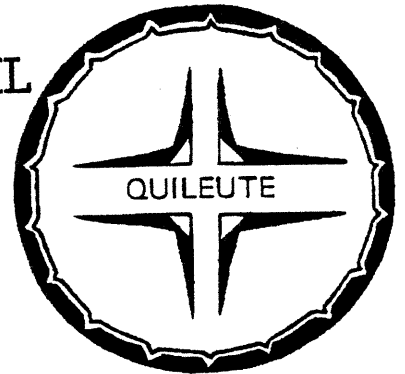


QUILEUTE TRIBAL COUNCIL

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



RESOLUTION OF THE QUILEUTE TRIBAL COUNCIL QUILEUTE INDIAN RESERVATION RESOLUTION No. 2001-A-74

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;

WHEREAS, the ancestors of the present Quileute Tribe were a party to the Treaty of Olympia of 1855, and enjoy the rights reserved to it by that Treaty;

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;

WHEREAS, the Tribal Council has authority to enact ordinances and resolutions under the authority provided by Article IV of the Quileute Constitution;

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; and

WHEREAS, the Council has approved an amendment to the Quileute Fishing Ordinance 74-A-5 to provide for a tribal charter marine recreational fishery and for regulations to be promulgated thereunder;

NOW, THEREFORE, the Quileute Tribal Council hereby approves the adoption of the Quileute Tribe Charter Marine Recreational Fishery regulations, attached herewith, to become effective immediately upon the date that the charter fishing amendment is approved by the Bureau of Indian Affairs, through April 30, 2002.

Russell Woodruff

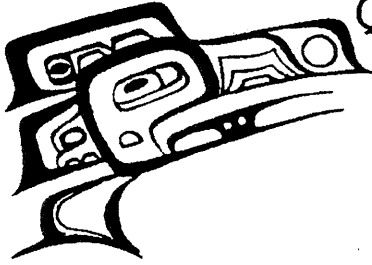
Russell Woodruff, Chair
Quileute Tribal Council

CERTIFICATION

I certify that the foregoing Resolution was adopted at a regular meeting of the Quileute Tribal Council at which time a quorum was present in LaPush, Quileute Indian Reservation, and the foregoing resolution was adopted by a vote of 4 FOR and 0 AGAINST on the 07th day of September, 2001.

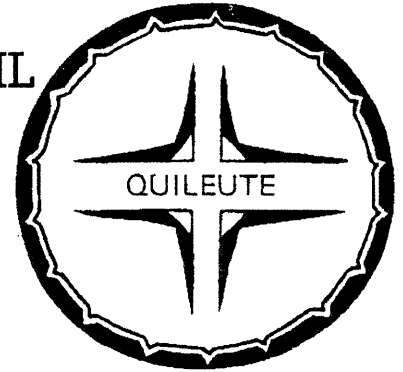
Alanna S. Johnson

Authorized Representative
Quileute Tribal Council



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Quileute Tribe Charter Recreational Fishery Regulations
Approved by Quileute Tribal Council Resolution 2001-A-74
On September 6, 2001

The following regulations are promulgated pursuant to the Quileute Fishing Ordinance No. 74-A5, and any amendments thereto. In the event that such ordinance is replaced or further amended, these regulations will survive throughout their term unless expressly revoked by the new or amended ordinance.

I. Effective date

These regulations shall become effective immediately upon the date that the 2001 charter fishing amendment to the Quileute Fishing Ordinance, 74-A5, is approved by the BIA and shall remain effective through April 30, 2002.

II. Authority to Operate a Charter Vessel

- A. It is a requirement of all Quileute Charter Vessel Operators (hereinafter, QCVOs) to have first received certification from the U.S. Coast Guard to operate a charter vessel.
- B. U.S. Coast Guard Certification must be current. In the event that it is revoked, suspended, or expired, then the Quileute license will be terminated. When the U.S. Coast Guard status is reinstated, the QCVO may reapply for the Quileute license.
- C. All QCVOs must apply for a Quileute Charter Fishing Vessel (QCFV) operator's license. The forms for these are available at Quileute Natural Resources and carry a fee of \$25.00. These QCFV licenses must be granted before the QCFV may leave the port under such license.

III. Authority to Fish in the Quileute Charter Marine Recreational Fishery

- A. The QCVO and any other Quileute fishers must carry the BIA card issued to enrolled tribal members, at all times when on board.
- B. A category of sport fishing known as the tribal marine recreational fishery, operative on the Reservation and within the Quileute Usual and Accustomed Area (III, below) is recognized herein. [This is distinguished from commercial marine or any C&S tribal fishing with sport fishing gear.]

- C. All fishers on a QCFV, other than its captain and working crew, must carry a Quileute fishing license, which is available from Quileute Natural Resources, the Quileute Marina harbor master, or the captain of the charter vessel.
- D. The form shall be designed by Quileute Natural Resources and both the form and fees must first be approved by the Quileute Natural Resources Committee. Fees will be \$5.00 per day for fishing of any species. The form will indicate the number of days for which a license is valid.
- E. Both operating licenses and fishing licenses are payable to the Quileute Tribe, but the fees shall go to the Quileute Tribe Scholarship Fund, in particular.

IV. Designated Area of Operations

The QCVOs will conduct the tribal marine recreational fishery in the marine portion of the Quileute Usual and Accustomed Area, which runs from Sand Point, 48° 07' 36" N lat., to Queets River, 47° 31' 42" N. lat.

V. Recording the Catch

- A. All of the catch is attributable to the QCVO, who must be an enrolled Quileute tribal member, and such catch is part of the treaty share.
- B. The QCVO is responsible for filling out a catch report form for all of the non-commercial catches under these regulations, whether by passengers, captain, or crew; using a form provided by Quileute Natural Resources and available from Quileute Natural Resources. The forms should be completed on the vessel or immediately upon its return to port.
- C. The QCVO or a designee must turn in the non-commercial catch report forms to Quileute Natural Resources staff person in charge of recording tribal catch figures. This should be done as soon as reasonably possible after returning to port, so that an accurate count of the tribal fishery may be maintained.
- D. Nothing herein precludes the QCVO from distributing the catch, after reaching port, among the passengers on the charter vessel.

VI. Types of catch

- A. Any and all species of fish and shellfish may be caught, in accordance with the Tribe's treaty rights.
- B. Notwithstanding the above, no species should be caught on a Quileute Charter Fishing Vessel unless and until currently effective regulations for that species, *for charter fishing*, have been adopted by the Tribe.
- C. When on a charter vessel subject to these regulations, *only* tribal marine recreational fishing may be conducted. No commercial fishing, or ceremonial or subsistence fishing, may be conducted.

VII. Gear

- A. For salmon (Chinook, Coho, Steelhead, or other salmonid species), rod and reel, with definition of other specifics, including gear, to be established by seasonal Quileute regulations, prior to fishing.

- B. For shellfish: sex, size, gear, or other specifics to be established by seasonal Quileute regulations, prior to fishing.
- C. For groundfish: size, gear, or other specifics to be established by seasonal Quileute regulations, prior to fishing.

VIII. Charter Vessel Fees

The QCVO may set fees at levels appropriate for the market for charter fishing.

IX. Public Safety Concerns

- A. All QCFVs must be in compliance with minimum U.S. Coast Guard regulations, before leaving port. The QCVO is the person responsible for assuring that these conditions are met.
- B. The QCVO is responsible for making certain that all applicable licenses and certifications for the QCFV (or legitimate copies thereof) are on the vessel before it leaves port.
- C. The QCVO is responsible for making sure that all fishers (other than captain and working crew) are carrying Quileute fishing licenses before the vessel leaves port.
- D. At no time may the QCVO or crew of the QCFV be intoxicated or be using illegal drugs.
- E. The QCVO reserves the right to refuse passage or to return a fisher/passenger to port if that person is acting in a manner dangerous to himself/herself or to others, including but not limited to intoxication or use of illegal drugs. In the event that a passenger is returned to port, the charter fee paid by that passenger is forfeited.

X. Miscellany

- A. These regulations may be amended at any time, upon the recommendation of the Quileute Natural Resources Committee and the approval of the Quileute Tribal Council.
- B. If any provision of these regulations or their application to any person or circumstance is held to be invalid by a court of competent jurisdiction, the remaining provisions or the application of any remaining provision to other persons or circumstances is not affected.

XI. Citations and Penalties

- A. Citations may be issued for alleged violations of these regulations or of the Quileute Fishing Ordinance, by enforcement officers of the Quileute Tribe.
- B. Citations must clearly state the time and date of the alleged offense and the nature of the alleged offense, referencing these regulations and/or the Ordinance; the name of the alleged offender; the name of the citing officer; and the place the citation was issued. They must also indicate if a court appearance is required, and the time and date of such appearance.

- C. The citing officer has the discretion of requiring a court appearance or of allowing the citation to be settled by payment of a fine by pleading guilty or nolo contendere. Factors that may be considered in requiring a court appearance are whether an alleged violator has received multiple or successive citations under these regulations.
- D. Any alleged violator may request a court appearance.
- E. Any Quileute fisherman who is found by the Quileute Tribal Court to have violated SECTION 4A of the current Quileute Fishing Ordinance, or any of the regulations promulgated in accordance with that section, may be fined \$100 for each offense of which he or she is convicted.
- F. In the case of successive or multiple citations issued to a QCVO that result in a conviction, 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.