Yurok Tribal Code, Natural Resources

WILDLIFE HARVEST ORDINANCE

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

GENERAL PROVISIONS

SECTION 2001. Short Title

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

SECTION 2002. Findings

The Council hereby finds as follows:

(a) Since time immemorial deer, elk, bear, mountain lions, waterfowl and other wildlife species have been deeply important to the Yurok People, sharing our world, and important for cultural, ceremonial, religious, subsistence, and other purposes fundamental to the Tribe’s way of life.

(b) Community concerns describe an imbalance in traditionally and ecologically important wildlife species on the Yurok Reservation. A community survey found that this imbalance was due to changes in hunting practices, and habitat modification, which have affected wildlife populations within the Yurok Reservation and Yurok Ancestral Territory. These changes were in large part due to restrictions placed on the Yurok people that kept them from engaging in traditional land stewardship.

(c) Changes in hunting practice that are contributing to wildlife imbalance include: over harvest, imbalanced harvest, introduction of toxic lead into the environment through use of lead ammunition, and loss of traditional relationships with wildlife.

(d) Community findings indicate that regulation based on traditional ethics, along with education based on tradition, is the most effective method to restore ecological balance.

(e) Yurok traditional ecological knowledge recognizes:

(1) Yurok people have always managed Yurok ancestral territory, and are necessary to it, both as care takers and as a part of the system;
(2) Preservation of Yurok traditional knowledge and way of life is critical to the survival of Yurok people, and traditional teachings remain vital to modern wildlife management;

(3) The system of energy which connects all things is called O' loo-lek-wee-s'hon. All parts of the systems, including ourselves, are related to and affect all other parts;

(4) There are spiritual and physical consequences to disrespectful or dishonorable conduct that will impact the one acting.

(5) Our purpose is to balance our world, which includes mental, spiritual, and physical balance, as neither the spirit nor the physical is fulfilled without the other. Hlkey-lo-nah uc meyg-ch-tohl – we take care of the world;

(f) Traditional hunting ethics and practices of particular importance to the tribal membership include:

(1) Recognizing that traditional ethics are a way of life, not just something you put on and take off as desired;

(2) Taking only what is needed;

(3) Not hunting for pride, but only for subsistence;

(4) Taking good care of the animals harvested, including not wasting food or other materials;

(5) Respecting the relationships that exist with wildlife, who were the first people of our world;

(6) Praying prior to, during, and after harvest and always remembering to give thanks;

(7) Hunting with a good heart;

(8) Understanding and complying with the seasons of harvest. There are appropriate times and ways to hunt, harvest, and prepare traditional food. There are inappropriate times as well;

(9) Understanding and complying with appropriate places to hunt;

(10) Sharing with elders and those in need;

(11) Taking care for the spiritual needs of animals, and the spirit people;

(12) Taking action to protect the resource.

Wildlife Ordinance_March-9-2018
(g) The Yurok Constitution mandates that the Tribe shall “restore, enhance, and manage the tribal fishery, tribal water rights, tribal forests and all other natural resources.” (Yurok Constitution, pg 3.)

(h) The Yurok Tribe maintains the sovereign right to manage and regulate tribal activities including fishing, hunting, and gathering for subsistence and cultural purposes in all areas within the Tribe’s jurisdiction. The regulation of Tribal activities is a sovereign responsibility of the Yurok Tribe.

SECTION 2003. Purpose

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

SECTION 2004. Scope

This Ordinance shall govern all persons subject to the jurisdiction within the exterior boundaries of Lands managed by the Yurok Tribe within the Yurok Ancestral Territory.

SECTION 2005. Sovereign Immunity Preserved

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

SECTION 2006. Severability

If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the Ordinance or application of its provisions to other persons or circumstances shall remain in effect, and to this end, the provisions of this Ordinance are severable.

SECTION 2007. Effective Date

This Ordinance shall be implemented under a staged approach over three years, beginning the date of adoption of the ordinance by Council

(a) Year One – Level four offenses under Section 2416 shall be punishable offenses. All other violations under this Ordinance will be considered under voluntary compliance with no repercussion according to violation policy adopted by Council.

(b) Year Two – Level three and level four offenses under Section 2416 shall be punishable offenses. All other violations under this Ordinance shall be treated as if
an Attempted Violation under Section 2414 and shall gain a citation that will be maintained on the individual’s record in accordance with that section.

(c) Year Three – This Ordinance shall come into full operative effect.


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

SECTION 2009. Definitions

(a) *Antlerless Deer or Elk* means all does, cows, fawns and calves. Bull elk and buck deer are considered antlerless until they have acquired at least two inches of growth on at least one antler.

(b) *Aquatic Game Birds* means coots, ducks, and geese.

(c) *Culture Committee* means the appointed members of the Yurok Tribe Culture Committee.

(d) *Hunt* means to actively engage in the steps, process, or pursuit leading up to take.

(e) *Reservation or Yurok Reservation* means all lands within the exterior boundaries of the Yurok Tribe Indian Reservation.

(f) *Rim Fire Ammunition* means ammunition that causes a bullet to be discharged from a firearm because the firing pin strikes the rim of the cartridge, and not the center. Rim fire cartridges include, but are not limited to, 4mm, .22, .17, and .267 caliber ammunitions.

(g) *Nuisance* means there is reasonable cause to believe an animal is threatening human life, killing livestock or other domestic animals, or repeatedly destroying property.

(h) *Season* means the time period when it is legal to harvest a particular species.

(i) *Take or harvest* means to intentionally harm, wound, trap, capture, kill or bring about the death of wildlife.

(j) *Tribe* means the Yurok Tribe acting through the Tribal Council and its authorized entities and programs.

(k) *Tribal Council* means the Yurok Tribal Council.
Tribal Lands means all fee lands owned or managed by the Tribe or other Tribal entity and any lands held in trust for the Yurok Tribe.

Tribal Member means a duly enrolled member of the Yurok Tribe listed on the Yurok Tribal Membership Roll.

Valid hunting certificate means a certificate, properly issued by the Yurok Tribe Wildlife Program to the person possessing the certification, which has not been invalidated through suspension of hunting rights or other means.

Vehicle means any mechanized mode of transportation including but not limited to, automobiles, watercrafts, motorized bicycles, and all-terrain vehicles.

Wildlife means animals that live in the wild and domesticated and feral animals.

Yurok Ancestral Territory means that area as described in the Yurok Constitution Article I, Section 1.

Wildlife Program means the Yurok Tribe Wildlife Program, a Natural Resources subprogram of the Yurok Tribe.

CHAPTER 1. HUNTER REQUIREMENTS

SECTION 2101. Hunting Certification

(a) In order to hunt or harvest wildlife within Yurok Ancestral Territory, the following individuals are required to obtain hunting certification by completing an official Yurok Tribe Hunter Education Course:

(1) Tribal Members who are under the age of 18 at the effective date of this Ordinance; and

(2) all non-Tribal Member individuals.

(b) The Yurok Tribe Wildlife Program shall be responsible for issuing hunting certificates upon completion by individuals of Yurok Tribe Hunter Education Courses.

(c) When hunting, individuals who fall under Section 2101(a) must have a Valid Hunting Certificate on their person.

(d) Notwithstanding Section 2101(a), the Yurok Tribe encourages all Tribal Members intending to hunt or harvest wildlife within Yurok Ancestral Territory to complete the Yurok Tribe Hunter Education Course, which promotes safe hunting and harvesting practices consistent with Yurok traditional ecological knowledge.
(e) A person commits a level one offense if the person violates Section 2101.

SECTION 2102. Harvest Reporting Requirements

Any person engaged in the harvest of an animal managed under this ordinance is asked to voluntarily report their harvest as a tool for determining wildlife population health and availability. Report forms can be acquired at the Klamath and Weitchpec offices, or online at http://www.yuroktribe.org/reporting.htm. To be effective as a management tool, report forms must be filled out as soon as possible after the harvest of the animal, and received by the Wildlife Program:

(a) A filled-out report form indicating where on the Yurok Reservation an animal has been taken will serve as a transport tag if necessary on lands off the Reservation. The transport tag will only be applicable for animals harvested on the Reservation, as animals harvested off the Reservation are considered to be co-managed along with other jurisdictional authorities with which tribal members are legally obligated to comply.

(b) Completed forms may be mailed to the Yurok Tribe’s Klamath administrative office, or dropped off in report boxes at the Klamath or Weitchpec administrative offices, or online at www.yuroktribe.org/reporting.htm.

(c) Hunting zones (map below) are included here as guidance for report form required information. There are no zone-dependent restrictions; the information on location
of harvest is intended to help inform management decisions, including focus on land improvement to support wildlife populations.

SECTION 2103.  Hunting By Minors

Minors who are enrolled Yurok Tribal Members may acquire certification at any age so long as they meet all other licensing requirements set forth by the Wildlife Program. However, when hunting for all species, minors under the age of 12 must be accompanied by an individual aged 17 years or older.

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

SECTION 2104.  Assistance By Uncertified Persons and Tribally Certified Non-Tribal Members

A validly tribally certified hunter may be assisted by an uncertified tribal member, so long as the uncertified tribal member does not carry a weapon or utilize a weapon to harvest any wildlife, or by a tribally certified non-tribal member.

A person commits a level one offense if the person violates Section 2104.

SECTION 2105.  No Hunting Permit Required for Tribal Members

No Tribal hunting permit is required for Tribal Members hunting within Yurok Ancestral Territory. Other co-jurisdictional authorities may require licensing if hunting outside of the Reservation.

SECTION 2106.  Hunting Permits for Non-Tribal Members

A hunting permit is required for all non-Tribal Members hunting within Yurok Ancestral Territory.

The Yurok Tribe Wildlife Program may issue hunting permits to non-Tribal Members according to criteria established by the Tribal Council through a non-Tribal Member Hunting Policy. The Tribal Council may impose fees as a condition to receiving a permit.

SECTION 2107.  Elk Tag

All tribal hunters seeking to harvest an elk are eligible to receive an annual elk tag. Hunters must submit an annual application and receive a tag from the Wildlife Program authorizing the harvest of one elk during that year’s elk season. Tags are not transferrable between years They must be used within the year that they were granted.

SECTION 2108.  Elder Proxy

Elder and disabled tribal members may designate a certified proxy hunter to help provide for their subsistence need.
CHAPTER 2. HARVEST MANAGEMENT

SECTION 2201. Hunting Season

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

(a) Hunting is prohibited for all species in November, as a near approximation of the 3rd lunar month, traditionally a time of rest for the spirits.

(b) Deer and elk season will not be restricted by season, but rather by life-stage. Deer and elk must have antlers as described in Sections 2301 and 2302.

(c) Aquatic game bird season will start annually on the first Saturday in October and end the last Saturday in January, with the exception of geese. The season for hunting geese will start the first Saturday in October and end the third Sunday in February. There will be a break in these seasons as described in Section 2201(a).

(d) Small mammal and upland game species season will start annually on the first Saturday in August and end the final Sunday in December.

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

SECTION 2202. Hunting Hours

No wildlife species shall be hunted or harvested once it is one half hour after sunset nor before it is one half hour before sunrise, and conditions must allow for sufficient visibility for hunters to clearly identify their target.

A person commits a level two offense if the person violates Section 2202.

SECTION 2203. Council Authorization of Hunting Event or Season and Revision of Permitting Process

The Tribal Council, in its sole discretion, from time to time may authorize special hunting events or seasons and revise permitting processes. Such modifications shall be conducted in accordance with special hunting event plans pursuant to the direction and authorization of the Yurok Tribal Council, in coordination with findings and recommendations of the Natural Resource Department.

SECTION 2204. Spotlighting

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

A person commits a level two offense if the person violates Section 2204.
SECTION 2205. Use of Projectiles from Vehicle

The use of a firearm or other projectile weapon, such as a bow and arrow or crossbow, from a moving vehicle is prohibited at all times. If on land, hunters must have their feet on the ground to hunt. An exception is made for elders and the disabled, who may fire from a stopped vehicle without exiting.

A person commits a level two offense if the person violates Section 2205.

SECTION 2206. Rimfire Ammunition

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

A person commits a level two offense if the person violates Section 2206.

SECTION 2207. Non-Lead Ammunition

The use of lead ammunition is prohibited for the take, harvest, or management of wildlife or domestic livestock.

(a) Lead ammunition may only be utilized if there is reasonable cause to believe the animal poses an immediate threat to life or property, and non-lead ammunition is unavailable.

(1) If the take or harvest of an animal is achieved with lead ammunition pursuant to (a) the responsible party must properly dispose of the carcass.

(2) Proper disposal means placement of the carcass in a plastic bag labeled “animal waste” and transporting it to a registered disposal site. If there is reasonable cause to believe the animal was rabid, the responsible party must immediately contact the appropriate State/County Animal Control or the Yurok Tribe Public Safety Department.

(3) If the responsible party harvests the carcass for personal consumption, all unused remains must be disposed of in the manner described in subsection (2) above.

(4) If the carcass is too large to remove in its entirety, all meat and organs that have been contaminated with the lead ammunition must be disposed of as described in subsection (2).

(5) Any harvest of animals with the use of lead ammunition must be reported to the Wildlife Program as soon as practicable, and under no circumstance later than 5 days from the harvest.

(b) A person commits a level three offense if the person violates Section 2207(a).

SECTION 2208. Lands Access
Hunters must comply with the following access restrictions that apply to the various land types found within the Reservation:

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

(b) **Private or Commercial Lands**: Access for hunting on privately or commercially owned property is at the discretion of the private or commercial property owner. Access without prior permission may be considered trespassing by the private or commercial property owner. It is the responsibility of the individual to acquire permission for access prior to engaging in any hunting activity. It is recommended that such permission be secured in writing.

(c) **Federal Lands**: All federal restrictions on harvest on federal lands will remain in effect in addition to Yurok laws.

**SECTION 2209.  Hunting Restrictions near Structures**

All hunting and the take or harvest of wildlife is prohibited within 150 yards of any dwelling, home, outbuilding, or other structure, unless the take is in accordance with Section 2303 or Section 2304.

**SECTION 2210.  Hunting Prohibitions and Restrictions in Sacred Sites**

All hunting and the take or harvest of wildlife is prohibited:

(a) in ancestral village sites and at high sacred sites; and

(b) around ceremonial sites and trails, while ceremonies are active at those locations.

**SECTION 2211.  Use of Vehicular Roads on Tribal Lands**

Vehicular road access on tribal lands will be limited to rocked or paved roads in the time period from October 15th to May 15th annually in order to preserve roads and protect natural resources, as described in the Aquatic Habitat Conservation Plan. Other roads will remain accessible by ATV and non-vehicular modes of transportation. A map of rocked roads as of 2015 can be found on the Yurok Tribe Wildlife Program website.

A person commits a level two offense if the person violates Section 2211.

**SECTION 2212.  Snares, pits, & other passive hunting methods**
When utilizing snares, pits, or other passive traditional methods of take for large game the hunter must be within hearing distance of the device when in use, and make a quick clean kill when an animal is trapped. The hunter must disable those mechanisms when absent. All traps used will be humane, cruelty free traps that capture animals as painlessly as possible.

Snares and traps for small game must be checked daily.

A person commits a level two offense if the person violates Section 2212.

**SECTION 2213. Wanton Waste**

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

**SECTION 2214. Sale of Meat**

The sale of meat from animals whose harvest was pursuant to this Ordinance, or as modified by Council directive, is prohibited. Meat shall only be bartered for goods and services, and to tribal members only. Created items can be used for barter or sale.

**CHAPTER 3. WILDLIFE MANAGEMENT**

**SECTION 2301. Deer**

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

(a) Harvest of antlerless deer is prohibited at all times.

(b) Harvest of deer is limited to bucks with at least one tine.

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

**SECTION 2302. Elk**

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

(a) Harvest of antlerless elk is prohibited at all times.

(b) Harvest of elk is limited to bull elk with at least one tine.

(c) Individuals who apply for and receive a tag may take one elk within that year’s hunting season after first obtaining authorization by the Yurok Tribe Wildlife Program pursuant to section 2106. Tags are not transferrable between years.
A person commits a level three offense if the person violates Section 2302.

SECTION 2303. Bear

(a) Due to the cultural relationship of Yurok people with bears, the take of bear is prohibited unless:

(1) the bear is on one’s own personal property or on the property of another land owner who has granted the hunter permission to take the bear, or;
(2) the take was a necessary act of self-defense, the defense of others, or the immediate defense of personal property; or

(b) To aid in population management, all bears killed must be reported to the Yurok Tribe Wildlife Program as described under Section 2102.

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

SECTION 2304. Mountain Lion

(a) Due to their nature as a keystone species, the take of Mountain Lion is prohibited unless: the take was a necessary act of self-defense, the defense of others, or the immediate defense of personal property.

(b) To aid in population management, all mountain lions killed must be reported to the Yurok Tribe Wildlife Program as described under Section 2102.

A person commits a level two offense if the person violates Section 2304.

SECTION 2305 Domesticated Animals

Domestic livestock must be corralled, and/or marked with a brand, tag, collar or other clearly visible marker that denotes the ownership of the animal. If appropriately marked, those animals will not be allowable for take. However, loose animals that cause damage to private or Tribal property or ecologically valuable resources may incur penalties against the owner. Unmarked animals will be considered feral and will be considered available for take.

SECTION 2306. California Condor

Take of California condor is strictly prohibited.

A person commits a level four offense if the person violates Section 2306.

CHAPTER 4. ENFORCEMENT SANCTIONS
SECTION 2401. Cooperation with Law Enforcement

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

SECTION 2402. Prosecution

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

SECTION 2403. Citations

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

SECTION 2404. Search of Personal Property

Law enforcement officers who have a reasonable cause to believe that any personal property contains any wildlife harvested or hunted in violation of this Ordinance, or personal property that was used to harvest or hunt wildlife in violation of this Ordinance, or that may be hiding wildlife from law enforcement may search the property to investigate whether wildlife was harvested or hunted in violation of this Ordinance.

SECTION 2405. Search of Real Property

Law enforcement officers have the authority to enter real property to determine if wildlife was taken or hunted in violation of this Ordinance to the fullest extent allowed under the law.

SECTION 2406. Search of Vehicle

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

SECTION 2407. Seizure and Forfeiture of Hunting Gear

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

SECTION 2408. Forfeiture Proceedings

(a) Forfeiture; Identified Owner. When weapons, gear or wildlife is seized and the owner is identified, the Tribal Prosecutor shall review the case and either:

(1) Serve notice of a complaint for forfeiture or violation of this Ordinance, in accordance with Tribal Court Rules, to every person known to have an alleged interest in the property subject to forfeiture; or

(2) Authorize law enforcement officers to release, without a court order, any weapons, gear or wildlife seized when the prosecutor declines to prosecute a person for an alleged violation of this Ordinance.

(b) Forfeiture; Unidentified Owner. When weapons, gear or wildlife is seized and the owner is unknown to the enforcement officer, the enforcement officer shall post notice of the seizure in the immediate vicinity of where the weapons, gear or wildlife was seized. The posting of such notice shall constitute notice of forfeiture. Notice of forfeiture may also be perfected by publishing notice of the seizure in the Tribe's periodic newsletter. The Tribal Prosecutor shall review the case and file a complaint in rem for forfeiture or violation of this Ordinance. The Tribal Prosecutor may authorize law enforcement officers to release, without a court order, any weapons, gear, or wildlife seized.

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

(d) Clear Title After Forfeiture. Following the Tribal Court's disposition of the underlying legal action, law enforcement shall have clear title to weapons, gear or wildlife that is forfeited.

SECTION 2409. Use of Seized Wildlife
All seized wildlife may be utilized for subsistence or ceremonial purposes, be donated to an elders' program if edible, or be destroyed if inedible.

SECTION 2410. Complaint Procedures

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

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

SECTION 2411. Officer's Ability to Act under Yurok Constitution

Nothing in Sections 2401 - 2410 shall be interpreted to limit an officer's ability to act under the Yurok Constitution.

SECTION 2412. Sanctions

Any violation of this Ordinance is punishable by a fine in addition to any other specified sanction. The Tribal Court maintains discretion to impose any of the following sanctions for violation of this ordinance, in addition to those fines and penalties specifically prescribed at Section 2416.

(a) Administrative and enforcement fees and costs;
(b) Restitution;
(c) Community Service;
(d) Civil forfeiture of hunting or fishing gear;
(e) Suspension of Tribal privileges, including commercial and subsistence fishing rights; and
(f) Exclusion or banishment from the Yurok Reservation.

SECTION 2413. Monetary Civil Fines or Penalties

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

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

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

SECTION 2414. Attempted Violation

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

SECTION 2415. Multiple Violations

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

SECTION 2416. Offense Levels and Penalties

(a) Level One. Penalties for a level one offense are:

(1) First Offense. The violator will be required to watch the Wildlife Harvest Management video.

(2) Second Offense. A fine of up to $500 will be imposed.

(3) Third Offense and Subsequent Offenses. A fine of up to $800 will be imposed. Weapons, gear, and wildlife will be seized, and forfeited if warranted.

(b) Level Two. Penalties for a level two offense are:

(1) First Offense. A fine of up to $500 will be imposed, and the violator will be required to undergo Yurok hunter certification.

(2) Second Offense. The violator’s hunting rights will be suspended for 12 months and a fine of up to $800 will be imposed.

(3) Third Offense and Subsequent Offenses. A fine of up to $800 will be imposed, weapons, gear and wildlife will be seized, and forfeited if warranted, and hunting rights will be suspended for 24 months.

(c) Level Three. Penalties for a level three offense are:

(1) First Offense. Illegally taken wildlife will be seized, and forfeited. Weapons and gear will be seized for potential forfeiture, and the violator will be required to undergo Yurok hunter certification.

(2) Second Offense. The illegally taken animal will be seized and forfeited. Weapons and gear will be seized for potential forfeiture, a fine of up to $500
will be imposed, and the violator’s hunting rights will be suspended for 12 months. Violator’s commercial fishing license may be suspended for up to 30 days.

(3) Third Offense and Subsequent Offenses. The illegally taken animal will be seized and forfeited. Weapons, and gear will be seized for potential forfeiture, a fine of up to $1,000 will be imposed, and the violator’s hunting rights will be suspended for two seasons. Violator’s Commercial Fishing License shall be suspended for 30 days and subsistence fishing rights may be suspended for up to 30 days.

(4) Fourth offense and Subsequent Offenses. Weapons, gear, and illegally taken wildlife will be seized and forfeited. Hunting and commercial fishing rights and licenses will be suspended for a time length at the discretion of the Tribal Court, and a fine of up to $2,000 shall be imposed.

(d) Level Four. Penalties for level four offense are:

(1) First Offense. Illegally taken wildlife will be seized, and forfeited. Weapons and gear will be seized for potential forfeiture, and the violator will be required to undergo Yurok hunter certification. A fine of $30,000 or greater, depending on the degree of the offense, will be imposed for take of endangered species, per the discretion of the court. Hunting and commercial fishing rights and licenses will be suspended for a time length at the discretion of the Tribal Court.

CHAPTER 5. JURISDICTION OF THE TRIBAL COURT

SECTION 2501. Tribal Court Jurisdiction

The Tribal Court has jurisdiction over violations of this Ordinance.

SECTION 2502. Consent to Tribal Court Jurisdiction

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

SECTION 2503. Confidentiality of Tribal Court Records for Juveniles

All Yurok Tribal Court and enforcement records concerning violations or alleged violations which occurred when the violators or alleged violators were under the age of 18 shall be strictly confidential. Records for juveniles shall be sealed, except upon order of the Tribal Court upon its own motion or that of a party. Records may only be released to other agencies or persons by
petition to and order of the Tribal Court. Nothing in this paragraph shall bar the use of statistical compilations of juvenile records.

SECTION 2504. Tribal Court Discretion

(a) The Tribal Court maintains discretion to impose any of the fines or penalties in Section 2413 for violation of this Ordinance.

(b) Reduced Penalties. The Tribal Court may convert penalties to community service at its discretion for first time offenders for offenses that do not facilitate or result in the unlawful take of wildlife. Community service may be ordered as an alternative to all or any part of the penalties which otherwise would be imposed.

(c) Community Service. Imposing community service is left to the discretion of the Tribal Court. If a person does not obey the terms of any order to complete community service then it shall be converted into the penalty specified for the original offense under Section 2416.

(d) Prior Convictions. Prior convictions are calculated from the conviction date of a wildlife ordinance offense within the preceding five-year period.

SECTION 2505. Failure to Appear; Trial in Absentia

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

SECTION 2506. Failure to Obey Tribal Court Order

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

(b) Any eligible individual who fails to comply with a lawful order of the Yurok Tribal Court suspending that person's hunting and/or fishing rights shall be guilty of a level three offense.

SECTION 2507. Tribal Council as Appellate Court for Certain Matters

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

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

DATED THIS _____th DAY OF