

Yurok Tribal Code, Natural Resources

YUROK TRIBE BIG GAME HUNT REPORTING 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 provide for greater understanding of big game populations and Tribal member use of such resources within the Yurok Reservation:

GENERAL PROVISIONS

SECTION 9001. Short Title

Sections 9001 through 9302 shall be referred to as the “Yurok Tribe Hunt Reporting Ordinance.”

SECTION 9002. Findings

The Council hereby finds as follows:

(a) Since the time of European arrival, big game populations have decreased drastically in Yurok Ancestral Territory and on the Reservation due to changes in hunting methods and land management, such as prohibition of native burn practices, deforestation, and pesticide use, and significant increases in hunting pressure.

(b) The decrease in game populations impacts the Yurok Tribal membership in their ability to sustainably provide food for subsistence and materials for cultural use.

(c) 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.”

(d) There is no data in regards to the numbers of deer, bear, elk, and other large game that are currently being taken for subsistence or cultural use on the Yurok Reservation.

(e) This data is requisite for effective management of harvestable game and ensuring healthy big game populations for generations to come.

(f) Bear is not a traditionally hunted resource for the Yurok people. The take of established nuisance bear for the protection of humans and of property is occasionally necessary due to the influx of bears presenting a threat to human life.

SECTION 9003. Purpose

This ordinance is enacted for the purpose of gathering data regarding tribal harvest of big game on the Reservation, particularly in regards to deer, elk, bear, mountain lion, and wild pig or boar, as a tool for understanding big game populations and their use by and for the Yurok Tribal membership.

SECTION 9004. Scope

This ordinance shall govern all persons under Tribal jurisdiction within the Reservation.

SECTION 9005. 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 9006. Severability

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

SECTION 9007. Definitions

- (a) *Council* means the Yurok Tribal Council.
- (b) *Reservation* or *Yurok Reservation* means all lands within the exterior boundaries of the Yurok Tribe Indian Reservation.
- (c) *Take* means to intentionally harm, pursue, hunt, wound, kill trip, capture, collect or attempt to engage in such conduct.
- (d) *Tribe* means the Yurok Tribe acting through the Tribal Council and its authorized entities and programs.
- (e) *YTWP* means the Yurok Tribe Wildlife Program.
- (f) *Yurok Ancestral Territory* means that area as described in described in the Yurok Constitution Article I, Section 1.

CHAPTER 1. REPORTING AND DATA MANAGEMENT

SECTION 9101. Information to be Reported

All deer, elk, bear, mountain lion, and wild pig or boar taken on the Reservation shall be reported within one week of acquisition to the Yurok Tribe Wildlife Program. This report will include information on date taken, name and age of hunter, Yurok Reservation Hunt Zone (defined at the upriver and downriver borders by major creeks), location, species, gender, and horn points on animal if applicable.

Report forms can be acquired at the Klamath or Weitchpec Tribal offices, online at the YTWP's website, or via transfer of information over phone to YTWP.

SECTION 9102. Reporting Requirements

Any person taking an animal under this ordinance must have on that person an appropriate report form. The report form must be completed before the person leaves the field dressing site. The report form information must be submitted to YTWP within one week of taking an animal. Completed paper forms shall be either mailed to the Tribe's Klamath administrative office at Yurok Tribe, Attn: Yurok Tribe Wildlife Program, 190 Klamath Boulevard, P.O. Box 1027, Klamath, California 95548 or dropped off in person at either the Tribe's Klamath or Weitchpec administrative office.

SECTION 9103. Data Management

All data will be managed and analyzed by YTWP. An annual report of findings will be made available at the Yurok Tribal offices and on the Wildlife Program website.

CHAPTER 2. ENFORCEMENT AND SANCTIONS

SECTION 9201. Ordinance Violations

Any violation of this ordinance is punishable by a fine in addition to any other specified sanction.

SECTION 9202. Fee Schedule

Tribal Council by resolution without amending this ordinance may establish a Wildlife Management Fee Schedule setting sanctions, including fines, for any violation of this ordinance or fees to administer this ordinance.

SECTION 9203. Enforcement

Yurok Tribe Department of Public Safety is authorized to issue citations for any violation of this ordinance.

CHAPTER 3. JURISDICTION OF THE TRIBAL COURT

SECTION 9301. Tribal Court Jurisdiction

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

SECTION 9302. Avoiding Trial

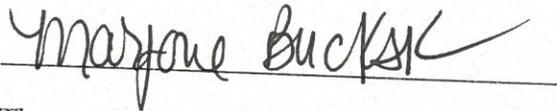
Any person issued a citation under this ordinance may avoid trial on the violation by doing all of the following:

- (a) Comply with any sanction and administrative fee specified for the violation in the Wildlife Management Fee Schedule, and
- (b) Plead either guilty or no contest to the charged violation.

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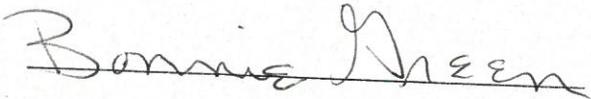
THE FOREGOING ORDINANCE, ENTITLED THE YUOK TRIBE BIG GAME HUNT REPORTING ORDINANCE WAS PASSED AT A REGULARLY SCHEDULED MEETING OF THE YUOK TRIBAL COUNCIL ON SEPTEMBER 19, 2012, AT WHICH A QUORUM WAS PRESENT, AND THIS ORDINANCE WAS ADOPTED BY CONSENSUS IN ACCORDANCE WITH TRIBAL TRADITION AND ARTICLE V, SECTION 6 AND WITH ARTICLE IV, SECTION 5(j) OF THE CONSTITUTION OF THE YUOK TRIBE..

DATED THIS 19th DAY OF SEPTEMBER 2012



^{for} Thomas P. O'Rourke, Sr., Chairperson
Yurok Tribal Council

ATTEST:



Bonnie Green, Secretary
Yurok Tribal Council