

TITLE XXXII (32) – WILDLIFE CODE

CHAPTER 32.100 – GENERAL WILDLIFE PROVISIONS

32.100.01: TITLE.

Chapter 32.10 through Chapter 32.122 of Title XXXII (32) shall be entitled as the Yakama Nation Fisheries Code and Wildlife Code. Chapters 32.10 through Chapter 32.30 of this Title shall be entitled, and referred to as, the Yakama Nation Fisheries Code. Chapter 32.100 through Chapter 32.122 of this Title shall be entitled, and referred to as, the Yakama Nation Wildlife Code. Throughout Chapters 32.100 through Chapter 32.122, any reference to “this Code” shall mean the Yakama Nation Wildlife Code and any regulations adopted thereunder.

[Annotation: Enacted by T-121-08]

32.100.03: REPEALED AND ENABLING.

- (a) The following are repealed:
 - (1) RYC 10.01.83 FISH AND GAME VIOLATION;
 - (2) Title XXXII FISH AND WILDLIFE;
 - (3) Title XXXII REVISED YAKAMA NATION WILDLIFE CODE; and
 - (4) Any part of any Code, Resolution, Regulation, Committee Action, and other rule conflicting with this Code.
- (b) This Code is enacted effective 4, 2008 at 12:00 Midnight.
- (c) All Codes, Resolutions, Regulations, Committee Actions, and other rules shall be interpreted to give full force of law to this Code.
- (d) Permits previously issued shall remain valid until their scheduled expiration dates.

[Annotation: Enacted by T-121-08]

32.100.05: DEFINITIONS.

As used in this Coded or regulations adopted thereunder, unless the context clearly requires otherwise:



- (a) “Airborne conveyance” means any conveyance that rises or is propelled through the air by its own power or by wind power, and that is in flight.
- (b) “All terrain vehicle” means a vehicle not licensed for road use, including any dirt bike.
- (c) “Artificial lights” means any form of artificial lights, including, but not limited to, spotlights, flashlights, or vehicular lights.
- (d) “Bag limit” means the number of each species of wildlife that may be taken in one day by any one person.
- (e) “Big Game” means the following species:

Common Name:	Scientific Name:
Mule deer	Odocoileus hemionus hemionus
Black-tailed deer	Odocoileus hemionus columbianus
White-tailed deer	Odocoileus virginianus
Elk	Cervus elaphus
Bighorn sheep	Ovis Canadensis
Mountain goat	Oreamnos americanus
Pronghorn	Antilocapra americana
Moose	Alces alces
Caribou	Rangifer tarandus
- (f) “Ceremonial hunting” means taking wildlife for purposes established by Yakama tribal customs and traditions.
- (g) “Closed season” means the period of time during which the taking of a particular species of wildlife is prohibited.
- (h) “Commercial” means the sale, trade, barter, and/or transport of goods or exchange of services for profit for any other purpose than subsistence or traditional usage or to satisfy a traditional obligation.
- (i) “Committee” means the Yakama Nation Fish and Wildlife Committee.
- (j) “Court” means the Yakama Tribal Court.
- (k) “Firearm” means a device capable of firing a bullet or other projectile.
- (l) “First Responder” means medical, fire, and other emergency response personnel that are assisting in the protection of life and property.
- (m) “Game animals” or “Game birds” mean animals or birds normally taken for food.



- (n) “Game Farm” means any form of holding of wild animals for the purposes of propagation, stocking, and/or hunting.
- (o) “Game warden” means a person commissioned by the Tribal Police to enforce tribal laws, codes, resolutions, or rules regulating hunting and taking of wildlife.
- (p) “Harmful or dangerous species” means any species that could cause harm to native or important resources or cause harm to human health and safety. This includes but is not limited to the following:

Common Name:	Scientific Name:
Feral swine	Sus scrofa and feral Sus scrofa domestica
Lowland red fox	Vulpes vulpes
Mute swan	Cygnus olor
Nutria	Myocastor coypus
Opossum	Didelphis virginiana
Feral dogs	Canis lupis familiaris
Feral cats	Felis catus

- (q) “Hunting” means any effort to take wildlife.
- (r) “Indian” means a person who is an enrolled member of a federally recognized Indian tribe.
- (s) “Loaded firearm” means any firearm containing cartridges or shells in the magazine or chamber.
- (t) “Migratory gamebirds” include species in the following families:

Common Name:	Scientific Name:
coots	Rallidae
doves	Columbidae
migratory waterfowl	Anatidae
snipe	Scolopacidae

- (u) “Non-Indian” means a person who is not an enrolled member of a federally recognized Indian tribe.



- (v) “Non-member” means a person who is not an enrolled member of the Confederated Tribes and Bands of the Yakama Nation and who is not authorized to exercise treaty hunting rights under the Treaty of June 9, 1855 (12 Stat. 951).
- (w) “Officer” means a game warden.
- (x) “Off-Reservation” means all areas, lands, and waters located outside the exterior boundaries of the Yakama Reservation.
- (y) “Open season” means a period in which hunting or takin of wildlife is permitted.
- (z) “Persons” means and includes individuals; all business organizations, including corporations or partnerships; public or private entities, organizations or association; or tribal, state, or federal agencies.
- (aa) “Possession” means actual possession or direct physical control over taken wildlife or person property while hunting.
- (bb) “Possession limit” means the number of each species of wildlife that one person may have in his or her possession at one time.
- (cc) “Predatory or fur-bearing animals” means the following species:

Common Name:	Scientific Name:
American badger	Taxidea taxus
American marten	Martes Americana
American mink	Neovison vison
American white pelican	Pelecanus erythrorhynchos
Beaver	Castor Canadensis
Black bear	Ursus americanus
Bobcat	Lynx rufus
Canada lynx	Lynx canadensis
Cascade red fox	Vulpes vulpes cascadenis
Cougar	Puma concolor
Coyote	Canis latrans
Fisher	Pekania pennant
Grizzly bear	Ursus arctos
Long-tailed weasel	Mustela frenata
Muskrat	Ondrata zibethicus



Porcupine	Erethizon dorsatum
Raccoon	Procyon lotor
River otter	Lontra Canadensis
Short-tailed weasel	Mustela erminea
Spotted skunk	Spilogale gracilis
Striped skunk	Mephitis mephitis
Weasel	Mustela spp.
Wolf	Canis lupus
Wolverine	Gulo gulo

- (dd) “Protected” means excluded from lawful taking by Yakama Tribal Council resolution.
- (ee) “Protected Species” means those specifically designated in the Yakama Nation List of Protect Species, as approved by the Committee and available from the Committee and the WRMP.
- (ff) “Regulation” means any rule, directive or standard that implements, interprets, or describes the procedures or requirements of any provisions of this Code.
- (gg) “Reservation” means the Yakama Reservation.
- (hh) “Small game” means species in the family Lagomorpha, not including pikas.
- (ii) “Snow vehicle” means any motorized vehicle capable of traveling on or near the surface of the snow, not including four wheel drive land vehicles licensed for road use.
- (jj) “Special Permit” means a permit approved by the Committee for a special purpose as authorized under Chapter 32.114 of this Code.
- (kk) “Subsistence” means personal consumption of taken wildlife by Yakama members or their immediate families, or for trade or sale or barter to other Indians for their consumption, or for consumption at a tribally approved function for which no admission or other fee is charged.
- (ll) “Take” means to kill, capture, catch, hunt, pursue or trap wildlife.
- (mm) “This Code” means Chapters 32.100 through 32.122 of this Title and any regulations adopted thereunder.
- (nn) “Trapping” means any effort to take or attempt to take wildlife with a trap, net, snare or other device used for the purpose of capture.



- (oo) “Treaty hunting rights” means the right of Yakama members to hunt or take wildlife under the Treaty of June 9, 1855 (12 Stat. 951).
- (pp) “Tribal Council” means the Yakama Tribal Council.
- (qq) “Tribal employee” means a person who is currently employed by the Yakama Nation in any capacity and is not an independent contractor.
- (rr) “Tribal land” means land (1) owned by the Yakama Nation in fee; (2) owned by the United States and held in trust for the Yakama Nation or Yakama members; or (3) leased by the Yakama Nation.
- (ss) “Tribal Police” means the Yakama Nation Tribal Police.
- (tt) “Tribal Prosecutor” means the Yakama Nation Tribal Prosecutor and Yakama Nation Prosecutor Advocates.
- (uu) “Upland game birds” means the following species:
- | Common Name: | Scientific name: |
|----------------------|------------------------|
| Dusky grouse | Dendragapus obscurus |
| California quail | Callipepla californica |
| Chukar partridge | Alectoris chukar |
| Grey partridge | Perdix perdix |
| Ring-necked pheasant | Phasianus colchicus |
| Ruffed grouse | Bonasa umbellus |
| Spruce grouse | Falciennis canadensis |
| Wild turkey | Meleagris gallopavo |
- (vv) “Waste” means the abandonment of or spoilage of those portions of taken wildlife normally used for human consumption.
- (ww) “Wildlife” means all wild birds, mammals, amphibians, reptiles, and invertebrates located on or migrating through lands within the exterior boundaries of the Yakama Reservation, or located on off-Reservation lands on which Yakama members may exercise treaty hunting rights.
- (xx) “Wildlife reserve” means a tribal wildlife reserve established under this Code.
- (yy) “WRMP” means the Yakama Nation Wildlife, Range and Vegetation Resources Management Program.



(zz) “Yakama member” means a person who is an enrolled member of the Confederated Tribes and Bands of the Yakama Nation and who is authorized to exercise treaty hunting rights under Treaty of June 9, 1855 (12 Stat.951).

(aaa) “Yakama Nation” means the Confederated Tribes and Bands of the Yakama Nation.

(bbb) “Yakama Reservation” means those lands and waters reserved by Article II of the Treaty of June 9, 1855 and as described therein, including those areas known as “Tract C” and “Tract D.”

[Annotation: Enacted by T-121-08]

32.100.07: FINDINGS.

The Yakama Tribal Council, for and behalf of the Yakama Nation, finds and declares the following:

- (a) In the Treaty of June 9, 1855, the Yakama Nation reserved the right to maintain its culture and the natural resources on which its culture depends, including rights to water, land, and natural foods and medicines.
- (b) The people of the Yakama Nation recognized the spiritual, cultural, and economic value of all wildlife resources.
- (c) All wildlife species are not just natural resources, but are cultural resources as well.
- (d) Wildlife resources are an irreplaceable part of the Yakama Nation’s heritage.
- (e) By the Treaty, the Yakama Nation reserved the right to exclusive control of the taking of wildlife, and the preservation of wildlife habitat within the Reservation.
- (f) It is the duty of the Yakama Nation to regulate, manage and properly harvest wildlife species located on or off the Reservation, including, but not limited to, the ceded area, ancestral hunting areas, and aboriginal lands.
- (g) Unregulated use of wildlife resources would threaten the political integrity, economic security, and health and welfare of the Yakama Nation.
- (h) To protect and maintain wildlife resources it is necessary to define hunting rights and privileges, and enact laws to protect and conserve such resources for the maximum benefit of all members of the Yakama Nation.
- (i) Limited use of Reservation wildlife resources by non-members will provide an economic benefit to the Yakama Nation, and will promote intercultural education and good will.



- (j) The Yakama Nation traditionally and culturally objects to placing a monetary value on wildlife, however, for the purposes of wildlife management and preservation a schedule of civil fines and restitution shall be established.

[Annotation: Enacted by T-121-08]

32.100.09: POLICY.

It shall be the policy of the Yakama Nation that:

- (a) The wildlife found on the lands and waters within the exterior boundaries of the Yakama Reservation is the property of the Yakama Nation; and
- (b) It shall be the purpose of this Code to preserve and protect, in a sustainable manner, the wildlife resources of the Yakama Nation primarily for the use and enjoyment of present and future members of the Yakama Nation; and
- (c) At the discretion of the Tribal Council, wildlife within the exterior boundaries of the Yakama Reservation shall be secondarily available for the sport and recreation of non-members, subject to this Code and any regulations or conditions pursuant thereto.

[Annotation: Enacted by T-121-08]

CHAPTER 32.102 – JURISDICTION

32.102.01: YAKAMA RESERVATION.

This Code applies to all persons hunting or taking wildlife or otherwise found within the exterior boundaries of the Reservation.

[Annotation: Enacted by T-121-08]

32.102.03: HUNTING OFF-RESERVATION.

Hunting or taking of wildlife by Yakama members on open and unclaimed lands not within the exterior boundaries of the Reservation, pursuant to the rights reserved by the Treaty of June 9, 1855, shall be in accordance with this Code.

[Annotation: Enacted by T-121-08]



32.102.05: EXTRATERRITORIAL JURISDICTION.

The Yakama Nation assumes and retains jurisdiction over all lands, waters, and airspaces not within the exterior boundaries of the Reservation as permitted by any law, treaty, convention, charter, compact, and/or any other agreement. This Code applies to all persons engaging in any act within said assumed and retained jurisdiction.

[Annotation: Enacted by T-121-08]

32.102.07: PREEMPTION OF STATE JURISDICTION.

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

[Annotation: Enacted by T-121-08]

32.102.09: TRIBAL COURT.

The Tribal Court shall have exclusive jurisdiction over all violations of this Code.

[Annotation: Enacted by T-121-08]

32.102.11: RIGHTS RESERVED.

Nothing in this Code shall diminish the rights reserved to the Yakama Nation and its members by the Treaty of June 9, 1855, or deprive the Tribal Council of the right to modify, amend or repeal this Code.

[Annotation: Enacted by T-121-08]

CHAPTER 32.104 – COMMITTEE AUTHORITY

32.104.01: POWERS.

The Committee is authorized to carry out all applicable provisions of this Code, to promulgate all necessary regulations consistent with this Code, and to enforce any orders or decrees of the Tribal Court which relate to the subject matter of this Code.

[Annotation: Enacted by T-121-08]

32.104.03: MANDATORY DUTIES.

The Committee shall:



- (a) Establish open seasons and closed seasons for hunting and taking of wildlife species by both Yakama members and non-members; and
- (b) Issue such permits and tags as may be necessary to carry out the provisions of this Code; and
- (c) Establish reasonable permit fees.

[Annotation: Enacted by T-121-08]

32.104.05: DISCRETIONARY DUTIES.

In carrying out its duties provided by Section 32.104.03 of this Code, the Committee may:

- (a) Establish the amount of wildlife species that may be taken and in making such determination shall consider such factors as sex, maturity, and other distinctions;
- (b) Establish areas or territorial limits for the taking of wildlife; and
- (c) Establish the manner and means of taking wildlife.

[Annotation: Enacted by T-121-08]

32.104.07: BUDGET.

The Committee is authorized to prepare an annual budget reasonably calculated to carry out the provisions of this Code.

[Annotation: Enacted by T-121-08]

CHAPTER 32.106 – TRIBAL WILDLIFE RESERVES

32.106.01: ESTABLISHMENT OF WILDLIFE RESERVES.

The Tribal Council, upon recommendation of the Committee, may, by amendment to this Chapter and with public notice, establish wildlife reserves. Wildlife reserves shall provide a safe resting and breeding ground for wildlife, thereby providing a source of game for natural stocking of the adjacent areas.

[Annotation: Enacted by T-121-08]

32.106.03: UPPER TOPPENISH CREEK WILDLIFE RESERVE.

- (a) The Upper Toppenish Creek Wildlife Reserve is established to include all tribal land described as follows:



Beginning at the northeast corner of Section 21, Township 10 North, Range 16 E.W.M., then south $4\frac{1}{4}$ miles along the east side of Section 21, 28, 33, and 4, Township 9 North, Range 16 E.W.M., to the Signal Peak Road; thence, southwesterly along the Signal Peak Road approximately nineteen (19) miles to its junction with the New Panther Creek Road; then northerly along the Panther Creek Road approximately nine (9) miles to its junction with the Fort Simcoe Road; thence, easterly along the Fort Simcoe Road approximately seventeen and one-quarter ($17\frac{1}{4}$) miles to the point of beginning.

- (b) Allotted lands within the Upper Toppenish Creek Wildlife Reserve may be added thereto with the consent of the allottees.

[Annotation: Enacted by T-121-08]

32.106.05: LOWER TOPPENISH CREEK WILDLIFE RESERVE.

The Lower Toppenish Creek Wildlife Reserve is established to include all lands within the two (2) areas described as follows:

- (a) Beginning at the northwest corner of Section 21, Township 10 North, Range 18 E.W.M., then south $1\frac{1}{4}$ miles along the west side of Section 21 and Section 28 to the southwest corner of the northwest quarter of the northwest quarter of Section 28; then east $1\frac{1}{2}$ miles to the northeast corner of the southwest quarter of the northwest quarter of Section 27; then south $\frac{1}{4}$ mile to the southwest corner of the southeast quarter of the northwest quarter of Section 27; then east $\frac{1}{4}$ mile to the southeast corner of the northwest quarter of Section 27; then north $\frac{7}{8}$ mile to a point $\frac{1}{8}$ mile directly south of the center point of Section 22; then west $\frac{1}{2}$ mile to the eastern boundary of Section 21; then $\frac{3}{8}$ mile north along the east side of Section 21 to the southeast corner of the northeast quarter of the northeast quarter of Section 21; then $\frac{1}{8}$ mile west and $\frac{1}{4}$ mile north to the northern boundary of Section 21; then west $\frac{7}{8}$ mile to the point of beginning.
- (b) Beginning at the southwest corner of the northeast quarter of the northeast quarter of Section 28, Township 10 North, 20 E.W.M., then south $\frac{1}{4}$ mile to the southwest corner of the southeast quarter of the northeast quarter of Section 28; then $\frac{1}{4}$ mile east to the southeast corner of the southeast quarter of the northeast quarter of Section 28; then south 1 mile to the southwest corner of the northwest quarter of Section 34; then east $1\frac{1}{2}$ miles to the center of Section 35; then north $1\frac{1}{2}$ miles to the southeast corner of the northeast



quarter of the northwest quarter of Section 26; then west 1¾ miles to the point of beginning.

[Annotation: Enacted by T-121-08]

32.106.07: HUNTING PROHIBITED.

Subject to the exceptions in this Chapter, hunting or taking of wildlife by any persons within any wildlife reserve is prohibited. This prohibition does not apply to WRMP staff or their authorized delegates harassing, capturing, relocating, or taking wildlife as required for management and protection of wildlife and habitats. Violation of this Section by an Indian is a greater offense and by a non-Indian is a civil offense.

[Annotation: Enacted by T-121-08]

32.106.09: CEREMONIAL HUNTING PERMITTED.

Yakama members may hunt or take wildlife for ceremonial occasions within any wildlife reserve by Special Permit only.

[Annotation: Enacted by T-121-08]

32.106.11: HUNTING AND TAKING PREDATORS OR FUR-BEARING ANIMALS.

Special Permits may be issued for hunting and taking predatory or fur-bearing animals within any wildlife reserve if such action is necessary to protect wildlife, wildlife habitat, or tribal infrastructure.

[Annotation: Enacted by T-121-08]

32.106.13: UNLAWFUL POSSESSION OF HUNTING EQUIPMENT.

It shall be unlawful for any person to have in his or her possession any hunting equipment, including, but not limited to, rifles, shotguns, or bows and arrows, within a wildlife reserve, unless such person also possesses any Special Permits required under this Chapter. Violation of this Section by an Indian is a greater offense and by a non-Indian is a civil offense.

[Annotation: Enacted by T-121-08]



32.106.17: DEPARTURE OF WILDLIFE FROM RESERVE.

It shall be unlawful for any person to cause wildlife to depart from a wildlife reserve, except as otherwise provided within this Code. Violation of this Section by an Indian is a greater offense and by a non-Indian is a civil offense.

[Annotation: Enacted by T-121-08]

32.106.19: ENTRY RESTRICTED.

Entry by any persons into the Upper Toppenish Creek Wildlife Reserve for the purpose of timber harvest or other forest management activities that may disturb big game is prohibited from November 15 to March 1. Upon the recommendation of WRMP, the Fish and Wildlife Committee may permit entry for a specific area and time period. Violation of this Section by an Indian or non-Indian is a civil offense.

32.106.21: WINTER WILDLIFE HABITAT AREAS.

Winter wildlife habitat areas are established within the Closed Area for the protection of deer, elk, and other big game. Maps showing the boundaries of such areas shall be available at the office of WRMP, Toppenish, Washington. Entry into winter wildlife habitat areas by any persons for the purpose of timber harvest or other forest management activities that may disturb big game is prohibited from November 15 to March 1. Upon the recommendation of WRMP, the Fish and Wildlife Committee may permit entry for a specific area and time period. Violation of this Section by an Indian or non-Indian is a civil offense.

CHAPTER 32.108 – OFF-RESERVATION WINTER WILDLIFE SANCTUARIES

32.108.01: ESTABLISHMENT OF WINTER WILDLIFE SANCTUARIES.

The Tribal Council, upon recommendation of the Committee, may, by amendment to this Chapter, establish winter wildlife sanctuaries within open and unclaimed lands off-reservation. Such sanctuaries shall protect deer, elk, and other big game animals at winter feeding areas and winter range areas.

[Annotation: Enacted by T-121-08]

32.108.03: WINTER FEEDING AREAS.

The following winter feeding areas are designated as winter wildlife sanctuaries, and are closed to all hunting or taking of wildlife from December 15 through March 31:

- (a) Oak Creek Feeding Area includes all lands within the area described as follows:



Beginning at the intersection of U.S. Highway 12 and U.S. Highway 410; thence westerly along Highway 410 to Cougar Canyon Creek; thence westerly along Cougar Canyon Creek to the western boundary of Section 30, Township 15 North, Range 16 E.W.M.; thence south along the western boundaries of Sections 30, 31, and Section 6, Township 14 North, Range 16 E.W.M. to USFS Road 1400; thence westerly along Road 1400 until it intersects USFS Road 1401; thence southwesterly along Road 1401 until it intersects USFS Road 1301; thence easterly along Road 1301 until it intersects U.S. Highway 12; thence easterly along Highway 12 to the point of beginning.

- (b) Clover Springs Feeding Area includes all lands within the area described as follows:
Beginning at the intersection of USFS Road 625 and Nile Road; thence north along Nile Road to the northern boundary of Section 28, Township 16 North, Range 15 E.W.M.; thence west along the northern boundaries of Section 28, 29 and 30 to USFS Road 1600; thence southerly along Road 1600 until it intersects USFS Road 1601; thence west to USFS Road 625; thence easterly along Road 625 to the point of beginning.
- (c) Cleman Mountain Feeding Area includes all land within the area described as follows:
Beginning at the intersection of the Old Naches Highway and the eastern boundary of Section 32, Township 15 North, Range 17 E.W.M.; thence north along the eastern boundaries of 32 and 29 to the northeast corner of Section 29; thence west along the northern boundaries of Sections 29, 30 and Section 25, Township 15 North, Range 16 E.W.M. to Waterworks Canyon Creek; thence southerly along Waterworks Canyon Creek to U.S. Highway 410; thence easterly along U.S. Highway 410 until it intersects Old Naches Highway; thence easterly along Old Naches Highway to the point of beginning.

[Annotation: Enacted by T-121-08]

32.108.05: SANFORD PASTURE WINTER RANGE.

The Sanford Pasture Winter Range is designated as a winter wildlife sanctuary, and is closed to all hunting and taking of wildlife from December 31 through March 31. The range includes all lands within the area described as follows:

Beginning at the intersection of Sanford Canyon Creek and U.S. Highway 410; thence northwesterly along Highway 410 until it intersects USFS Road 1701; thence



northeasterly along Road 1701 until it intersects USFS Road 1712; thence southeasterly along Road 1712 and the Cleman Mountain Crest Road to the headwaters of Sanford Canyon Creek; thence southerly along Sanford Canyon Creek to the point of beginning.

[Annotation: Enacted by T-121-08]

32.108.07: CLOSED SEASONS.

Closed season within winter wildlife sanctuaries may be modified by the Committee.

[Annotation: Enacted by T-121-08]

32.108.09: CEREMONIAL HUNTING PERMITTED.

Hunting or taking of wildlife by Yakama members within any winter wildlife sanctuary during closed seasons may be authorized only by Special Permit for ceremonial use. Violation of this Section by a Yakama member is a greater offense.

[Annotation: Enacted by T-121-08]

CHAPTER 32.110 – GENERAL RESTRICTIONS

32.110.01: HUNTING OR TAKING OF DEER AND ELK.

- (a) Hunting or taking of deer and elk by non-members is prohibited.
- (b) Hunting or taking of male deer and elk by Yakama members is permitted year round, except within those areas closed by this Code or action of the Tribal Council or the Committee.
- (c) Hunting or taking of female deer and elk by Yakama members is prohibited from January 1 to August 31 of each year.
 - (1) During the closed season, any male deer or elk harvested must have the genitals or head attached to the carcass until such carcass is processed or stored for consumption.
 - (2) Harvesting female deer and elk by Yakama members during the closed period may be authorized only by Special Permit for ceremonial use.
- (d) Hunting or taking of elk with a rifle of less than twenty-four (24) caliber is prohibited.
- (e) Violation of this Section by an Indian is a greater offense and by a non-Indian is a civil offense.

[Annotation: Enacted by T-121-08]



32.110.03: HUNTING OR TAKING OF OTHER BIG GAME.

- (a) Hunting or taking of mountain goats, bighorn sheep, pronghorn antelope, moose, or caribou by non-members is prohibited.
- (b) Hunting or taking of mountain goats, bighorn sheep, pronghorn antelope, moose, or caribou by Yakama members shall be by Special Permit only. Yakama members taking a bighorn sheep must present the horns within ten (10) days to the WRMP for inspection and marking.
- (c) Violation of this Section by an Indian is a greater offense and by a non-Indian is a civil offense.

32.110.04: HUNTING UPLAND AND MIGRATORY GAME BIRDS.

- (a) Hunting or taking of female upland game birds and female migratory game birds by Yakama members is prohibited from March 1st through August 31st unless authorized by the Yakama Nation by Special Permit.
- (b) Hunting or taking of wild turkey by non-members shall be by permit only.
- (c) Violation of this Section by an Indian is a greater offense and by a non-Indian is a civil offense.

32.110.05: HUNTING OR TAKING OF OTHER GAME BIRDS.

- (a) Hunting or taking of sage grouse and sharp-tailed grouse by non-members is prohibited.
- (b) Hunting or taking of sage grouse and sharp-tailed grouse by Yakama members shall be by Special Permit only.
- (c) Violation of this Section by an Indian is a greater offense and by a non-Indian is a civil offense.

[Annotation: Enacted by T-121-08]

32.110.07: HUNTING OR TAKING OF PREDATORY OR FUR-BEARING ANIMALS.

- (a) The hunting or taking by non-members of predatory or fur-bearing animals shall be by Special Permit only, except for harmful or dangerous species and/or situations where such animals are an immediate threat to livestock, property or human health and safety.
- (b) Hunting or taking of Canada lynx, Cascade red fox, fisher, grizzly bear, wolf, or



wolverine by non-members or tribal members shall be by Special Permit only except for situations where such animals are an immediate threat to human health or safety. Any taking of these species will be reported to the YN Wildlife Program within 1 business day of the incident.

(c) Violation of this Section by an Indian is a greater offense and by a non-Indian is a civil offense.

[Annotation: Enacted by T-121-08]

32.110.09: TAKING BEAVER.

It shall be unlawful for any person to hunt, trap, or take beaver within the Closed Area without a Special Permit. It shall further be unlawful for any person to remove, destroy, or damage any structure created by a beaver within the boundaries of the Closed Area unless such a structure is creating conditions that threaten infrastructure, property, or human safety. Violation of this Section by an Indian is a greater offense and by a non-Indian is a civil offense.

[Annotation: Enacted by T-121-08]

32.110.11: TAKING WILD HORSES.

No person shall chase, attempt to take wild horses, and/or take wild horses without a Special Permit. Violation of this Section by an Indian is a greater offense and by a non-Indian is a civil offense.

[Annotation: Enacted by T-121-08]

32.110.13: TAKING EAGLES.

No person shall hunt, take or possess any eagle, eagle part, nest or egg in violation of the Bald and Golden Eagle Protection Act, 16 U.S.C. § 668, unless undertaken in furtherance of religious or ceremonial practices, with a Special Permit. Violation of this Section by an Indian is a greater offense and by a non-Indian is a civil offense.

[Annotation: Enacted by T-121-08]



32.110.15: TAKING PROTECTED WILDLIFE.

- (a) All persons are prohibited from hunting or taking any species of wildlife declared protected by Fish and Wildlife Committee Action. This prohibition does not apply to WRMP staff or their authorized delegates harassing, relocating, or taking individuals of a protected species or any other category of wildlife as required for protection of wildlife and habitats and management of human-wildlife conflicts.
- (b) Any amendments to the Yakama Nation Protected Species list will be made with the approval of the Fish and Wildlife Committee. Copies of a protected species list are to be made available by the WRMP.
- (c) Violation of this Section by an Indian is a greater offense and by a non-Indian is a civil offense.

[Annotation: Enacted by T-121-08]

32.110.17: UNLAWFUL POSSESSION.

It shall be unlawful for any persons to have in their possession any wildlife except as lawfully taken. Violation of this Section by an Indian is a lesser offense and by a non-Indian is a civil offense.

[Annotation: Enacted by T-121-08]

32.110.19: UNLAWFUL INTERFERENCE.

Purposefully interfering with or obstructing any person lawfully engaged in hunting or trapping is prohibited, including, but not limited to, pulling up, damaging or destroying traps. Violation of this Section by an Indian is a greater offense and by a non-Indian is a civil offense.

[Annotation: Enacted by T-121-08]

32.110.21: DAILY HUNTING HOURS.

It shall be unlawful for any persons to hunt wildlife during those hours between one-half hour after sunset and one-half hour before sunrise, except under public hunting regulations issued by the Committee under Chapter 32.112. Official public hunting hours may be published by the Committee. Violation of this Section by an Indian is a lesser offense and by a non-Indian is a civil offense.



[Annotation: Enacted by T-121-08]

32.110.23: NIGHT HUNTING AND SPOT-LIGHTING.

- (a) Use of any form of artificial lights or night vision equipment by any persons for the purpose of hunting or taking of wildlife during hours of darkness is prohibited. The Committee may issue Special Permits to use artificial lights and night vision equipment to take nuisance predatory animals.
- (b) Violation of this Section by an Indian is a greater offense and by a non-Indian is a civil offense.

[Annotation: Enacted by T-121-08]

32.110.25: HUNTING FROM THE AIR.

- (a) It shall be unlawful for any persons to hunt or take wildlife from any airborne conveyance, or to hunt or take wildlife on the same day that the persons occupied such airborne conveyance without a Special Permit.
- (b) A Special Permit may be issued for the hunting of predators by airborne conveyance for the conservation of species.
- (c) Violation of this Section by an Indian is a greater offense and by a non-Indian is a civil offense.

[Annotation: Enacted by T-121-08]

32.110.27: HUNTING FROM SNOW VEHICLES OR ATVS.

The use of a snow vehicle or all terrain vehicle (ATV) for hunting is prohibited. This restriction applies to use of any such vehicle in transportation of any taken wildlife. Persons may use ATVs to travel to migratory bird hunting areas, on established roads or paths only. Violation of this Section by an Indian is a lesser offense and by a non-Indian is a civil offense.

[Annotation: Enacted by T-121-08]

32.110.29: WASTE.

Any waste of wildlife taken by any persons is prohibited. Violation of this Section by an Indian is a lesser offense and by a non-Indian is a civil offense.

[Annotation: Enacted by T-121-08]



32.110.31: PROHIBITION OF COMMERCIAL SALES, TRADE, BARTER – EDIBLE PARTS.

Any commercial sale, trade, or barter, and/or the transport for the purpose of commercial sale, trade, or barter, of any edible part of wildlife taken by any person is prohibited unless said person engaging in any commercial sale, trade, or barter, and/or the transport for the purpose of commercial sale, trade, or barter, of any edible part of any wildlife taken has: (i) a valid business license issued pursuant to Title III (30) of the Yakama Nation Revised Law and Order Code; and (ii) a Tribal Council Resolution authorizing such commercial activity. Violation of this Section by an Indian is a greater offense and by a non-Indian is a civil offense.

[Annotation: Enacted by T-121-08]

32.110.33: PROHIBITION OF SALES, TRADE, BARTER – NON-EDIBLE PARTS.

Any sale, trade, or barter, and/or the transport for the purpose of sale, trade, or barter, of any non-edible part of any wildlife taken by any person is permitted except for the following non-edible parts which are prohibited: (1) velvet antlers of deer or elk; and (2) gall bladders of black bears. Violation of this Section by an Indian is a greater offense and by a non-Indian is a civil offense.

[Annotation: Enacted by T-121-08]

32.110.35: DOG CONTROL FOR WILDLIFE PROTECTION.

It shall be unlawful for any person to allow a dog to pursue, injure, or destroy game animals, game birds, or the nests of game birds during closed seasons or in closed areas. Persons may allow dogs under their control to aid in lawful hunting except for big game. Violation of this Section by an Indian is a lesser offense and by a non-Indian is a civil offense.

[Annotation: Enacted by T-121-08]

32.110.37: UNLAWFUL HARRASSMENT OR INJURY OF WILDLIFE.

Purposeful harassment of or injury to wildlife by any persons, with no intent to take such wildlife, is prohibited except by Special Permit. This prohibition does not apply to WRMP staff or their authorized delegates harassing, relocating, or taking individuals as required for protection of wildlife and habitats and management of human-wildlife conflicts. Violation of this Section by an Indian is a lesser offense and by a non-Indian is a civil offense.

[Annotation: Enacted by T-121-08]



32.110.39: CAPTURE OF WILDLIFE.

It shall be unlawful for any person without a Special Permit to capture or keep any wildlife or any harmful or dangerous species as a pet, except feral horses, feral dogs, or feral cats. This prohibition does not apply to WRMP staff or their authorized delegates capturing individuals as required for protection of wildlife and habitats and management of human-wildlife conflicts. Violation of this Section by an Indian is a lesser offense and by a non-Indian is a civil offense.

[Annotation: Enacted by T-121-08]

32.110.41: USE OF TOXIC SUBSTANCES.

Use of any explosive compound, toxic, corrosive, narcotic, poison, or other deleterious substance by any persons to take wildlife is prohibited, except as authorized by the Committee. Violation of this Section by an Indian is a greater offense and by a non-Indian is a civil offense.

[Annotation: Enacted by T-121-08]

32.110.43: DESTRUCTION OF PROPERTY.

It shall be unlawful for any person hunting on land owned by another person, the Yakama Nation or the United States to damage the land, crops or other property thereon. Violation of this Section by an Indian is a greater offense and by a non-Indian is a civil offense.

[Annotation: Enacted by T-121-08]

32.110.45: HUNTING WHILE INTOXICATED.

Hunting or discharge of a firearm by any person while under the influence of any intoxicating substance, including alcohol or narcotic drugs, is prohibited. Whether a person is under the influence of an intoxicating substance shall be determined in accordance with the standards under Sections 50.21.03 and 50.21.05. Violation of this Section by an Indian is a greater offense and by a non-Indian is a civil offense.

[Annotation: Enacted by T-121-08]

32.110.47: HUNTING NEAR RESIDENCES.

Attempting to hunt, kill, take, trap or pursue any wildlife within a two hundred (200) foot radius



of an inhabited dwelling or livestock feedlot, unless permission to do so has been granted by the owner or tenant, is prohibited. Violation of this Section by an Indian is a lesser offense and by a non-Indian is a civil offense.

[Annotation: Enacted by T-121-08]

32.110.49: HUNTING BY FIREARMS CONVICTS.

It shall be unlawful for any person to engage in any hunting with a firearm, or exercise any hunting right with a firearm, if such person has been convicted for firearms violations and a court order prohibits such person from possessing firearms. The Committee shall deny any application for a permit pursuant to this Code if the applicant is prohibited from possessing a firearm.

Violation of this Section by an Indian is a greater offense and by a non-Indian is a civil offense.

Any court order not issued by the Yakama Nation Tribal Court must be registered pursuant to Title XXVII (27) before it becomes enforceable.

[Annotation: Enacted by T-121-08]

32.110.51: HUNTING BY CHILDREN UNDER TWELVE (12).

No parent, guardian, or custodian shall permit any minor person to exercise any hunting rights if the minor person is under the age of twelve (12) and not accompanied by a person over the age of eighteen (18) who is authorized to hunt or take wildlife. Violation of this Section by an Indian is a lesser offense and by a non-Indian is a civil offense.

[Annotation: Enacted by T-121-08]

32.110.53: UNAUTHORIZED TREATY HUNTING.

(a) It shall be unlawful for a Yakama member to:

(1) Hunt or take wildlife pursuant to Treaty hunting rights for the use of any person in his or her company who is not authorized to exercise Treaty hunting rights; or

(2) Allow a person who is not authorized to exercise Treaty hunting rights to hunt or take wildlife for him or her, or assist him or her in exercising such rights.

(b) It shall be unlawful for a non-member to:

(1) Hunt or take wildlife within the Reservation pursuant to Treaty hunting rights; or

(2) Hunt or take wildlife for a Yakama member or assist such member in exercising his



or her Treaty hunting rights within the Reservation.

(c) Violation of this Section by an Indian is a lesser offense and by a non-Indian is a civil offense.

[Annotation: Enacted by T-121-08]

32.110.55: USE OF WILDLIFE FOR SCIENTIFIC PURPOSES.

It shall be unlawful for any person to take, possess, sample, or measure wildlife for scientific, management and/or enhancement purposes, except pursuant to a Special Permit. This prohibition does not apply to Yakama Nation staff, Bureau of Indian Affairs staff or U.S. Fish & Wildlife Service staff while on official duty. Violation of this Section by an Indian is a greater offense and by a non-Indian is a civil offense.

[Annotation: Enacted by T-121-08]

32.110.57: INTRODUCTION OF EXOTIC WILDLIFE.

It shall be unlawful to import, transport, or possess live non-native wildlife species or any harmful or dangerous species for release, sale, trade, or barter, unless authorized by Special Permit, except upland game birds under Chapter 32.116 (Game Farm Permits). Violation of this Section by an Indian is a greater offense and by a non-Indian is a civil offense.

[Annotation: Enacted by T-121-08]

32.110.59: ENROLLMENT CARDS.

Any Yakama member exercising Treaty hunting rights shall have in his or her possession a Yakama Nation Tribal Enrollment Card and any required Special Permit. Upon demand by any tribal game warden, such card or permit shall be produced and displayed, and failure or refusal to do so shall be prima facie evidence that such person is not authorized to exercise Treaty hunting rights. Violation of this Section by a Yakama member is a lesser offense.

[Annotation: Enacted by T-121-08]

32.110.61: FAILURE TO IDENTIFY.

It shall be unlawful for any person reasonably suspected of violating this Code who is able to offer proof of his or her identity to willfully refuse to do so to a game warden who, after



identifying himself as such, demands such identification. Violation of this Section by an Indian is a greater offense and by a non-Indian is a civil offense.

[Annotation: Enacted by T-121-08]

32.110.63: SUSPENDED HUNTING PRIVILEGES.

It shall be unlawful for any person to hunt or take wildlife if the Tribal court or other court has suspended such person's hunting privileges. Any permit obtained by such person under this Code is void and of no effect from the date of issuance thereof. Violation of this Section by an Indian is a greater offense and by a non-Indian is a civil offense.

[Annotation: Enacted by T-121-08]

32.110.65: OBTAINING PERMIT BY FRAUD OR ASSIGNMENT.

No person shall, by fraud, misrepresentation or assignment, obtain a permit to hunt or take wildlife, or provide such a permit to another person by such means, and a permit so obtained is void and of no effect from the date of issuance thereof. Violation of this Section by an Indian is a greater offense and by a non-Indian is a civil offense.

[Annotation: Enacted by T-121-08]

32.110.67: UNLAWFUL SIGNS.

It shall be unlawful to post a "NO HUNTING" or "NO TRESPASSING" sign on private land without permission of the landowner or lessee. Any such posted sign is required to contain the legible name of the landowner and/or lessee. Violation of this Section by an Indian is a lesser offense and by a non-Indian is a civil offense.

[Annotation: Enacted by T-121-08]

32.110.69: VIOLATION OF OTHER REGULATIONS.

Unless otherwise provided in this Code, it shall be unlawful for any person to intentionally or negligently violate any regulation passed by the Committee. Violation of this Section by an Indian is a lesser offense and by a non-Indian is a civil offense.

[Annotation: Enacted by T-121-08]



32.110.71: VIOLATION OF TRADITIONAL LAW.

It shall be unlawful for any person to violate the traditional law of the Yakama Nation as it applies to hunting and/or the possession of wildlife. Violation of this Section by an Indian is a traditional offense and by a non-Indian is a civil offense.

[Annotation: Enacted by T-121-08]

32.110.73: AIDING OR ABETTING.

It shall be unlawful for any person to counsel, encourage, solicit, request, aid, procure or abet another person to commit any act prohibited under the Code. Violation of this Section by an Indian is a lesser offense and by a non-Indian is a civil offense.

[Annotation: Enacted by T-121-08]

CHAPTER 32.111 – HUNTING EQUIPMENT STANDARDS AND HUNTER SAFETY REGULATIONS

32.111.01: HUNTING EQUIPMENT STANDARDS.

- (a) The Committee is authorized to establish hunting equipment standards by regulation.
- (b) Hunting equipment standards shall be published annually by the Committee and posted at WRMP.
- (c) Violation of this Section or any regulations established hereunder by an Indian is a lesser offense and by a non-Indian is a civil offense.

[Annotation: Enacted by T-121-08]

32.111.03: HUNTER SAFETY REGULATIONS.

- (a) The Committee is authorized to establish hunter safety regulations.
- (b) Hunter safety regulations shall be published annually by the Committee and posted at WRMP.
- (c) Violation of this Section or any regulations established hereunder by an Indian is a lesser offense and by a non-Indian is a civil offense.

[Annotation: Enacted by T-121-08]



CHAPTER 32.112 – PUBLIC HUNTING

32.112.01: PURPOSE.

This Chapter regulates hunting and taking of wildlife by non-members on fee, tribal and trust lands.

[Annotation: Enacted by T-121-08]

32.112.03: PUBLIC HUNTING PROGRAM.

A program permitting recreational hunting by non-members on any authorized lands within the Reservation and tribal and trust lands off-Reservation, is established by this Chapter. The Committee shall be authorized to issue hunting permits, licenses or tags in accordance with this Code and applicable federal law regulating the taking or managing of wildlife.

[Annotation: Enacted by T-121-08]

32.112.05: PUBLIC HUNTING SEASONS.

- (a) The Committee is authorized to open annual hunting seasons for non-member hunting and taking of upland game birds, migratory gamebirds, and small game.
- (b) All hunting within the purview of this Chapter shall be closed to non-members unless specifically opened pursuant to this Chapter or by official action of the Committee.

[Annotation: Enacted by T-121-08]

32.112.07: ADOPTION OF REGULATIONS.

- (a) The Committee shall adopt annual or special regulations covering all aspects of non-member hunting in open seasons under this Chapter, including, but not limited to, season dates, hunting hours, species, daily bag limits, possession limits, and designation of wildlife reserves.
- (b) Annual regulations pursuant to this Chapter shall be adopted no later than thirty (30) days prior to the proposed date of opening; PROVIDED, the failure to comply with the thirty (30) day requirement shall not invalidate the enacted regulations.
- (c) Copies of this Chapter and any regulations adopted pursuant to this Chapter shall be available for review at the office of WRMP, Toppenish, Washington.

[Annotation: Enacted by T-121-08]



32.112.09: EMERGENCY REGULATIONS AND CLOSURES.

- (a) In cases of emergency, the Tribal Administration shall have the authority to adopt in-season regulations relating to all aspects of non-member hunting affecting any seasons established under this Chapter, including closure of seasons because of deep and prolonged snow, extreme fire danger, or disaster. Such regulations or closure shall be based on the best available information after consultation with all available WRMP staff. The Tribal Administration shall notify the Committee of any in-season regulations and closures in writing as soon as possible.
- (b) All in-season regulations and closures shall be consistent with this Code and any applicable federal law concerning off-reservation hunting for the necessary conservation and/or equitable allocation of the resource.
- (c) The Committee may modify or eliminate an in-season regulation adopted by, or reopen any season closed by Tribal Administration.
- (d) In-season regulations and closures shall be effective upon their adoption or as provided in the in-season regulations or closure notices, and shall be enforced:
 - (1) Upon service on a non-member hunting wildlife under authority of this Chapter; or
 - (2) After the passage of twenty-four (24) hours from the adoption of the regulations or closures, whichever is earlier.

[Annotation: Enacted by T-121-08]

32.112.11: DOVE SEASON.

The annual open season for hunting and taking of mourning doves under this Chapter shall be from September 1 to September 30. The daily bag limit shall be ten (10), and the possession limit shall be twenty (20). The provisions of this section may be modified by annual regulations.

[Annotation: Enacted by T-121-08]

32.112.13: RUFFED GROUSE SEASON.

The annual open season for hunting and taking of ruffed grouse under this Chapter shall be from September 1 to December 31. The daily bag limit shall be three (3), and the possession limit shall be nine (9). The provisions of this section may be modified by annual regulations.

[Annotation: Enacted by T-121-08]



32.112.15: COTTONTAIL RABBIT SEASON.

The annual open season for hunting and taking of cottontail rabbits under this Chapter shall be from September 1 to March 15. The daily bag limit shall be five (5), and the possession limit shall be fifteen (15). The provisions of this section may be modified by annual regulations.

[Annotation: Enacted by T-121-08]

32.112.17: PUBLIC HUNTING PERMIT REQUIRED.

- (a) No non-member shall hunt or take any wildlife unless at the time of hunting or taking he has a valid Public Hunting Permit issued pursuant to this Chapter in his or her possession.
- (b) No non-member hunting or taking wildlife shall fail or refuse to exhibit his or her Public Hunting Permit to a game warden upon request.
- (c) Violation of this Section may subject non-members to federal prosecution under 18 U.S.C. § 1165.

[Annotation: Enacted by T-121-08]

32.112.19: FEDERAL PERMIT REQUIRED.

Any applicant for a Public Hunting Permit to hunt or take migratory birds under this Chapter shall have in his possession a valid migratory bird permit (duck stamp) issued by the U.S. Fish and Wildlife Service under authority of 50 CFR § Part 21.

[Annotation: Enacted by T-121-08]

32.112.21: FORM AND CONTENTS OF PUBLIC HUNTING PERMIT.

Public Hunting Permits under this Chapter shall be prepared by WRMP and furnished to the vendors authorized to issue permits. Such permits shall be issued in the name of the Yakama Nation and signed by the Chairman of the Tribal Council.

[Annotation: Enacted by T-121-08]

32.112.23: PERMIT AGREEMENT REQUIRED.

- (a) All persons to whom Public Hunting Permits are issued shall be required to sign a Permit Agreement submitting to the jurisdiction of this Code before any such permit may be valid. The Permit Agreement shall be printed on all permits in the form provided by



Subsection (b) of this Section. The Permit Agreement shall be signed by the applicant, and any permit not so signed is invalid.

(b) Permit Agreement Form:

The Yakama Nation is a sovereign nation with inherent authority to regulate the taking of game within the Yakama Reservation. By the signature below, the above permittee consents to the civil jurisdiction of the Yakama Nation for any game violations committed by the undersigned.

Signature of Permittee

[Annotation: Enacted by T-121-08]

32.112.25: PUBLIC HUNTING PERMIT FEES.

Annual administrative fees to be charged for Public Hunting Permits shall be prescribed by the Committee.

[Annotation: Enacted by T-121-08]

32.112.27: SALE OF PUBLIC HUNTING PERMITS; VENDOR AGREEMENTS.

Public Hunting Permits under this Chapter shall be issued by persons designated as permit vendors by the Committee. All such permit vendors shall be required to sign a Vendor Agreement concerning any reports and revenue required by this Chapter and any adopted regulations. Any breach of a Vendor Agreement by the undersigned vendor is a violation of this Chapter.

[Annotation: Enacted by T-121-08]

32.112.29: REPORTS AND RETURN BY PUBLIC HUNTING PERMIT VENDORS.

Each Public Hunting Permit vendor shall, by the tenth (10th) day of each month, report to WRMP all sales of such permits and submit all revenue generated by such permit sales during the previous month. Each Public Hunting Permit vendor shall by April 10 of each year, or within ten (10) days of a demand by WRMP, return to WRMP all unused Public Hunting Permits.

[Annotation: Enacted by T-121-08]



32.112.31: DAILY LIMIT.

No person hunting or taking wildlife under this Chapter shall take, in any one (1) calendar day, more than the daily bag limit or aggregate daily bag limit, whichever applies.

[Annotation: Enacted by T-121-08]

32.112.32: PERMIT AGREEMENT REQUIRED

Permit Agreement Form:

The Yakama Nation is a sovereign nation with inherent authority to regulate the taking of game within the Yakama Reservation. By the signature below, the undersigned permittee acknowledges and consents to the civil jurisdiction of the Yakama Nation for any game violation. Further, the undersigned permittee acknowledges that there is inherent risk with their participation in this activity, such as death and personal injury, property damage, or other claims resulting in economic loss. These injuries or outcomes may arise from the undersigned permittee's actions, the action, inactions or negligence of another, environmental factors, or the condition of the activity location. The undersigned permittee assumes all risk of their participation in this activity, and agrees to forever indemnify, hold harmless and release the Yakama Nation, their employees, officers, agents and registered volunteers from any and all liability and claims arising out of or incidental to this activity.

Signature of Permittee Date

32.112.33: POSSESSION LIMIT.

No person hunting or taking wildlife under this Chapter shall have in his possession, in any one (1) calendar day, more than the possession limit or aggregate possession limit, whichever applies.

[Annotation: Enacted by T-121-08]

32.112.35: RECORDS REQUIRED.

It shall be unlawful for any non-member to give, put, leave or retain any game taken under this Chapter at any place or in the custody of another person unless accompanied by a written document containing the following hunter information: (1) name and signature, (2) address, (3) permit, (4) species of birds and total number of each, (5) date taken, and if transferred by gift, (6) names of donor and recipient.

[Annotation: Enacted by T-121-08]



32.112.37: HUNTING LANDS POSTED; TRESPASS.

- (a) Tribal lands that are not used and/or leased shall be available for hunting or taking wildlife under this Chapter. WRMP are authorized to post signs saying “Feel Free To Hunt” on authorized tribal lands, thereby indicating that non-members with valid permits may hunt or take wildlife within the boundaries of such lands under authority of this Chapter. Such signs may be posted on other lands only with the permission of the allotment owner, lessee, and/or fee title owner.
- (b) Driving motorized vehicles on lands posted under this Section is prohibited. Any lands exempt from this subsection shall be posted as such or identified in annual regulations.
- (c) Camping during hours of darkness on lands posted under this Section is prohibited.
- (d) Entering upon any trust lands other than those posted under this Section, without permission of the United States, the allotment owner, and/or lessee, is prohibited and shall be grounds for trespass under federal law.

[Annotation: Enacted by T-121-08]

32.112.39: HUNTING IN OTHER AREAS.

Non-members may hunt or take wildlife on lands not included under Section 32.112.37 only with the permission of the owner or lessee. Non-members are also authorized to hunt or take upland game birds in the following range areas, known as Parcel A and Parcel B:

- (a) Parcel A includes all lands within the area described as follows:

Beginning at a point on the southeast exterior boundary of the Reservation where the old Bickleton-Mabton Road intersects the southwest Reservation boundary in Section 21, Township 7 North, Range 21 E.W.M.; thence along said old Bickleton-Mabton Road in a northerly direction to where said road intersects with Easy Jo Jo Road; thence west along East Jo Jo Road to where said road intersects the Pioneer Road; thence northerly along Pioneer Road until it intersects East Mule Dry Road (P-124) in Section 25, Township 8 North, Range 20 E.W.M.; thence southwesterly along said Mule Dry Road until it intersects with Pine Springs Road in Section 21, Township 7 North, Range 19 E.W.M.; thence north along Pine Springs Road to a point opposite the southwest corner of Section 4, Township 7 North, Range 19 E.W.M.; thence northwesterly along Coyote Canyon Creek bed to State Highway 97; thence northerly along the west side of Highway 97 until



it intersects with Oak Springs Road; thence westerly along Oak Springs Road until it intersects the Slide Ranch Trail; thence northerly along the Slide Ranch Trail to the southeast corner of Pom Pom Road at a point on the east edge of Section 29, Township 10 North, Range 17 E.W.M.; thence north along Pom Pom Road to where it intersects Yost Road; thence east along Yost Road until it intersects Tecumseh Road; thence south along Tecumseh Road until it intersects Pumphouse Road; thence easterly along Pumphouse Road until it intersects Highway 97; thence northerly along Highway 97 to Toppenish Creek; thence easterly along Toppenish Creek to a point halfway across Section 32, Township 10 North, Range 21 E.W.M.; thence south to the intersection of Plank Road and Tule Road; thence south along Plank Road until it intersects with Pioneer Road; thence west 500 feet along Pioneer Road until it intersects with the Satus II Canal; thence easterly along Satus II Canal to Satus III Pumphouse; thence easterly along the south side of Satus III Canal to the southeast exterior boundary of the Reservation south of Mabton; thence southwesterly along the exterior boundary of the Reservation to the point of beginning.

(b) Parcel B includes all lands within the area described as follows:

Beginning at a point on Old Maid Canyon road $\frac{1}{4}$ mile east of the northwest corner of Section 17, Township 11 North, Range 16 E.W.M. at the guard station; thence east on Old Maid Canyon Road 4 miles until it turns south and becomes Wesley Road; thence south and east on Wesley Road until it intersects Evans Road; thence east on Evans Road until it intersects Stephenson Road; thence north along Stephenson until it intersects Wapato Irrigation Project Highline Canal; thence northeast on the north side of the Highline Canal until intersects Cemetery Road in Section 19, Township 12 North, Range 19 E.W.M.; thence east along Cemetery Road to the westerly right-of-way line of State Highway 97; thence northerly along said right-of-way line to the intersection of Ahtanum Creek and the Yakama River; thence northwesterly along Ahtanum Creek to the center of Section 19, Township 12 North, Range 19. Thence West in a straight line to the end of the Wapato Irrigation Project Ahtanum Canal in Section 7, Township 12 North, Range 19 E.W.M.; thence westerly along the Ahtanum Canal to its diversion point on Ahtanum Creek in Section 14, Township 12 North, Range 16 E.W.M.; thence westerly along the south bank of Ahtanum Creek until it intersects the Power Transmission Line in Section



15, Township 12 North, Range 16 E.W.M.; thence southeasterly along said transmission line until it intersects the Ahtanum Ridge Road in Section 27, Township 12 North, Range 16 E.W.M.; thence on a straight line in a southwesterly direction to the point of beginning.

[Annotation: Enacted by T-121-08]

32.112.41: FLORESCENT CLOTHING REQUIRED.

Any non-members hunting upland game birds (except ruffed grouse), doves, and rabbits shall wear a minimum of three hundred (300) square inches of florescent hunter orange clothing, visible from front and back.

[Annotation: Enacted by T-121-08]

32.112.43: PERMITTED FIREARMS.

Hunting or taking of wildlife under this Chapter is permitted with shotguns only. Hunting or taking of wildlife by non-members with any other type of firearm is prohibited, unless authorized by Special Permit.

[Annotation: Enacted by T-121-08]

32.112.45: NON-TOXIC SHOT REQUIRED.

Any persons hunting or taking migratory birds, except doves, under this Chapter shall use approved shot types in accordance with 50 CFR § 20.21(j).

[Annotation: Enacted by T-121-08]

32.112.47: TRAPPING PROHIBITED.

Trapping of any fur-bearing animals or predatory animals by non-members is prohibited except by Special Permit issued by the Committee.

[Annotation: Enacted by T-121-08]



CHAPTER 32.114 – SPECIAL PERMITS

32.114.01: AUTHORITY.

The Committee shall be authorized to approve Special Permits to Yakama members or non-members in accordance with this Code and applicable federal law regulating the taking or managing of wildlife.

[Annotation: Enacted by T-121-08]

32.114.03: SPECIAL PERMIT REQUIRED.

- (a) No person shall hunt or take any wildlife or engage in any activity requiring a Special Permit unless at the time of hunting or taking or engaging in such activity he or she has a valid Special Permit approved by the Committee in his or her possession.
- (b) No person hunting or taking wildlife or engaging in any activity requiring a Special Permit shall fail or refuse to exhibit such permit to a game warden upon request.
- (c) Violation of this Section by an Indian is a greater offense and by a non-Indian is a civil offense. Violations of this Section by non-members may also be subject to federal prosecution under 18 U.S.C. § 1165.

[Annotation: Enacted by T-121-08]

32.114.05: FORM AND CONTENTS OF SPECIAL PERMIT.

Each Special Permit under this Chapter shall be issued for a specific activity and shall contain on its face all required conditions in accordance with this Code, any regulations issued thereunder, and any recommendations of WRMP. Each such Permit shall be prepared and issued by WRMP in the name of the Yakama Nation, and signed by the Chairman of the Committee.

[Annotation: Enacted by T-121-08]

32.114.07: PERMIT AGREEMENT REQUIRED.

- (a) All persons to whom Special Permits are issued shall be required to sign a Permit Agreement submitting to the jurisdiction of this Code before any such permit may be valid. The Permit Agreement shall be printed on all permits in the form provided by



Subsection (b) of this Section. The Permit Agreement shall be signed by the applicant, and any permit not so signed is invalid.

(b) Permit Agreement Form:

By his/her signature below, the permittee consents to the jurisdiction of the Yakama Nation over any game violations committed by the undersigned, and agrees to comply with the above conditions and guidelines for this permitted activity. Unless otherwise specified, this Permit does not allow access into the Open Range and Forested “Closed Area.” This Permit releases the Yakama Nation from liability to the permittee due to injuries, disease, or accidental death incurred while acting under authority of this Permit.

Signature of Permittee	Phone	Date
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32.114.09: SPECIAL PERMIT FEES.

Annual administrative fees to be charged for Special Permits shall be prescribed by the Committee.

[Annotation: Enacted by T-121-08]

CHAPTER 32.116 – GAME FARM PERMITS

32.116.01: AUTHORITY.

The Committee shall be authorized to issue permits to operate game farms.

[Annotation: Enacted by T-121-08]

32.116.03: PERMIT AND BUSINESS LICENSE REQUIRED.

No person shall operate a game farm unless a valid permit is issued for such game farm by WRMP and approved by the Committee in accordance with this Chapter. Such person shall also obtain and maintain a business license as required by Title XXX (30) of the Law and Order Code of the Yakama Nation.

[Annotation: Enacted by T-121-08]



32.116.05: PERMITTED SPECIES.

Game farms permitted under this Chapter may purchase, possess, propagate, sell or transfer wildlife species in the families Odontophoridae and Phasianidae.

[Annotation: Enacted by T-121-08]

32.116.07: APPLICATION.

Application for a Game Farm Permit shall be made to the WRMP on a form provided by the WRMP.

[Annotation: Enacted by T-121-08]

32.116.09: PERMIT REQUIREMENTS AND CONDITIONS.

The Committee may issue a permit provided that the applicant meets and agrees to the following requirements and conditions:

- (a) The applicant is the owner or lessee of, or has a possessory interest in the lands and waters indicated on the application as the location of the proposed game farm.
- (b) The rearing and holding facilities are adequate and structurally sound to prevent the escape of game farm wildlife.
- (c) Operating conditions are clean and humane.
- (d) No hazards to Reservation wildlife exist from the operation.
- (e) The permit covers only the immediate premises and area described on the application as the location of the game farm.

[Annotation: Enacted by T-121-08]

32.116.11: FORM AND CONTENTS OF PERMIT.

Each Game Farm Permit under this Chapter shall contain on its face all required conditions in accordance with this Code and any regulations issued thereunder. Each such permit shall be prepared by WRMP, issued in the name of the Yakama Nation, and signed by the Chairman of the Committee.

[Annotation: Enacted by T-121-08]



32.116.13: REPORTS.

Permittees shall make annual reports to the Committee no later than April 30 on forms to be furnished by the Committee or WRMP.

[Annotation: Enacted by T-121-08]

32.116.15: INSPECTIONS.

A game farm permitted under this Chapter must be inspected annually by a licensed veterinarian or other agent of WRMP, with costs paid by the permittee. The inspection shall occur at any time during the months of June, July, or August.

[Annotation: Enacted by T-121-08]

32.116.17: ACQUISITION OF WILDLIFE BY GAME FARM.

A game farm may acquire wildlife only from a game farm permitted under this Chapter or by the State of Washington, or from any other lawful source.

[Annotation: Enacted by T-121-08]

32.116.19: TRANSFER OF WILDLIFE BY GAME FARM.

It shall be unlawful for a game farm permitted under this Chapter to transfer wildlife unless such wildlife is accompanied by a written document containing the following information: (1) name and address of the game farm; (2) date of transfer; (3) number and species transferred; and (4) name and address of transferee. Such document is the transferee's permit to hold such wildlife in captivity and must be retained during the time such wildlife is in his or her possession.

[Annotation: Enacted by T-121-08]

32.116.21: HUNTING PRESERVES.

A game farm permitted under this Chapter may function as a commercial hunting preserve for the hunting or taking of game farm stock only by Special Permit.

[Annotation: Enacted by T-121-08]



32.116.23: PENALTIES.

Violation of any provision of this Chapter by an Indian is a lesser offense and by a non-Indian is a civil offense. It shall be a separate violation of this Chapter for each day the Game Farm operates without any required permit.

[Annotation: Enacted by T-121-08]

CHAPTER 32.117 – PUBLIC WILDLIFE VIEWING PERMIT

32.117.01: PUBLIC WILDLIFE VIEWING PROGRAM.

A program permitting non-consumptive wildlife viewing by non-members on authorized lands within specific time frames within the Reservation is established by this Chapter. The Committee shall be authorized to issue Wildlife Viewing Permits in accordance with this Code.

32.117.03: DESIGNATION OF WILDLIFE VIEWING AREAS AND SEASONS.

- (a) The Committee shall approve designation of properties as Wildlife Viewing Areas and determine the viewing season and days and hours of access.
- (b) Closures of Wildlife Viewing Areas or portions thereof may be made at the discretion of the WRMP Program Manager to protect resources or address any urgent problems that arise.
- (c) Wildlife Viewing Areas and authorized times of use are to be posted at property entry points and associated information made available on the WRMP website.

32.117.05: PERMIT REQUIRED.

- (a) No non-member shall enter posted Wildlife Viewing Areas unless he has a valid permit issued by the Committee in his possession valid for the period of use.
- (b) If issued in the form of a parking permit, the permit must be clearly displayed on the permitted vehicle or (in the case of permits issued to individuals) must be shown to a game warden or authorized representative upon request.
- (c) This permit does not allow for operation of motor vehicles off of established roads open to public access, removal of materials, harassment of wildlife, discharge of firearms or fireworks, consumption of alcohol, overnight camping, or use of campfires or barbeque grills within Wildlife Viewing Areas.



- (c) Violation of any provision above is a gross misdemeanor. Entering Wildlife Viewing Areas by a non-member without a permit, permission of the landowner, or other legal right of access to the property may additionally be grounds for trespass under federal law.
- (d) Special permits may be issued at the Committee's discretion to allow for overnight camping by educational groups.

32.117.07: FORM AND CONTENTS OF PERMIT.

Permits under this Chapter shall be prepared by WRMP and sold via the internet, on-site utilizing secure fee boxes, and/or furnished to the vendors authorized to issue permits. Permits shall be issued in the name of the Yakama Nation and signed by the Chairman of the Tribal Council.

32.117.09: PERMIT AGREEMENT REQUIRED.

- (A) All persons to whom permits are issued shall be required to sign a Permit Agreement submitting to the jurisdiction of this Code before any such permit may be valid. The Permit Agreement shall be printed on all permits in the form provided by Subsection (B) of this Section. The Permit Agreement shall be signed by the applicant, and any permit not so signed is invalid.

(B) Permit Agreement Form:

This Permit allows access only to posted Yakama Nation Wildlife Viewing Areas during authorized days and times, for the purposes of engaging in non-consumptive wildlife viewing activities. In consideration of receiving this Permit, the undersigned permittee acknowledges and consents to the jurisdiction of the Yakama Nation for any violations of Yakama nation law while utilizing Wildlife Viewing Areas under this Permit. The Yakama Nation Strives to ensure the safety of all visitors; however, the undersigned permittee recognizes it is their responsibility to inspect roads, trails and other facilities with and around the activity location and to exercise good judgment during their participation in this activity. The undersigned permittee acknowledges that there is inherent risk with their participation in this activity, such as death and personal injury and sickness, property damage, or other claims resulting in economic loss. These injuries or outcomes may arise from the undersigned permittee's actions, the action, inactions or negligence of another, environmental factors, or the condition of the activity location, including improvements



constructed by the Yakama Nation. The undersigned permittee assumes all risk of their participation in this activity, and agrees to forever indemnify, hold harmless and release the Yakama Nation, their employees, officers, agents and registered volunteers from any and all liability and claims arising out of or incidental to this activity.

Signature of Permittee

Date

32.117.11: PERMIT FEES.

Daily and/or annual fees to be charged for Wildlife Viewing Permits and additional fees for high-value access (such as reserved use of photography blinds) shall be prescribed by the Committee. Revenues are to be utilized by the WRMP for program-associated expenses.

32.117.13: SALE OF PERMITS; VENDOR AGREEMENTS.

Permits under this Chapter shall be issued by persons designated as permit vendors by the Committee. All permit vendors shall be required to sign a Vendor Agreement concerning any reports and revenue required by this Chapter and any adopted regulations.

32.117.15: REPORTS AND RETURNS BY PERMIT VENDORS.

Each permit vendor shall, by the tenth (10th) day of each month, report to the Program Manager all sales of permits and submit all revenue generated by permit sales during the previous month.

CHAPTER 32.118 – CLOSED AREA OF THE RESERVATION

32.118.01: OPEN RANGE AND FORESTED AREA CLOSED.

- (a) The open range and forested area of the Reservation shall remain closed to the general public and shall be known as the Closed Area.
- (b) Entry into the Closed Area is restricted to Yakama members and other persons as permitted entry by this Chapter or otherwise provided within this Revised Law and Order Code of the Yakama Nation.

[Annotation: Enacted by T-121-08]



32.118.03: COMMITTEE AUTHORITY – SPECIAL COURTESY PERMITS.

- (a) The Committee is authorized to issue Special Courtesy Permits. The Special Courtesy Permits shall state the exact privileges granted for entry, as well as any applicable restrictions.
- (b) All decisions by the Committee, or by any official delegated authority under this Chapter, to issue a Special Courtesy Permit is discretionary, and any such permit so issued is fully revocable for any violation of its provisions or of tribal law or federal law.

[Annotation: Enacted by T-121-08]

32.118.05: SPECIAL COURTESY PERMIT APPLICATION.

To be eligible for a Special Courtesy Permit under this Chapter, an applicant for such permit shall submit the following information to the Committee, or any official delegated authority by the Committee to issue such permit:

- (a) Name and address:
- (b) Proof of enrollment or official status; and
- (c) Dates and purpose of entry.

[Annotation: Enacted by T-121-08]

32.118.07: FILING FEES.

Administrative fees to be charged for filing applications shall be prescribed by the Committee, based on the recommendation of the Committee, and shall be non-refundable. The filing fee may be waived at the discretion of the Committee, upon written request of the applicant.

[Annotation: Enacted by T-121-08]

32.118.09: RESTRICTIONS.

The following restrictions apply to all Special Courtesy Permits, unless otherwise specified on the face of such permit:

- (a) The permittee shall be accompanied by a designated official or Yakama member at all times.
- (b) There are no hunting, fishing, or gathering privileges.
- (c) Possession of firearms and/or hunting or fishing equipment is prohibited.



- (d) Operation or transport of ATVs, motorcycles, boats, or canoes is not permitted.
- (e) Transport, possession, or consumption of any intoxicating substance, including liquor or narcotic drugs is prohibited. Any express intent to transport, possess or consume such substances within the Closed Area is also prohibited, and shall subject the permittee to search by law enforcement officials before entry.
- (f) Removal of plants, wildlife, fish, decorative and/or petrified wood, artifacts, and/or mineral is prohibited.
- (g) Entry shall be through designated Gate Guard stations only, and the permittee shall be required to show the permit and identification to the guard on duty.
- (h) Camping shall be at designated camping areas accessible by road only.
- (i) Operation of vehicles off established roads is not permitted.
- (j) The permittee shall respect all tribal resources, and all tribal and United States property within the Closed Area.
- (k) The permit shall be automatically invalid during any period when the Closed Area is restricted for reason fire, flood, snow, volcanic eruption, disaster, or any other emergency.
- (l) The permittee is subject to all applicable tribal laws and penalties provided by this Chapter and the Revised Law and Order Code, and is subject to the jurisdiction of all applicable tribal authorities.

[Annotation: Enacted by T-121-08]

32.118.11: YAKAMA MEMBERS AND YAKAMA NATION EMPLOYEES PERMITTED ENTRY WITHOUT SPECIAL COURTESY PERMIT.

- (a) A Yakama member is not required to obtain a Special Courtesy Permit to enter the Closed Area.
- (b) A Yakama Nation Employee is not required to obtain a Special Courtesy Permit to enter the Closed Area while on official business.

[Annotation: Enacted by T-121-08]



32.118.13: NON-MEMBERS PERMITTED ENTRY WITH SPECIAL COURTESY PERMIT- SPECIAL REQUIREMENTS.

The following non-members may be issued a Special Courtesy Permit, which are required to have in their possession such permit while entering or remaining within the Closed Area:

(a) FAMILY AND RELATIVES OF YAKAMA MEMBER:

A person who is a spouse, dependent (including adopted or foster), or extended family relative of a Yakama member may apply for, and may be issued a permit to enter the Closed Area subject to the following:

- (1) Privilege: For sightseeing, hiking, camping, and/or to assist such Yakama member.
- (2) Restriction: A permit application must be supported by the enrollment card of the Yakama member and a verification of the relationship between the permittee and the Yakama member.

(b) YOUTH OR EDUCATIONAL GROUPS:

A Youth or Educational Group may be issued a permit subject to the following:

- (1) Privilege: For crossing, camping, and general use.
- (2) Restrictions: No hunting, fishing, or removal of natural resources unless otherwise specified. Must be sponsored and chaperoned by a Yakama member and/or a recognized Yakama Nation program.

(c) YAKAMA NATION EMPLOYEES, FEDERAL EMPLOYEES, OR OFFICIALLY APPROVED VOLUNTEERS AND IMMEDIATE FAMILY MEMBERS:

Yakama Nation Employees, Federal Employees, or Officially Approved Volunteers may be issued a permit subject to the following:

- (1) Privilege: Camping, general use for employees and/or officially approved volunteers and/or immediate family members (spouse, child, or relative in household).
- (2) Restrictions: Revocable permit with specified time period.

(d) PERSONS UNDER CONTRACT WITH THE YAKAMA NATION:

- (1) Privileges: Contract service for the Yakama Nation.
- (2) Restrictions: Official business only with specified time period. Cultural, Religious and Public Safety restrictions may be applied when necessary.

(e) SPECIAL GROUPS AND GUEST:

Special Groups and Guests may be issued a permit subject to the following:



- (1) Privileges: General use for groups or guests visiting the Reservation through the Yakama Nation or U.S. Government.
- (2) Restrictions: Discretionary and must be accompanied by a designated official or a Yakama member.

(f) **PERSON WITH BUSINESS OF PROPERTY INTEREST:**

An individual employed by a private business firm that has a bona fide business or property interest located within the Closed Area may be issued a permit subject to the following:

- (1) Privileges: Official business only for person with business or property interests, and their employees.
- (2) Restrictions: Permit shall be renewed annually. Applicant must provide a statement of business, specific location and destination and projected hours of business operation, and the originating firm.

[Annotation: Enacted by T-121-08]

32.118.15: PENALTIES.

Unless otherwise provided within this Code, violation of any provision of this Chapter, or any permit issued under this Chapter, by an Indian is a lesser offense and by a non-Indian is a civil offense.

[Annotation: Enacted by T-121-08]

CHAPTER 32.120 – GENERAL PENALTIES

32.120.01: CRIMINAL SANCTIONS.

- (a) A violation of any provision of this Code, excluding any provision of Chapter 32.112 and Section 32.110.71, by a Yakama member or a non-member Indian shall be a criminal offense, designated by this Code as either a lesser offense or greater offense depending on the severity of the crime.
- (b) Any Yakama member or non-member Indian who has entered a guilty plea to or has been convicted by the Tribal Court of violating any provision of this Code or any regulation



adopted thereunder, excluding any provision of Chapter 32.112 and Section 32.110.71, shall be punished as follows:

- (1) For a lesser offense, by imprisonment for a maximum term of not more than ninety (90) days, or by a fine in the amount of no more than five hundred dollars (\$500.00), or both. In addition, the Court may suspend the violator's hunting or trapping privileges for a maximum of one hundred eighty (180) days following sentencing. The Court may order that the violator pay restitution, court costs, and attorney fees and costs. The Court may consider in imposing sentence the schedule of civil fines and restitution amounts approved by the Committee pursuant to Section 32.120.03. The Court may order a forfeiture of any bail, bond and any other type of surety, as well as any seized property or evidence used in the commission of any violation or resulting therefrom. The Court may order the violator to serve a period of probation and during that probation the violator shall comply with any other conditions the Court deems just. Each additional violation within the same year and/or hunting season shall be treated as a greater offense under Subsection (b) (2) of this Section.
- (2) For a greater offense, by imprisonment for a maximum term of not more than one hundred eighty (180) days, or by a fine in the amount of no more than five thousand (\$5000.00), or both. In addition, the Court may suspend the violator's hunting or trapping privileges for a maximum of three hundred sixty five (365) days following sentencing. The Court may order that the violator pay restitution, court costs, and attorney fees and costs. The Court may consider in imposing sentence the schedule of civil fines and restitution amounts approved by the Committee pursuant to Section 32.120.03. The Court may order a forfeiture of any bail, bond and any other type of surety, as well as any seized property or evidence used in the commission of any violation or resulting therefrom. The Court may order the violator to serve a period of probation and during that probation the violator shall comply with any other conditions the Court deems just.

[Annotation: Enacted by T-121-08]



32.120.03: CIVIL FINE, RESTITUTION, COSTS, FORFEITURE AND SUSPENSION.

- (a) A violation of this Code by a non-Indian, or a violation of Chapter 32.112 of this Code by a non-member Indian, shall be a civil offense in which the Tribal Court may order payment of a civil fine and restitution. The Court may also order the violator to pay court costs and attorney fees and costs. If, on a showing of good cause, the violator is unable to pay the assessed amounts when due, the Court may grant an extension, and may grant additional extensions of time in which such assessed amounts shall be paid or may allow payment in installments. The Court may, in its discretion, waive, reduce, or suspend the assessed amounts prescribed for the violation after a hearing. The Court may order a forfeiture of any bail, bond and any other type of surety, as well as any seized property or evidence used in the commission of any violation or resulting therefrom. In addition, the Court may suspend the violator's hunting or trapping privileges for a maximum of two (2) public hunting seasons following the close of the season in which the violation(s) occurred.
- (b) WRMP shall annually prepare for the approval of the Committee a schedule of civil fines and restitution amounts, which shall be dollar determinations calculated to closely approximate the cost of providing for the damage or loss caused by each violation of this Code and/or regulation adopted under this Code. In calculating these amounts, the Committee may include:
- (1) Costs of producing and/or protecting the resource;
 - (2) Costs of replacing or restoring the resource;
 - (3) Costs of enforcement, including the general overall costs as well as costs particular to individual violations where appropriate;
 - (4) Loss of permit revenue;
 - (5) Damages for trespass;
 - (6) Costs incurred for attorney's fees in Court.
- (c) Pending approval of the initial schedule of civil fines and restitution amounts by the Committee, the following apply for each violation of this Code:
- (1) The civil fine is one hundred and fifty dollars (\$150.00); and
 - (2) The restitution amount is two hundred and fifty dollars (\$250.00).



- (d) All non-members shall be deemed to have consented to the civil fine and restitution provisions of this Code by their entry onto the Reservation, and where applicable, by their signature on a permit or permits issued under this Code.
- (e) WRMP shall publish the schedule of civil fines and restitution amounts, under this Section and have it made available to the public at the office of WRMP, Toppenish, Washington, and at all permit vendor locations.

[Annotation: Enacted by T-121-08]

32.120.05: TRADITIONAL PUNISHMENT.

- (a) Violation of Section 32.110.71 by a Yakama member or a non-member Indian shall be a traditional offense.
- (b) Any Yakama member or non-member Indian who has entered a guilty plea to or has been convicted by the Tribal Court or by other traditional process of violating Section 32.110.71 shall be punished according to traditional law, subject to any limitations imposed by the Indian Civil Rights Act.
- (c) The defendant, Tribal Prosecutor, Tribal Police, witnesses, victims, and any other concerned person shall have a right to an English language interpreter at all stages of the prosecution for violation of Section 32.110.71.

[Annotation: Enacted by T-121-08]

32.120.07: EXCLUSION.

Nothing in this Code shall be deemed to preclude the use of the remedy of exclusion, whether Indian or non-Indian, for violation of this Code, and any game warden or other appropriate tribal official may follow the procedure provided by Section 35.01.03 to initiate an action for exclusion in addition to or in lieu of any other enforcement procedure provided by this Code.

[Annotation: Enacted by T-121-08]

32.120.09: FEDERAL PROSECUTION.

Nothing in this Code shall be deemed to preclude federal prosecution of non-members, whether Indian or non-Indian, for:

- (a) Trespass on tribal lands under 18 U.S.C. § 1165;



- (b) Theft of tribal assets under 18 U.S.C. § 1163;
- (c) Illegal trafficking in wildlife under 16 U.S.C. §§ 3372 and 3373; or
- (d) Other applicable federal laws.

[Annotation: Enacted by T-121-08]

CHAPTER 32.122 – ENFORCEMENT

32.122.01: GAME WARDENS.

All Tribal Police officers and all Tribal game wardens shall have the authority to enforce the provisions of this Code and regulations adopted thereunder. All Tribal Police officers and all Tribal game wardens shall have authority to enter all Closed Areas and other lands and waters of the Yakama Nation without a permit. Such entry shall not constitute a trespass.

[Annotation: Enacted by T-121-08]

32.122.03: TRIBAL PROSECUTOR.

The Tribal Prosecutor shall have authority to enforce the provisions of this Code and regulations adopted thereunder, as well as exclusive authority to prosecute any person for violations of this Code and regulations adopted thereunder. The Tribal Prosecutor shall have authority to enter all Closed Areas and other lands and waters of the Yakama Nation without a permit. Such entry shall not constitute a trespass.

[Annotation: Enacted by T-121-08]

32.122.05: ARRESTS, WARRANTS, SUBPOENAS, AND SERVICE OF PROCESS.

Any game warden may, in addition to exercising any other powers granted in this Code, do the following:

- (a) Make arrest of a Yakama member or a non-member Indian when probable cause has led the game warden to believe a violation of this Code is occurring or has occurred.
Probable cause shall include exigent circumstances which give the game warden reason to believe there is a need for prompt action;
- (b) Execute warrants issued by the Tribal Court for the arrest of Yakama members or non-member Indians who have violated the provisions of this Code;



- (c) Execute search warrants issued by the Court in matters arising under this Code or applicable federal laws;
 - (d) Serve subpoenas or other legal documents issued in matters arising under this Code.
- [Annotation: Enacted by T-121-08]

32.122.07: SEARCHES AND SEIZURES.

- (a) Any game warden may, without a search warrant, search any aircraft, watercraft, vehicle, box, game bag, locker, backpack, bedroll, sleeping bag, or other container or package if the officer has probable cause to believe that wildlife or parts thereof taken in violation of this Code, or the instrumentalities of such taking, are contained therein.
- (b) This Section shall not be construed to permit the warrantless search of any non-mobile dwelling house (including mobile/modular homes) or any outbuilding within the enclosed land surrounding it.
- (c) Any game warden may inspect all wildlife or parts thereof taken, possessed, or transported, and may seize as evidence all wildlife which such officer has probable cause to believe has been taken, possessed, or transported in violation of this Code, and any object which the officer has probable cause to believe has been used as the instrumentality of such illegal taking, possession, or transportation.
- (d) The Court may subject to forfeiture, by court order, any contraband wildlife, or any personal property used in a violation of this Code and seized by a game warden, including, but not limited to, motor vehicles, watercraft, firearms and hunting gear.

[Annotation: Enacted by T-121-08]

32.122.09: DETERMINATION OF MEMBERSHIP.

Any game warden who has reasonable grounds to believe that a person has violated a provision of this Code, either in or out of the officer's presence, shall identify himself or herself to such person and promptly determine whether the person is a Yakama member or a non-member. In making such determination, the officer may ask to see the person's enrollment card, identification, or permit, and ask questions as the game warden reasonably believes are necessary for making the identification.

[Annotation: Enacted by T-121-08]



32.122.11: NO IDENTIFICATION.

- (a) If a person does not identify himself or herself, and the game warden has reasonable grounds to believe that such person is a Yakama member or a non-member Indian, such person may be arrested in accordance with RYC Chapter 6.01.
- (b) If a person does not identify himself or herself, and the game warden has reasonable grounds to believe that such person is a non-Indian, the officer shall issue and file a civil citation in accordance with this Chapter, substituting for the suspected violator's name a fictitious name such as John Doe. Upon determination of the true name of any defendant designated by a fictitious name in a civil citation, the Tribal Prosecutor may amend the complaint to reflect the defendant's true name.

[Annotation: Enacted by T-121-08]

32.122.13: CIVIL CITATION AND CIVIL COMPLAINT.

- (a) A civil citation constitutes a notice of civil infraction or violation by a non-Indian, or non-member Indian as to Chapter 32.112, and shall satisfy all requirements for the filing of a civil complaint in Tribal Court under Chapter 7.01 of the Yakama Nation Revised Law and Order Code.
- (b) If, after identification, a game warden determines that the suspected violator is not an Indian, or non-member Indian as to Chapter 32.112, the officer shall issue to him or her a civil citation for the violations alleged, and release the suspected violator after he or she has signed the citation. Civil citations issued subsequent to an investigation shall be served on the defendant by both certified mail and first class mail. Certification of service of the citation shall be indicated on the face of the citation by the issuing officer. One copy of the citation shall be filed by the issuing officer with the Court.
- (c) Any defendant named in the civil citation who does not contest the determination and that the violation(s) took place shall, within fifteen (15) days from the date of the citation, respond by completing the appropriate portion of the citation and submitting it either by mail or in person to the Court. A check or money order in the amount of the civil fine set out in the citation must be submitted with the response.



- (d) When a response under this subsection is received, an appropriate notation shall be entered in the Court's records. No further proceedings for a particular violation shall be initiated against any defendant who pays the civil fine for such violation.
- (e) If the defendant named in the civil citation wishes to contest the determination that the violation(s) took place, or wishes to explain mitigating circumstances surrounding the violation, the defendant shall, within fifteen (15) days of the date of the citation, respond by completing the portion of the citation requesting a hearing for such purpose and shall submit it either by mail or in person to the Court.
- (f) The Tribal Prosecutor may file a civil complaint against the defendant in lieu of the foregoing procedures.

[Annotation: Enacted by T-121-08]

32.122.15: CRIMINAL CITATION AND CRIMINAL COMPLAINT.

- (a) A criminal citation constitutes a notice of a criminal offense by a Yakama member or a non-member Indian and shall satisfy all requirements for the filing of a criminal complaint in Tribal Court under Section 6.01.03. The Tribal Prosecutor may file a criminal complaint against the defendant in lieu of a criminal citation.
- (b) If after identification the suspected violator is determined to be a Yakama member or non-member Indian, the game warden shall issue to him or her a criminal citation, and release the suspected violator after he or she has signed the citation, unless he or she is otherwise subject to arrest according to tribal laws governing the arrest of persons on citable offenses.

32.122.17: TRADITIONAL COMPLAINT.

- (a) Game wardens shall investigate and submit Standard Incident Reports for review by the Tribal Prosecutor for violations of traditional law committed by Yakama members and non-member Indians.
- (b) The Tribal Prosecutor may process any violations of traditional law pursuant to a traditional process or by Traditional Complaint filed with Tribal Court.

[Annotation: Enacted by T-121-08]



32.122.19: BOND.

If a suspected violator refuses to sign a civil citation or a criminal citation, or refuses to be identified, or is not a Yakama member and not a permanent resident of the Reservation, and if the game warden determines that:

- (a) Seizure of the suspected violator’s property is necessary to secure the important tribal interest of guaranteeing the presence within tribal jurisdiction of sufficient assets of the suspected violator to secure payment of the civil fine and restitution determined by the Court to have resulted from the violation of this Code, or in the case of a criminal citation to insure presence at trial, and
- (b) There is need for prompt action because it is likely that the suspected violator will leave the Reservation and tribal jurisdiction with his or her property and not return, then the game warden may demand that the suspected violator post a bond in an amount equal to the sum of the civil fine and restitution or bail for which he or she could be found liable by the Court for the violation(s) the officer has alleged in the civil citation or criminal citation.

[Annotation: Enacted by T-121-08]

32.122.21: BOND DEPOSIT AND STORAGE.

Within two (2) business days of being posted all cash bonds shall be deposited in a trust account established by the Court. All bond property shall be deposited with Tribal Police in secure storage within twenty-four (24) hours of being posted.

[Annotation: Enacted by T-121-08]

32.122.23: DISPOSITION OF SEIZED OR FORFEITED WILDLIFE AND PROPERTY.

- (a) Upon issuance of a citation or complaint the game warden shall retain all wildlife in the possession of the suspected violator. Until the alleged violation is resolved by the Court, or the suspected violator either fails to appear or admits the violation, the wildlife seized shall be preserved to the extent possible.
- (b) If the Court determines that the suspected violator has not violated this Code or regulations adopted thereunder, the seized wildlife shall be returned if possible.



- (c) The Yakama Nation Chief of Police shall prepare a report of all wildlife, weapons, and devices seized by the game wardens showing a description of the items, the person from whom they were seized, if known, and the disposition of the items. This report shall be presented to the Committee annually and also distributed to the WRMP.
- (d) All money derived from the sale of any forfeited property shall be disbursed to the Yakama Nation Game Wardens' Self Funded Account.

[Annotation: Enacted by T-121-08]

32.122.25: DISPOSITION OF FINES AND OTHER MONIES.

Except as otherwise provided within this Section, all fines or other monetary penalties owed to the Yakama Nation collected for violations of this Code or regulations adopted thereunder shall be disbursed to the Yakama Nation Game Warden's Self Funded Account, PROVIDED, however, that cash bonds, unless forfeited or otherwise resolved after hearing, shall be deposited in a trust account as provided by Section 32.122.21 of this Code. All restitution owed to the Yakama Nation shall be disbursed to the WRMP Self Funded Account to be applied to Wildlife Restoration Efforts. All attorney fees and costs owed to the Yakama Nation shall be disbursed to the Yakama Nation Prosecutor's Office's Self Funded Account. Court costs owed to the Yakama Nation shall be disbursed to the Yakama Nation Tribal Court's Self Funded Account.

[Annotation: Enacted by T-121-08]

32.122.27: NOTIFICATION OF WRMP.

Upon a criminal conviction, or a final civil judgment against any person for violation of this Code, the Court shall notify the WRMP if the final assessed penalty includes suspension of the violator's hunting privileges.

[Annotation: Enacted by T-121-08]



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