



NOOKSACK INDIAN TRIBE

P. O. Box 157
Deming, Washington 98244
Telephone (206) 592-5176

RESOLUTION # 319
DATE ENACTED 24 July 1980
SUBJECT AMENDMENT OF
FISHERIES ORDINANCE

WHEREAS, the Nooksack Tribal Council is the governing body of the Nooksack Indian Tribe; and

WHEREAS, the Nooksack Tribal Council is authorized by the Tribal Constitution to regulate the exercise of Tribal treaty fishing rights; and

WHEREAS, the Nooksack Treaty Fishing Ordinance enacted by the Nooksack Tribal Council on June 3, 1980, now requires amendment to co-ordinate its provisions with the procedures of the Nooksack Tribal court and relevant restrictions on the treaty fishery;

NOW THEREFORE BE IT RESOLVED, that the Nooksack Treaty Fisheries Ordinance be amended in the following manner;

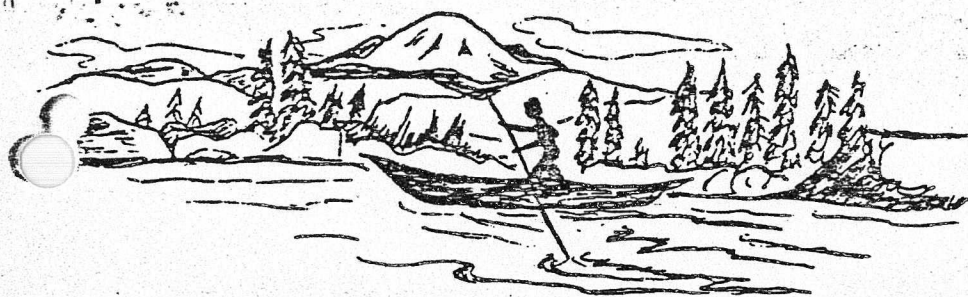
- 1) delete the words "or catch" from the third sentence of Section 3.4.4. so that it reads, "to avoid the loss of net, or damage to the vessel, gear or any person."; and
- 2) re-word Sections 5.2. and 5.3. in the manner set out in the attached memorandum dated July 10, 1980, and captioned, "Fishing Regulation - Chapter 5."

CERTIFICATION

The above resolution was adopted at a regular meeting of the Nooksack Tribal Council held on 24 July, 1980, by a vote of 7 FOR, 0 AGAINST, 0 ABSTAIN, at which time a quorum was present.

Roy A. Roberts
Chairman, Nooksack Tribal Council

James K. Cline
Secretary, Nooksack Tribal Council



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M E M O R A N D U M

TO: Tribal Council
FROM: Stafford Smith
DATE: July 10, 1980
RE: Fishing Regulation - Chapter 5

On June 30, Emily Mansfield and I met with Ted Maloney from the Tribal Court System and Dick Cooper and Dan Cooper from Fisheries to go over Chapter 5 of the Fishing Ordinance to make sure its provisions harmonize with Tribal Court procedures and interpretations. The following changes were recommended:

5.2 Annual Fishing regulations. In the first paragraph, after the sentence defining the "seasonal gear" add the following new sentence:

All Nooksack usual and accustomed fishing grounds and stations shall be closed to tribal fishing unless affirmatively opened by tribal regulation.

5.2.1. Change to read as follows:

The locations and places where the taking and possession of the various classes of fish is permitted or prohibited or otherwise limited and the management periods or seasons governing the proposed Nooksack treaty harvest; provided that the mere recitation or definition of seasons or management periods shall not be construed as a tribal opening or closure with respect to the harvest of any class or species of fish;

These two changes in Section 5.2 were considered necessary to avoid having the tribal Court confuse the definition of management periods in the annual regulations with specific opening and closures.

5.3.1. Change to read as follows:

Effect of emergency regulations. Emergency regulations shall be effective upon their issuance or according to their terms and shall remain effective until ~~is~~ modified or rescinded by the Fisheries

Manager or the Fish Commission. No penalty shall be imposed for a violation of an emergency regulation within 24 hours after its issuance unless the fisher first shall have had actual notice of its issuance. All emergency regulations shall be posted at the Tribal Center and programmed into the Nooksack fisheries telephone hotline.

These changes are to clarify the notice provisions and to bring them into line with fisheries department practices.

5.3.3. Effect of state closures. In the first sentence change "Tribal Council" to "Fish Commission." This corresponds to the procedure of 5.3.2. In the last sentence of the paragraph, change the period at the end to a comma and add the clause:

unless it has been superseded by a later tribal regulation.