weitchpec administrative offices, or online at www.yuroktribe.org/reporting.htm.
- (d) Hunting zones (map below) are included here as guidance for report form required information. There are no zone-dependent restrictions; the information on location of take is intended to help inform management decisions, including focus on land improvement to support wildlife populations.



SECTION 2103. Hunting By Minors

Minors who are enrolled Yurok Tribal Members may acquire certification at any age so long as they meet all other licensing requirements set forth by the Wildlife Program. However, when hunting for all species, minors under the age of 12 must be accompanied by an individual aged 16 years or older who possesses on their person evidence of valid hunting certification issued to that adult through the Yurok Tribe Wildlife Program.

A person commits a level one offense if the person violates Section 2102.

SECTION 2104. Assistance By Uncertified Persons

A validly certified hunter may be assisted by an uncertified tribal member, so long as the uncertified tribal member does not carry a weapon or utilize a weapon to take any wildlife, or by a certified non-tribal member who has been certified under California and tribal regulation and has access permission from the Tribe.

Drafters Note: Should we allow non-tribal hunters to assist tribal hunters?

A person commits a level one offense if the person violates Section 2103.

SECTION 2105. Elk Tag

All hunters seeking to take an elk must submit an annual application and subsequently receive a tag from the Wildlife Program authorizing the take of an elk during that year's elk season. Tags will be dispersed through a lottery and are non-transferrable between years.

Drafter's Note: Should a limit on elk be imposed? Is a lottery a reasonable way to do it, if so? What is a good limit?

SECTION 2106. Elder Proxy

Elder and disabled tribal members may designate a certified proxy hunter to help provide for their subsistence need.

SECTION 2107. Cultural Exemption

Cultural practitioners or those providing for cultural events may request a cultural exemption tag from the Wildlife Program for hunting out of season.

CHAPTER 2. HARVEST MANAGEMENT

SECTION 2201. Hunting Season

The take of specified wildlife is authorized only during the following seasons:

- (a) Hunting is prohibited for all species in November, as a near approximation of the 11th lunar month, traditionally the spirits' month for harvest.

- (b) Deer and elk season will not be restricted by season, but rather by life-stage. Deer and elk must have antlers as described in sections 2302-2303.
- (c) Aquatic game bird season will start annually on the first Saturday in October and end the last Saturday in January, with the exception of geese. The season for hunting geese will start the first Saturday in October and end the third Sunday in February.
- (d) Small mammal and upland game species season will start annually on the first Saturday in August and end the final Sunday in December.

A person commits a level three offense if the person violates section 2201.

SECTION 2202. Hunting Hours

No wildlife species shall be hunted or taken once it is one half hour after sunset nor before it is one half hour before sunrise, and conditions must allow for sufficient visibility to clearly identify target. Hunting may commence once it is one half hour before sunrise but must cease once it is one half hour after sunset.

A person commits a level two offense if the person violates this section.

SECTION 2203. Council Authorization of Hunting Event

The Yurok Tribe, in its sole discretion, from time to time may authorize special hunting events within the jurisdiction of the Yurok Tribe. Such events shall be conducted pursuant to special hunting event plans pursuant to the direction and authorization of the Yurok Tribal Council. All persons identified to participate in such events are allowed to do so as agents of the Yurok Tribal Council.

SECTION 2204. Spotighting

The use of a spotlight, or other instrumentality capable of emitting a large beam of light, while hunting or engaged in the take of wildlife is prohibited.

A person commits a level two offense if the person violates this section.

SECTION 2205. Use of Projectiles from Vehicle

The use of a firearm or other projectile weapon, such as a bow and arrow or crossbow, from a moving vehicle is prohibited at all times.

A person commits a level two offense if the person violates this section.

SECTION 2206. Rimfire Ammunition

Utilizing rimfire ammunition is a prohibited means of take for deer, elk, bear, and mountain lions.

Drafter's Note: Current draft prohibits use of rimfire ammunition (like a .22) for all big game hunting. Original draft allowed for deer. What is your opinion? Concern is for a clean kill.

A person commits a level two offense if the person violates this section.

SECTION 2207. Non-Lead Ammunition

The use of lead ammunition is prohibited for the take of wildlife.

- (a) Lead ammunition may only be utilized if there is reasonable cause to believe the animal poses an immediate threat to life or property, and non-lead ammunition is unavailable.
 - (1) If the take of wildlife is achieved with lead ammunition pursuant to (a) the responsible party must properly dispose of the carcass.
 - (2) Proper disposal means placement of the carcass in a plastic bag labeled "animal waste" and transport to a registered disposal site. If there is reasonable cause to believe the animal was rabid, the responsible party must immediately contact the appropriate State/County Animal Control and/or the Yurok Public Safety.
 - (3) If the responsible party takes the carcass for personal consumption, all unused remains must be disposed of in the manner described in section (2) above.
 - (4) If the carcass is too large to remove in its entirety, all meat and organs that have been contaminated with the lead ammunition must be disposed of as described in (2).
 - (5) Any take of animals with the use of lead ammunition must be reported to the Wildlife Program as soon as practicable, and under no circumstance later than 5 days from the take.
- (b) If funds are available, the Yurok Tribe Wildlife Program may be able to provide non-lead ammunition to tribal members if they cannot find it on their own. Tribe members remain responsible for compliance with the requirements of this Ordinance regardless of ammunition availability from the Wildlife Program.
- (c) A person commits a level three offense if the person violates Section 2207(a).

SECTION 2208. Lands Access

No individual may hunt on lands within the Reservation without first obtaining a hunting certification from the Yurok Tribal Wildlife Program in accordance with Section 2101. In addition,

hunters must comply with the following access restrictions that apply to the various land types found within the Reservation:

- (a) **Tribal Lands:** Access to lands held in trust on behalf of the Yurok Tribe, or lands held in fee by the Yurok Tribe is limited to Tribal member hunters. Non-Tribal member hunters may only access such land for hunting if they are also licensed to hunt in California, are accompanied by a certified Tribal member, and have written permission from the Tribe to hunt on Tribal lands within Reservation boundaries.

Drafters Note: Should tribal hunters be required to have California license off Reservation lands? Should NON-tribal hunters be required to have a Yurok license if on the Reservation?

Drafter's Note: What tribal lands should be open to tribal hunting? Do you have suggestions for how a hunter should get permission to hunt on tribal lands?

- (b) **Private or Commercial Lands:** Access for hunting on privately or commercially owned property is at the discretion of the private or commercial property owner. It is the responsibility of the individual to acquire permission for access prior to engaging in any hunting activity. Access without prior permission may be considered trespassing and reported to law enforcement. It is recommended that such permission be secured in writing.
- (c) **Federal Lands:** All federal restrictions on harvest on federal lands will remain in effect in addition to Tribal laws.
- (d) **Structures.** All hunting and the take of wildlife is prohibited within 150 yards of any dwelling, home, outbuilding, or other structure, unless you have the owner's permission and/or the wildlife is posing a danger or creating a dangerous situation.
- (e) **Cultural sites and Trails:** All hunting and the take of wildlife is prohibited around ceremonial sites and trails, while ceremonies are active at that location. Hunting will be restricted in ancestral village sites.
- (f) **Roads:** Vehicular road access on tribal lands, if permission has been received from the Yurok Tribe, will be limited to rocked or paved roads in the time period from October 15th to May 15th annually in order to preserve roads and protect natural resources. Other roads will remain accessible by ATV and non-vehicular modes of transportation. A map of rocked roads as of 2015 can be found on the Yurok Tribe Wildlife Program website.

A person commits a level two offense if the person Violates Section 2207.

SECTION 2209. Snares, pits, & other passive hunting methods

When utilizing snares, pits, or other passive traditional methods of take for large game the hunter must be within hearing distance of the device when in use, and make a quick clean kill when an animal is trapped. The hunter must disable those mechanisms when absent.

Drafter's Note: One culture committee member, while recognizing that snares were traditional, that snares were a hard way for an animal to die. Should snares be allowable under this ordinance?

Snares and traps for small game must be checked daily.

A person commits a level two offense if the person violates Section 2208.

SECTION 2210. Wanton Waste

Hunting solely for sport or entertainment purposes is prohibited. All usable remains of any animal taken pursuant to this ordinance should be used for food, ceremony, tools, clothing, and/or to create items for barter or sale.

SECTION 2211. Sale of Meat

The sale of meat from animals whose take was pursuant to this ordinance is prohibited. Meat may only be bartered for goods and services.

CHAPTER 3. WILDLIFE MANAGEMENT

SECTION 2301. Deer

In order to sustain wildlife populations, the following limitations are imposed for the take of deer:

- (a) Take of antlerless deer is prohibited at all times.
- (b) Take of deer is limited to bucks with at least one fork branched within the upper two thirds of one antler.

A person commits a level three offense if the person violates section 2301.

SECTION 2302. Elk

In order to sustain wildlife populations, the following limitations are imposed for the take of elk:

- (a) Take of antlerless elk is prohibited at all times.
- (b) Take of elk is limited to bull elks with at least one fork branched within the upper two thirds of one antler.

- (c) Individuals who apply for and receive a tag through lottery may take one elk within that year's hunting season after first obtaining authorization by the Wildlife Program pursuant to section 2105. Tags are not transferrable between years.

A person commits a level three offense if the person violates section 2302.

SECTION 2303. Bear

Drafter's Note: Bear are a culturally sensitive species. Do you have any specific thoughts on bear in this Ordinance?

The take of bear is prohibited unless:

- (a) the bear is on one's own personal property or on the property of another land owner who has granted the hunter permission to take the bear; and
- (b) the take was a necessary act of self-defense, the defense of others, or the immediate defense of personal property; or
- (c) the bear is determined to be a nuisance following consultation with the Wildlife Program and a depredation permit was subsequently authorized.

A person commits a level two offense if the person violates section 2303.

SECTION 2304. Mountain Lion

The take of Mountain Lion is prohibited unless:

- (a) the take was a necessary act of self-defense, the defense of others, or the immediate defense of personal property, or
- (b) the take was authorized under a depredation permit issued by the Wildlife Program once the lion is determined to be a nuisance.

A person commits a level two offense if the person violates section 2303.

SECTION 2305 Domesticated Animals

Cows and goats must either be corralled, or marked with a brand, tag, collar or other clearly visible marker that denotes the ownership of the animal. If appropriately marked, those animals will not be allowable for take. Unmarked animals will be considered feral and will be considered available for take.

Drafter's Note: Cows in particular are hard on stream and creek banks, causing them to erode into the stream, which is bad for fish. Do you have any thoughts on cow management on tribal lands?

SECTION 2306. Threatened and Endangered Species

Take of federal or state listed threatened and endangered species is strictly prohibited.

A person commits a level four offense if the person violates section 2305.

CHAPTER 4. ENFORCEMENT AND SANCTIONS

SECTION 2401. Cooperation with Law Enforcement

Hunters are required to cooperate with enforcement officers. A person commits the level three offense of Non-cooperation with Law Enforcement if the person fails to cooperate as requested or directed by an enforcement officer.

SECTION 2402. Prosecution

Any person, including Tribal and non-Tribal members, who violates this ordinance shall be subject to prosecution in Tribal Court.

SECTION 2403. Citations

Law enforcement officers may issue a citation to any person for an alleged violation of this ordinance. Such citation shall state the alleged violation, the date, time, and location of the alleged violation and the name, if known, of the person charged. The citation will also state the appearance date, address, time for the offense charged and/or an address (location) and/or phone number to inquire as to the hearing date.

SECTION 2404. Search of Personal Property

Law enforcement officers who have a reasonable belief that any personal property contains any wildlife taken or hunted in violation of this ordinance, or personal property that was used to take or hunt wildlife in violation of this ordinance, or that may be hiding wildlife from law enforcement may search the property to investigate whether wildlife was taken or hunted in violation of this ordinance.

SECTION 2405. Search of Real Property

Law enforcement officers have the authority to enter real property to determine if wildlife was taken or hunted in violation of this ordinance to the fullest extent allowed under the Yurok Constitution and the Indian Civil Rights Act, which governs searches and seizures. This section includes authorization for law enforcement to enter real property without a warrant under various conditions, including but not limited to the following situations:

- (a) An officer is lawfully present where an item is in plain sight and the officer has probable cause to believe the item is contraband, stolen property, or the item is evidence of a violation of this ordinance; or

- (b) The landowner does not maintain a reasonable expectation of privacy in the area even if “No Trespassing” signs are posted. Such areas generally include pastures, open water, open fields and woods; or
- (c) Exigent circumstances exist where an officer conducts a lawful search justified by the officer’s need to investigate the officer’s reasonable belief that a crime is being committed or that this ordinance is being violated.

SECTION 2406. Search of Vehicle

Law enforcement officers who have probable cause to believe that any transportation vehicle, including a watercraft, contains wildlife taken illegally or hunted in violation of this ordinance or an adjustment may search the vehicle to determine if wildlife was taken or hunted in violation of such authority.

SECTION 2407. Seizure and Forfeiture of Hunting Gear

Any weapon or gear, including vehicles, used to violate this ordinance, or any wildlife taken in violation of this ordinance, may be seized by a law enforcement officer. A notice of seizure shall be issued to the individual cited for violation of this ordinance. If no individual is present, a notice of seizure shall be left at the site where weapons, gear or wildlife were confiscated. Weapons, gear, and wildlife so seized shall be held pending disposition by court order. Pursuant to Tribal Court order, any such weapons, gear, or wildlife may be forfeited to the Tribe for a violation of this Ordinance.

SECTION 2408. Forfeiture Proceedings

- (a) Forfeiture; Identified Owner. When weapons, gear or wildlife is seized and the owner is identified, the Tribal Prosecutor shall review the case and either:
 - (1) Serve notice of a complaint for forfeiture or violation of this ordinance, in accordance with Tribal Court Rules, to every person known to have an alleged interest in the property subject to forfeiture; or
 - (2) Authorize law enforcement officers to release, without a court order, any weapons, gear or wildlife seized when the prosecutor declines to prosecute a person for an alleged violation of this ordinance.
- (b) Forfeiture; Unidentified Owner. When weapons, gear or wildlife is seized and the owner is unknown to the enforcement officer, the enforcement officer shall post notice of the seizure in the immediate vicinity of where the weapons, gear or wildlife was seized. The posting of such notice shall constitute notice of forfeiture. Notice of forfeiture may also be perfected by publishing notice of the seizure in the Tribe's periodic newsletter. The Tribal Prosecutor shall review the case and file a complaint *in rem* for forfeiture or violation of this ordinance. The Tribal Prosecutor may authorize law enforcement officers to release, without a court order, any weapons, gear, or wildlife seized.

- (c) **Third Party Interests in Forfeited Property.** Any person asserting a legal interest in weapons, gear, or wildlife that is the subject of a complaint or civil action under subsections (a) or (b) may, within 30 days of the initial filing in the court action, petition the Tribal Court for a hearing to adjudicate the validity of that person's alleged interest in the property. The petitioner shall have the burden of proving by a preponderance of the evidence that the petitioner has a legal right, title, or interest in the items seized, is a bona fide purchaser for value of the right, title, or interest in the items, and is an innocent owner. Any person determined to be the owner of such weapons, gear or wildlife may be held liable for the violation for which the items were seized, unless the items reported as stolen prior to being seized.
- (d) **Clear Title After Forfeiture.** Following the Tribal Court's disposition of the underlying legal action, law enforcement shall have clear title to weapons, gear or wildlife that is forfeited.

SECTION 2409. Use of Seized Wildlife

All wildlife seized may be utilized for subsistence or ceremonial purposes, be donated to an elders' program if edible, or be destroyed if inedible.

SECTION 2410. Complaint Procedures

Any person regulated under this ordinance who alleges professional misconduct against a law enforcement officer may file a complaint, in writing, with the Yurok Tribe's Chief of Public Safety. The Chief shall, without unreasonable delay, cause an investigation to be conducted into any allegation of misconduct by a law enforcement officer in carrying out the duties of that office. Upon completion of the investigation, the Chief shall make available to the complainant the findings of the investigation. The Chief shall ensure that appropriate actions occur pursuant to such findings.

Any person who is not satisfied with the determination of the Chief may appeal the determination to the Yurok Tribe's Executive Director.

SECTION 2411. Sanctions

Any violation of this ordinance is punishable by a fine in addition to any other specified sanction. The Tribal Court maintains discretion to impose any of the following sanctions for violation of this ordinance, in addition to those fines specifically prescribed.

- (a) Administrative and enforcement fees and costs;
- (b) Restitution;
- (c) Community Service;
- (d) Civil forfeiture of hunting or fishing gear;
- (e) Suspension of Tribal privileges, including commercial and subsistence fishing rights under this ordinance; and

- (f) Exclusion or banishment from the Yurok Reservation.

SECTION 2412. Monetary Civil Fines or Penalties

The maximum monetary civil fine or penalty that may be imposed for a violation of this ordinance is the maximum permitted under the Indian Civil Rights Act of 1968, 25 U.S.C. § 1302, as amended.

The Tribal Council by resolution and without amending this ordinance may:

- (a) Establish a Wildlife Management Fine and Bail Schedule, setting bail, fines, and administrative fees for any violation of this ordinance; and
- (b) Adjust the minimum monetary civil fine or penalty amounts specified in this ordinance.

SECTION 2411. Attempted Violation

Any person who intentionally engages in conduct which constitutes a substantial step toward commission of a violation of this ordinance shall commit the offense of attempt of the underlying violation, which shall be treated as at the same offense level as the underlying violation. Violations will accumulate over a five year period. If no additional violations occur during that time period, an individual's record will be reset, unless otherwise determined by the Tribal Court. The exception is for level Four violations, which will remain on the permanent record.

SECTION 2412. Multiple Violations

Each violation arising out of a single event shall be treated as a separate offence and penalties shall be imposed accordingly.

SECTION 2413. Offense Levels and Penalties

- (a) Level One. Penalties for a level one offense are:
 - (1) First Offense. The violator will be required to watch the Wildlife Harvest Management video.
 - (2) Second Offense. A \$500 fine will be imposed.
 - (3) Third Offense and Subsequent Offenses. A \$800 fine will be imposed. Weapons, gear, and wildlife will be seized, and forfeited if warranted.
- (b) Level Two. Penalties for a level two offense are:
 - a) First Offense. A \$500 fine will be imposed, and the violator will be required to watch Wildlife Harvest Ordinance Video.
 - b) Second Offense. The violator's hunting certification will be suspended for the hunting season and \$800 fine will be imposed.

- c) Third Offense and Subsequent Offenses. A \$800 fine will be imposed, weapons, gear and wildlife will be seized, and forfeited if warranted, and hunting certification will be suspended for two seasons.
- (c) Level Three. Penalties for a level three offense are:
 - (1) First Offense. Illegally taken wildlife will be seized, and forfeited. Weapons and gear will be seized for potential forfeiture, and the violator will be required to watch the Wildlife Harvest Ordinance video.
 - (2) Second Offense. The illegally taken animal will be seized and forfeited. Weapons and gear will be seized for potential forfeiture, a \$500 fine imposed, and the violator's hunting certification will be suspended for the season. Violator's commercial fishing license may be suspended for up to 30 days.
 - (3) Third Offense and Subsequent Offenses. The illegally taken animal will be seized and forfeited. Weapons, and gear will be seized for potential forfeiture, a \$1,000 fine imposed, and the violator's hunting certification will be suspended for two seasons. Violator's Commercial Fishing License shall be suspended for 30 days and subsistence fishing rights may be suspended for up to 30 days.
 - (4) Fourth offense and Subsequent Offenses. Weapons, gear, and illegally taken wildlife will be seized and forfeited. Hunting and commercial fishing licenses will be suspended for a time length at the discretion of the Tribal Court, and a \$2,000 fine shall be imposed.
- (d) Level Four. Penalties for level four offense are:
 - (1) A fine of up to \$30,000 will be imposed for take of endangered species, per the discretion of the court.

SECTION 2414. Suspension of Wildlife Harvest Privileges

Suspension Duration. In regard to wildlife harvest privilege suspension, a "season" will be defined as the time period between the first of May and the last day in February.

CHAPTER 5. JURISDICTION OF THE TRIBAL COURT

SECTION 2501. Tribal Court Jurisdiction

The Tribal Court is the court of primary jurisdiction for violations occurring under this ordinance.

SECTION 2502. Consent to Tribal Court Jurisdiction

Hunting by a Tribal member or non-Tribal member within the Yurok Reservation pursuant to this ordinance shall be deemed to constitute consent to Tribal Court jurisdiction for alleged violations of this ordinance.

SECTION 2503. Confidentiality of Tribal Court Records for Juveniles

All Yurok Tribal Court and enforcement records concerning violations or alleged violations which occurred when the violators or alleged violators were under the age of 18 shall be strictly confidential. Records for juveniles shall be sealed, except upon order of the Tribal Court upon its

own motion or that of a party. Records may only be released to other agencies or persons by petition to and order of the Tribal Court. Nothing in this paragraph shall bar the use of statistical compilations of juvenile records.

SECTION 2504. Tribal Court Discretion

- (a) The Tribal Court maintains discretion to impose any of the fines or penalties in Section 2413 for violation of this ordinance.
- (b) Reduced Penalties. The Tribal Court may convert penalties to community service at its discretion for first time offenders for offenses that do not facilitate or result in the unlawful take of wildlife. Community service shall be ordered as an alternative to all or any part of the penalties which otherwise would be imposed.
- (c) Community Service. Imposing community service is left to the discretion of the Tribal Court. If a person does not obey the community service penalties then community service shall be converted into the penalty specified for the original offense and any additional offense under section 2505.
- (d) Prior Convictions. Prior convictions are calculated from the conviction date of a wildlife ordinance offense within the preceding five-year period.

SECTION 2505. Failure to Appear; Trial in Absentia

Any person who fails to appear in Tribal Court for a violation of this ordinance after being appropriately noticed may be deemed to have elected to have a trial in absentia.

SECTION 2506. Failure to Obey Tribal Court Order

- a) Any person who willfully fails to comply with a lawful order of the Yurok Tribal Court shall be fined not more than \$800 on the first offense and may suffer suspension of hunting and/or fishing rights for an additional period not to exceed 365 days for each offense. If the order of the Yurok Tribal Court is not satisfied within 180 days, any property from that case may be forfeited and disposed of by the Yurok Tribe.
- b) Any eligible individual who fails to comply with a lawful order of the Yurok Tribal Court suspending that person's hunting and/or fishing rights shall be guilty of a level three offense.

SECTION 2507. Tribal Council as Appellate Court for Certain Matters

Pursuant to the Yurok Constitution Article VII, the Yurok Tribal Council shall serve as the Appellate Court for all appeals arising out of violations of this Ordinance. The Tribal trial court order disposing of such dispute shall be considered a final action and may be appealed to the Tribal Council sitting as the Appellate Court, which shall be the highest judicial body of the Tribe for such disputes.

C*E*R*T*I*F*I*C*A*T*I*O*N

THE FOREGOING ORDINANCE, ENTITLED THE YUOK TRIBE WILDLIFE ORDINANCE, WAS PASSED AT A REGULARLY SCHEDULED MEETING OF THE YUOK TRIBAL COUNCIL ON _____, AT WHICH A QUORUM WAS PRESENT, AND THIS ORDINANCE WAS ADOPTED AS AN ORDINANCE BY CONSENSUS IN ACCORDANCE WITH TRIBAL TRADITION AND ARTICLE V, SECTION 6 AND ARTICLE IV, SECTION 5(j) OF THE CONSTITUTION OF THE YUOK TRIBE.

DATED THIS _____th DAY OF

DRAFT