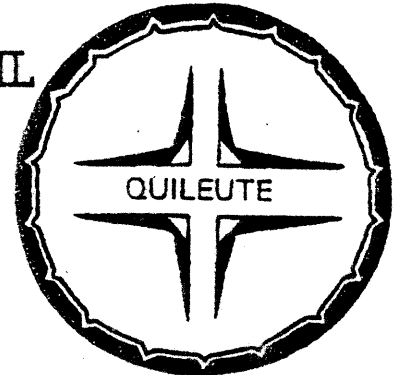


## QUILEUTE TRIBAL COUNCIL

POST OFFICE BOX 279  
LA PUSH, WASHINGTON 98350-0279  
TELEPHONE (360) 374-6163  
FAX (360) 374-6311



THE QUILEUTE TRIBAL COUNCIL  
LA PUSH, WASHINGTON

RESOLUTION 2001 - A 73 INCLUDING  
AMENDMENT TO QUILEUTE FISHING ORDINANCE 74-A-5  
RE CHARTER FISHING

WHEREAS, the Quileute Indian Tribe is an Indian Tribe organized under the Indian Reorganization Act, and the Quileute Tribal Council is the duly constituted governing body of the Quileute Indian Tribe by authority of Article III of the Constitution and Bylaws of the Quileute Indian Tribe approved by the Secretary of the Interior on November 11, 1936; and

WHEREAS, the ancestors of the present Quileute Tribe were a party to the Treaty of Olympia of 1855 [12 Stat. 97; II Kappler 719], and enjoy the rights reserved to it by that Treaty; and

WHEREAS, the Quileute Tribal Council is empowered under the Constitution and Bylaws of the Tribe to provide for the maintenance of law and order; to conduct the business of the Tribe; and to safeguard and promote the peace, safety, morals and general welfare of the Tribe; and

WHEREAS, one of the rights retained in the treaty is the right of taking fish at all usual and accustomed grounds and stations, as set forth in United States vs. State of Washington, 384 F. Supp. 312 (W. D. Wash. 1974), aka the Boldt decision, and its subproceedings; and

WHEREAS, the Quileute Natural Resources Department has personnel trained in fish management and enforcement who have the ability to manage the fishery treaty resources to the extent that the Quileute Tribe has been acknowledged formally, since January of 1998 to have self-regulatory capability by the State of Washington (a copy of such acknowledgement attached hereto for all purposes);

WHEREAS, it is in the interest of Quileute fishermen who are authorized to fish under Ordinance 74-A-5 and who are certified for charter vessel operation by the U.S. Coast Guard, to operate charter fishing vessels within the Quileute reservation and within Quileute usual and accustomed fishing grounds and stations; and

WHEREAS, it is in the interest of the Quileute fishermen to have the Quileute Tribal Council authorize and establish a charter fishing vessel licensing and fishing program within the Quileute Tribe;

NOW THEREFORE LET IT BE RESOLVED, that the Quileute Tribal Council does hereby approve and adopt the following amendments to Quileute Fishing Ordinance 74-A-5:

Approved:      Date: 9/12/01

R. J. Maldonado  
Superintendent  
Olympic Peninsula Agency  
Aberdeen, Washington

\*\*\* CERTIFICATION \*\*\*

I, the undersigned, hereby certify that the above resolution was adopted at a Regular meeting with the presence of a quorum of the Quileute Tribal Council at LaPush, Washington on the 6 day of Sept., 2001 by a vote of 4 FOR and 0 AGAINST          ABSTENTION.

Deborah S. Johnson  
Authorized Representative  
Quileute Tribal Council

- 1. Add a new section:

**SECTION 4A: AUTHORIZED CHARTER RECREATIONAL FISHING VESSELS AND CHARTER MARINE RECREATIONAL FISHERY**

4A.1. Enrolled members of the Quileute Tribe who maintain current certification with the U.S. Coast Guard for charter vessel operation are authorized hereunder to apply for a charter fishing vessel operating license from the Quileute Tribe.

4A.2. Any and all holders of such charter fishing vessel license from the Quileute Tribe must conduct charter operations under such license within the Quileute Reservation or the Quileute Usual and Accustomed Area. Operations elsewhere should be licensed by the appropriate jurisdictional authority(ies) for such area(s).

4A.3. Any and all holders of such charter fishing vessel license from the Quileute Tribe shall be subject to the regulations promulgated hereunder, regarding operation of a charter fishing vessel and any charter fishing therefrom.

4A.4. All passengers must be currently authorized to fish by the appropriate governmental authority and carry proof of such authorization/license with them on the vessel.

4A.5. The category of tribal marine recreational fishery from a Quileute-licensed charter vessel is recognized herein.

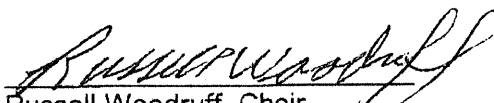
4A.6. Any species of fish or shellfish caught from charter fishing vessels when fishing under the license issued by the Quileute Tribe shall be deemed part of the tribal charter marine recreational fishery and attributable to the tribally licensed charter vessel operator, who may, after reporting the tribal catch, distribute the catch to passengers.

4A.7. Violations of this provision will carry penalties as provided below, or as may be further set forth in the regulations promulgated in accordance with this Section 4A.

- 2. Revise SECTION 15, PENALTIES, to add the following language after the existing language.

15.11 Notwithstanding the foregoing, any Quileute authorized fisherman who is found to have violated SECTION 4A, or any of the regulations promulgated in accordance with that section, may be fined \$100 for each offense. In the case of successive or multiple offenses, the Quileute Tribal Court may, at its discretion, suspend the charter fishing vessel license of the violator for a period of not less than one (1) month and not more than six (6) months, and such discretionary penalties may be cumulative.

Authenticating Signature



Russell Woodruff, Chair  
Quileute Tribal Council



# United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Olympic Peninsula Agency

1216 Skyview Drive, P. O. Box 48

Aberdeen, WA 98520

September 12, 2001

Mr. Russell Woodruff, Sr., Chairman  
Quileute Tribal Council  
P.O. Box 279  
LaPush,, WA 98350-0279

Dear Mr. Woodruff:

This is to acknowledge receipt of Quileute Resolution 2001-A-73 relative to Fishing Ordinance 74-A-5. We have reviewed the addition of section 4A and the Revision of section 15, Penalties.

Pursuant to the Quileute Tribal Constitution, all ordinances and amendments thereto, are subject to review by the Secretary of the Interior.

Based on my review, I recommend approval.

The Regional Office has ninety (90) days to approve or rescind the Superintendent's decision.

Sincerely,

**RAY F. MALDONADO**

Superintendent

CC: Tribal Gov't SVCS, NWRO W/attachments  
Nellie Williams, Quileute Natural Resources



State of Washington  
DEPARTMENT OF FISH AND WILDLIFE

Mailing Address: 600 Capitol Way N • Olympia, WA 98501-1091 • (360) 902-2200. TDD: (360) 902-2207  
Main Office Location: Natural Resources Building • 1111 Washington Street SE • Olympia, WA

January 29, 1998

Mr. Mel Moon  
Quileute Tribe  
Post Office Box 279  
LaPush, Washington 98350

This letter is recognition by the State that the Quileute Tribe meets criteria under U.S. v. Washington, 384 F. Supp. 312 (W.D. Wa. 1974) to regulate its own fishery. Only 3 tribes in Washington have this status.

Dear Mr. Moon:

Thank you very much for providing the additional information we requested regarding the Quileute Tribe's enforcement staffing and capabilities.

Based upon all of the information which you have provided, the Washington Department of Fish and Wildlife is satisfied that the Quileute Tribe meets all of the qualifications for self-regulatory status as defined in Judge Boldt's Order at 384 F. Supp. 340-341. Further, the Department of Fish and Wildlife is confident that the Quileute Tribe will comply with the conditions of self-regulatory status as also defined in the Order at 384 F. Supp. 341. We are pleased to have been able to have reached this decision without the need for litigation of these issues.

We agree that the Quileute Tribe meets the qualifications listed. This agreement should not, however, be construed as a waiver of the state's arguments regarding the significance of self-regulatory status and/or its impact on the question of tribal entitlement of other species. It is possible that further discussions and/or further court decisions will eliminate the need to litigate these issues as well. For now, however, the state must preserve its legal positions and arguments on these subjects.

Thank you very much for your cooperation in these matters.

Sincerely,

A handwritten signature in black ink, appearing to read "Philip Anderson".

Philip Anderson  
Staff Director  
Interjurisdictional Resource Management

PA:mkr

cc: Rob Costello  
Bern Shanks

