

ROUND VALLEY INDIAN TRIBES
A Sovereign Nation of Confederated Tribes

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LOCATION: ON STATE HWY 162
ONE MILE NORTH OF COVELO
IN ROUND VALLEY
TRIBAL TERRITORY SINCE TIME BEGAN

ROUND VALLEY RESERVATION ESTABLISHED 1856

Wildlife Code

of the

Round Valley Indian Tribes

APPROVED: May 15, 2004

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**WILDLIFE CODE OF THE ROUND VALLEY
INDIAN TRIBES**

Article I Statement of Findings

- 1.1 The Round Valley Indian Tribes ("Tribe") retain inherent sovereign authority over their members and their territory in addition to those powers vested in the tribal government under the Constitution of the Round Valley Indian Tribes or delegated to it by Act of Congress. The Tribe shall have jurisdiction over all persons, subjects, property, and all activities occurring within the boundaries of the Reservation or on other lands within its territory.
- 1.2 The Round Valley Indian Reservation, consisting of a checkerboard pattern of primarily tribal and individual Indian trust lands and Indian and non-Indian fee lands, was created, and its boundaries and land status modified, by the following actions of the Legislative and Executive Branches of the United States Government:
- (A) By the Act of March 3, 1873, 17 Stat. 633, Congress increased the size of the original Round Valley Indian Reservation, established by Secretarial Order in 1858, to approximately 102,118 acres and defined the south, east, and west boundaries of the Reservation. The Act expressly reserved to the Indians of the Reservation "the privilege of fishing in said [boundary] streams."
 - (B) Pursuant to the Act of October 1, 1890, 26 Stat. 658, approximately 46,680 acres of the Reservation were subsequently allotted to individual tribal members, additional areas were set aside as tribal grazing and timber lands, and the remainder or "excess" lands were opened for sale with the proceeds to be deposited in the United States Treasury to the credit of the Indians.
 - (C) By the Act of February 8, 1905, 33 Stat. 706, Congress directed that the unsold portions of the Reservation be opened to homestead entry and settlement and that any land remaining unclaimed after five years be sold.
 - (D) On February 11, 1947, the Secretary of the Interior, acting under the authority of the Indian Reorganization Act, 48 Stat. 984, issued an order restoring approximately 7,531 acres of vacant land within the reduced portions of the Reservation to tribal ownership. Most of these lands are located along the North Fork Eel River.
 - (E) On December 15, 1986, the United States, acting under the authority of the Indian Reorganization Act, accepted into trust on behalf of the Covelo Indian Community of the Round Valley Reservation approximately 11,000 acres of timber and grazing lands, located in the reduced portions of the Reservation.

- 1.3 The United States Government recognizes the Round Valley Indian Tribes (formerly known as "the Covelo Indian Community") as a self-governing entity and recognizes its Tribal Council as the governing body of the Reservation in accordance with the provision of the Indian Reorganization Act, 25 U.S.C. § 461 *et seq.*
- 1.4 On August 3, 1994 the members of the Round Valley Indian Tribes adopted a revised Constitution, which replaced the Constitution and Bylaws of the Covelo Indian Community approved by the Secretary of the Interior on December 16, 1936. On September 14, 1994, the Acting Deputy Commissioner of Indian Affairs approved the revised Constitution.
- 1.5 Among the stated objectives of the Constitution are the protection of land, timber, fish, wildlife, water and natural resources.
- 1.6 From time immemorial, the members of the Tribe have practiced conservation to protect the invaluable wildlife resources within the Tribe's aboriginal territory from waste and excessive exploitation.
- 1.7 The increasing human population and activities within and immediately adjacent to the Reservation presents threats to the wildlife habitat and resources of the Reservation. In the absence of a tribal regulatory structure capable of effective resource management, these activities will present increasing hazards to the wildlife on which the members of the Tribes depend. It is vital to the welfare of the Round Valley Indian Tribe and its members to establish and maintain a uniform comprehensive and coherent scheme for the management and use of the wildlife resources within the territory of the Round Valley Indian Tribes.
- 1.8 In order to provide for the conservation, protection and proper regulation of the wildlife resources under the jurisdiction of the Round Valley Indian Tribes, this Code is adopted pursuant to Article V of the Constitution of the Round Valley Indian Tribes.

Article II. Declaration of Purpose

- 2.1 In recognition of the spiritual, cultural, recreational, and economic value of the fish and wildlife resources of the Round Valley Indian Reservation, and the importance of these irreplaceable resources to tribal economic security, health, and welfare, the Round Valley Indian Tribes establish this code as a framework for the regulation and protection of the wildlife resources within tribal jurisdiction. This Code shall be interpreted and applied so as to best fulfill this purpose.
- 2.2 The purpose of this Code is to effect a balance among: (1) the Tribe's obligation to protect and preserve the wildlife resources of the Reservation for future generations; (2) the Tribe's intent to afford tribal members the greatest possible freedom to use and enjoy the Reservation's wildlife resources; and (3) the Tribe's need to generate tribal revenues,

as well as protect the potential recreational use of the wildlife resources of the Reservation.

Article III. Definitions

3.1 In construing the provisions of this Code and any regulations adopted pursuant to this Code, the following terms shall have the designated meaning unless a different meaning has been provided, or the context clearly requires otherwise:

- (a) "Bag limit" means the maximum limit, in number or amount, of birds, mammals, fish, or amphibia which may lawfully be taken by any one person during a specified period of time.
- (b) "Bird" means any wild bird or any part thereof.
- (c) "Buy" includes an offer to buy or purchase.
- (d) "Closed season" means that period of time during which the taking of birds, mammals, fish, or amphibia is prohibited.
- (e) "Commission" means the Round Valley Tribal Wildlife Commission established in accordance with Article V of this Code.
- (f) "Dawn" means one half hour before sunrise.
- (g) "Day" means calendar day, and "week" means calendar week.
- (h) "Department" means the Natural Resources Department of the Round Valley Indian Tribes.
- (i) "Dusk" means one half hour after sunset.
- (j) "Fish" means wild fish, mollusks, crustaceans, invertebrates, or amphibians, including any part, spawn, or ova thereof.
- (k) "Manager" means the Manager of the Natural Resources Department.
- (l) "Member" or "Tribal Member" means a person who is listed on the membership roll of the Round Valley Indian Tribes.
- (m) "Open season" means that period of time during which the taking of birds, mammals, fish, or amphibia is allowed.
- (n) "Permit" means a document that grants the person to whom the document is issued authority to engage in certain activities governed by this Code and its implementing regulations.
- (o) "Person" means any natural person or any partnership, corporation, limited liability company, trust, or other type of association.
- (p) "Probable Cause" is a state of facts as would lead a person of ordinary caution and prudence to believe and conscientiously entertain a strong suspicion that a violation of the Code had occurred, that the areas to be searched contain evidence of a violation of the Code, that the suspect had violated the Code.
- (q) "Possess" or "Possession" means to have or exercise immediate control of a physical object, including having it on one's person or premises, in one's motor vehicle, or in a private place of processing or storage.
- (r) "Reservation" means all lands within the territorial boundaries of the Round Valley Indian Reservation as well as all lands held in trust by the Federal Government for the benefit of the Tribe, all lands held and managed by the Tribe

for the use and benefit of the Tribe and its members, and any other lands over which the Tribe may exercise jurisdiction by virtue of agreement or otherwise.

- (s) "Sell" includes an offer to sell.
- (t) "Take" means hunt, pursue, catch, capture, trap, or kill, or attempt to hunt, pursue, catch, capture, trap, or kill.
- (u) "Tradition" means a belief or unwritten practice or custom that is widely recognized and accepted within the Round Valley tribal community.
- (v) "Tribal Council" means the Tribal Council of the Round Valley Indian Tribes.
- (w) "Tribal Conservation Officer" means a person duly appointed and authorized by the Tribal Council to monitor compliance with and to enforce tribal natural resource protection laws, including this Code. For purposes of this Code, the term "tribal law enforcement officer" also includes tribal conservation officers.
- (x) "Tribal Law Enforcement Officer" means a person duly appointed and authorized by the Tribal Council to enforce tribal law, including as well as other law enforcement as deemed necessary by the Tribes.
- (y) "Tribes" means the Round Valley Indian Tribes.
- (z) "Wildlife" includes any mammal, amphibian, reptile, bird or fish which has not been domesticated.

Article IV. Jurisdiction

Scope of Jurisdiction:

- 4.1 This Code, and any regulations adopted pursuant to this Code, applies to the entire Reservation as defined in Article III and to all persons within the territory so defined.
- 4.2 This Code is intended to govern the conduct of persons engaged in the act of "taking" wildlife, as the term "take" is defined herein, within the boundaries of the Reservation.
- 4.3 Nothing in this Code or any regulation issued under this Code shall authorize or purport to authorize the taking of wildlife in violation of the Endangered Species Act, 16 U.S.C. §1531 *et seq.*, Bald Eagle Protection Act, 16 U.S.C. §668 *et seq.*, Migratory Birds Act, 16 U.S.C. §701 *et seq.*, or other applicable federal law of general application.

Implied Consent to Jurisdiction:

- 4.4 Application for issuance of a permit pursuant to the provisions of this Code is deemed consent by the person applying for the permit to the jurisdiction of the Round Valley Indian Tribes, including consent to enforcement of any violations of this Code and permits issued hereunder in a tribal forum.
- 4.5 Any person who enters the Reservation for the purpose of engaging in any of the activities regulated by this Code shall be deemed to have consented to the jurisdiction of the Round Valley Indian Tribes for purposes of enforcement of this Code and its implementing regulations.
- 4.6 The Tribal Council may enter into such agreements with governments, agencies, or persons as it deems appropriate to better fulfill the purpose of this Code. Those agreements may extend the jurisdiction asserted by the Tribe under this Code.

Article V. Wildlife Commission

- 5.1 There is hereby established the Round Valley Tribal Wildlife Commission (hereinafter "Commission"), which shall consist of seven (7) commissioners.
- 5.2 Except as otherwise provided herein, each commissioner shall meet the following minimum qualifications:
- (a) Possess a working knowledge of fish and wildlife conservation principles; and
 - (b) Have no conviction of any felony or fish and game violation in the eight years preceding appointment or election to the Commission and must take the mandatory training within a thirty (30) period.
- 5.3 The Commission shall be constituted as follows:
- (a) Seven commissioners shall be appointed from the general membership of the Tribe by the Tribal Council. With two of these acting as alternates in case of death or illness of one of the other commissioners.
 - (b) The Manager of the Natural Resources Department shall be required to report to the Commission at each meeting.
- 5.4 Two of the seven commissioners appointed pursuant to section 5.3(a) shall serve for an initial term of two years and the remaining two shall serve for an initial term of three years. Thereafter, the terms of all commissioners shall be for three years, unless a commissioner resigns, is removed from office or is otherwise unable to discharge the duties of the office. The Tribal Council shall accept applications from tribal members for the positions of commissioner and alternate commissioner, which shall include a statement of the applicant's interest and qualifications for the position.
- 5.5 After the initial terms of the seven commissioners appointed pursuant to section 5.3(a) expire, each position shall be subject to a special election in accordance with the provisions of the Tribe's Constitution and Election Ordinance.
- 5.5 In the case of a vacancy occurring during a commissioner's term, the Tribal Council shall appoint a replacement commissioner from the general membership, who shall serve out the term of the commissioner whose position was vacated if no alternate is available.
- 5.7 The Commission shall appoint from within its members a Chairperson, who shall serve for the duration of his/her term.
- 5.8 Any commissioner may be removed from office for cause by the affirmative vote of any four Tribal Council members voting at a regular or special meeting of the Tribal Council. "Cause" may include, but is not limited to any of the following: failure to faithfully and competently perform the duties and responsibilities of office; failure to attend two regularly scheduled meetings of the Commission within a six month period with out justification; failure to attend a scheduled workshop or training session offered pursuant to Section 5. 9; or violation of the provisions of this Code, including any permit issued

hereunder. Any cause or statement of cause for termination shall be provided in a written forum to the individual within seven days of termination.

- 5.9 The Tribal Council shall have discretion to grant reasonable compensation to any commissioner who is not the Manager of the Natural Resources Department for actual services performed in carrying out his or her official duties pursuant to this Code. In addition to any reasonable compensation granted by the Tribal Council, the commissioners, including the Manager of the Natural Resources Department, shall receive their actual and necessary expenses incurred in the performance of their duties.
- 5.10 Each commissioner shall be required to attend a noticed and scheduled training session or workshop to be held within 90 days of his/her appointment. The training session or workshop shall focus on the provisions of this Code, any regulations adopted hereunder, and other relevant tribal and federal laws or policies.

Article VI. Meetings of the Wildlife Commission

- 6.1 The Commission shall meet at least once every two months as necessary to transact business, but in any event not less than every two months and must have no less than four (4) members present for a quorum to conduct business.
- 6.2 Meetings of the Commission shall be open to the public and notice of meetings and the agenda for each meeting shall be published in the tribal newsletter, or other newspaper of general circulation in the Covelo area, and posted in the Tribal Administration Office at least two weeks in advance of each meeting.
- 6.3 Any member of the Tribes or any other person interested in a matter under consideration by the Commission who wishes to address the Commission may submit a written request to the secretary of the Natural Resources Department at least seven days in advance of a scheduled meeting. The Commission shall make every effort to accommodate a request to address the Commission, even with respect to those who have not made a timely written request, but shall give priority to those who have made a timely written request. However, the commission may, in its discretion, limit the length of such comments or the number of individuals who may address the Commission at any one meeting.
- 6.4 At each meeting of the Commission, a representative of the Natural Resources Department shall provide a written report concerning matters relevant to the work of the Commission, including changes in wildlife populations and conditions, and may make any recommendations that the Natural Resources Department believes are appropriate for the protection and prudent management of wildlife within the Reservation. A copy of the report shall be provided to the Tribal Council at the time it is presented to the Commission.

Article VII. Regulatory Authority of the Commission

- 7.1 The Commission shall have the authority to implement this Code through the adoption of appropriate regulations.

7.2 The Commission may adopt regulations governing the taking or possession of wildlife within the Reservation and may apply such regulations at its discretion to all or specific areas of the Reservation and to any or all species or subspecies of wildlife found within the Reservation. Such regulations may:

- (a) establish, extend, shorten, or otherwise modify open seasons and closed seasons;
- (b) establish, change, or otherwise modify bag limits and possession limits;
- (c) establish and change areas or territorial limits for the taking of individual species of wildlife;
- (d) prescribe the manner and means of taking;
- (e) establish procedures and fee schedules for issuance of wildlife tags, licenses, and permits; and
- (e) establish, change or abolish restrictions based upon sex, maturity, or other physical distinctions.

7.3 When adopting, amending, or rescinding regulations pursuant to article 7.2 the Commission shall follow the following procedures:

- (a) Notice: Post notice of a public hearing on the proposed action at least two (2) weeks prior to the hearing. Notice shall be posted at the offices of the Tribal Administration and the Natural Resources Department and shall state the date, time, and place of the hearing and include a brief description of the proposed action and the final date on which comments will be accepted;
- (b) Hearing: Designate a hearing officer to conduct a public hearing on the proposed action at the designated date, time, and place. The hearing officer shall describe the hearing procedures, including the final date for written comments, and briefly summarize the subject matter of the hearing. Both written and oral testimony may be accepted.
- (c) Consideration of Comments: Comments received during a hearing and any written comments received before the deadline set for their receipt shall be compiled by the hearing officer into one packet for Commission review. The proposed action will be placed on the agenda of the next Commission meeting for consideration.
- (d) Final Action: The Commission shall consider the comments received on the proposed action, including any comments and recommendations presented by the Natural Resources Department, and shall take action on the proposal by majority vote, provided that a quorum of at least four (4) Commissioners are in attendance at the time votes are cast. If the proposal is approved, the Chairperson shall be responsible for seeing that the final action (new regulation, or amendment or rescission of an existing regulation) is communicated to the appropriate tribal

departments for purposes of implementation and enforcement.

- 7.4 Regulations adopted by the Commission, other than emergency regulations, shall be communicated to the public by means of publication in the tribal newsletter, or other newspaper of general circulation in the Covelo area, and posting in the offices of the Tribal Administration, and the Natural Resources Department a long with all other Tribally owned and operated buildings at least ten (10) days prior to their effective date.
- 7.5 When conditions exist which, in the opinion of the commission, pose an immediate threat to the welfare of animals or a species of animal, the Commission may adopt emergency regulations to address those conditions. Such emergency regulations may become effective immediately or on the particular date prescribed by the Commission. The Commission shall make every effort to communicate the content of emergency regulations to the public and to the holders of any permit or license issued hereunder in a timely fashion.
- 7.6 The Commission shall by regulation prescribe a form of permit to be issued to each person authorized to take or attempt to take animals within the Reservation pursuant to this Code.
- 7.7 The Commission may prescribe different categories of permits and establish different qualifications and requirements for each category.
- 7.8 The Tribal Council shall have the final and ultimate responsibility for the implementation and enforcement of this Code, and may review, amend, or rescind any regulation promulgated by the Commission when the Tribal Council determines, after a specially scheduled meeting with the Commission, that the regulation is inconsistent with or fails to promote the purposes of this Code. Any such amendment or rescission of a regulation shall be by formal resolution of the Tribal Council.
- 7.9 A violation of any regulation duly adopted, or permit issued, pursuant to the provisions of this Code shall constitute a violation of this Code.

Article VIII. Licenses, Permits, and Identification Cards

- 8.1 Any person engaging in activities governed or permitted by this ordinance shall have on his/her person a license, permit, identification card, or such other document(s) as may be required by regulation adopted hereunder.
- 8.2 Any license, permit, identification card, or other document required by regulation shall contain at least the following:
 - (a) the name and address, photograph and physical description of the person;
 - (b) tribal affiliation and roll number; and
 - (c) any other information that the Commission deems appropriate.

Article IX. General Prohibitions

- 9.1 No person may take or possess any wildlife taken on the Reservation except in accordance with the provisions of this Code and any regulations adopted or permit issued pursuant to this Code. A violation of a regulation or permit adopted or issued pursuant to this Code constitutes a violation of the Code.
- 9.2 It is an offense punishable in accordance with Article XVI for any person to take or possess any wildlife taken on the Reservation in violation of any provision of this Code or any regulation adopted pursuant to this Code.

Article X. Permits

- 10.1 The issuance of permits prescribed by the Commission shall be the responsibility of the Natural Resources Department.
- 10.2 Any person wishing to take or attempt to take any wildlife within the Reservation shall obtain a permit in accordance with the regulations adopted by the Commission and shall carry that permit whenever that person is engaged in such activities.
- 10.3 Persons eligible for a permit shall include:
- (a) Enrolled members of the Round Valley Indian Tribes.
- 10.4 Persons twelve (12) years of age or under or individuals who have not been previously certified shall also be required to demonstrate a basic understanding of hunter safety principles as a condition to issuance of any permit hereunder. The process for certifying that a permit applicant has met this requirement shall be set forth in a separate regulation adopted pursuant to this Code.
- 10.5 A special permit means any permit issued outside the normal scope of permits issued under this Code, including but not limited to ceremonial permits and permits issued to persons who will hunt or fish for another person who qualifies to hunt and fish under this Code, but is unable to do so because of physical limitations or other considerations. Special permits may also be issued to the biological children of an enrolled member using the enrolled members tribal roll number, with permission of the enrolled member.

Article XI. Sale of Wildlife Prohibited

- 11.1 No wildlife taken within the Reservation shall be sold or offered for sale either on or off the Reservation; *provided that* the sale, exchange, barter, or gifting of wildlife, or any parts thereof, among tribal members is allowed.

Article XII. Reporting

- 12.1 Any person who takes any wildlife within the Reservation shall report such take to the Natural Resources Department. This report shall include the person's name and tribal permit number, and the number, species, size, and sex of wildlife taken.

Article XIII. Ceremonial Hunting and Fishing

- 13.1 Notwithstanding any other provision of this Code or regulation adopted hereunder, the Commission shall have the authority to authorize hunting and fishing by tribal members for ceremonial purposes, subject to the restriction that it shall not be authorized if it would jeopardize or present a serious threat to the wildlife resources of the Reservation.
- 13.2 Ceremonial hunting or fishing shall be authorized by special permit. The issued permit shall specify:
- (a) the person or persons authorized to conduct the ceremonial hunt or fish;
 - (b) the number and species or subspecies of wildlife permitted to be taken;
 - (c) the date, place and method of the ceremonial hunt or fish;
 - (d) that a report of the number, species, size and sex of the wildlife taken shall be made by one of the ceremonial hunters or fishers to the Natural Resources Department.
- 13.3 No one shall sell or offer to sell any wildlife taken pursuant to a ceremonial permit.

Article XIV. Prohibited Acts

- 14.1 **Destruction of Private Property.** It is unlawful for any person to destroy, damage or deface tables, improvements, crops or personal or real property on the Reservation of which they are not the owner, possessor or person with prior approval.
- 14.2 **Destruction of Signs, Fences, or Barriers.** It is unlawful for any person to cut, damage, or destroy any fence, barrier or sign on the Reservation of which they are not the owner, possessor, or person with prior approval. It is unlawful to destroy, shoot at, erase, or otherwise damage any signs placed or posted by or at the direction of the Natural Resources Department or the Commission.
- 14.3 **Discharge of Firearms in Restricted Areas.** It is unlawful to take or attempt to take or shoot a firearm within 150 yards of any occupied building, dwelling, or campsite.

- 14.4 **Discharge of Firearm Across Roadway.** It is unlawful to shoot or attempt to shoot across any State or County roadway.
- 14.5 **False Statements.** It is unlawful to make a false statement in an application for a permit under this Code or a regulation promulgated hereunder.
- 14.6 **Injury to Wildlife; Best Efforts.** Any person who injures wildlife in an attempt to take shall make best efforts to locate and kill the animal. If a person is unable to locate and kill the injured animal, the person shall report the location and circumstances of the injury to the Natural Resources Department.
- 14.7 **Interference with Law Enforcement/Conservation Officer.** It is unlawful to interfere with or obstruct any Tribal Conservation or Law Enforcement Officer in the discharge of his/her duties while enforcing or monitoring the provisions of this Code or any regulation promulgated hereunder.
- 14.8 **Littering.** It is unlawful for any person to litter roads, roadsides, campgrounds, waters, streams, or any other tribal lands on the Reservation.
- 14.9 **Negligent Use of Firearm.** It is unlawful for any person to use a firearm with a negligent disregard for the safety of others.
- 14.10 **Possession of Means of Take Within Game Refuge.** It is unlawful for any person to carry, transport, or possess devices for the taking of fish or wildlife within or upon a game refuge, except as permitted by this Code or tribal regulations.
- 14.11 **Possession of Silencing Devices.** It is unlawful for any person to possess while on the Reservation any contrivance or device designed or intended to silence, muffle, or minimize the report of a firearm.
- 14.12 **Possession of Wildlife Taken in Violation of Code.** It is unlawful to possess any wildlife, or parts thereof, taken in violation of this Code or its implementing regulations.
- 14.13 **Refusal to Sign Citation.** It is unlawful to refuse to sign a citation issued by a Tribal Law Enforcement Officer and such refusal shall constitute cause for arrest.
- 14.14 **Spotlighting While in Possession of Firearm or Other Means of Take.** It is unlawful for any person, or one or more persons, to throw or cast the rays of any spotlight, headlight, or other artificial light on any highway or in any field, woodland, or forest of the Reservation where game mammals, fur-bearing mammals, or non-game mammals are commonly found, or upon any game mammal, fur-bearing mammal, or non-game mammal, while having in his possession or under his control any firearm or weapon with which such mammal could be killed, even though the mammal is not killed, injured, shot

at, or otherwise pursued, except: (a) use of a hand-held flashlight no larger than two-cell, three-volt provided such light is not affixed in any way to a weapon; (b) the use of lamps or lanterns which do not cast a directional beam; or (c) headlights of a vehicle operated in a usual manner and there is no intent to locate wildlife

- 14.15 **Take During Closed Season.** It is unlawful to take or attempt to take any wildlife during a closed season or in a closed area.
- 14.16 **Take in Violation of Hunter Safety Requirements.** It is unlawful to take or attempt to take wildlife without first complying with the Hunter Safety requirements of this Code or its implementing regulations.
- 14.17 **Take With Artificial Light Between Dusk or Dawn.** It is unlawful to take or attempt to take wildlife between one-half hour after sunset and one-half hour before sunrise with the aid of an artificial light of any kind.
- 14.18 **Take With Assistance of Dogs.** It is unlawful to take or attempt to take wildlife with the assistance of more than one dog per hunter, *except* when taking or attempting to take bear or wild pig, in which case more than one dog may be used.
- 14.19 **Take While Intoxicated.** It is unlawful to take or attempt to take any wildlife while intoxicated or under the influence of a controlled substance.
- 14.20 **Take Without Valid Permit.** It is unlawful to take or attempt to take any wildlife within the Reservation without a permit issued pursuant to this Code or its implementing regulations.
- 14.21 **Transport of Wildlife Taken in Violation of Code.** It is unlawful to transport any wildlife, or parts thereof, taken in violation of this Code or its implementing regulations.
- 14.22 **Unauthorized Entry to Closed Area.** It is unlawful for any person to enter any area closed to hunting and/or fishing on the Reservation to hunt, drive, or attempt to hunt or drive, wildlife from such areas, except by permit issued by the Natural Resources Department.
- 14.23 **Unauthorized Entry to Lands.** It is unlawful to enter any lands under cultivation or enclosed by a fence, or enter any uncultivated or unenclosed lands where signs forbidding trespass are displayed at intervals not less than three (3) to the mile along all exterior boundaries and at all roads and trails

entering such lands without first obtaining and having in possession, written permission from the owner or a permit issued by the Department or the Wildlife Commission.

- 14.24 **Use of Explosives, Poison, Etc.** Other than a legal firearm, it is unlawful to use any explosive compound or synthetic corrosive, narcotic, poison, or other deleterious substance for the purpose of taking, stunning, or attempting to take any wildlife within the Reservation.
- 14.25 **Waste of Wildlife.** It is unlawful to engage in the wanton destruction or waste of wildlife taken within the Reservation.
- 14.26 **Water Pollution.** It is unlawful for any person to pollute any Reservation waters or stream beds. It is unlawful to deposit in, permit to pass into, or place where it may pass into, the waters of this Reservation any substance or material deleterious to fish, plant life, wildlife, or which may damage or alter the aquatic system.

Article XV. Implementation and Enforcement

- 15.1 Any person who violates any provision of this Code, or a regulation adopted or permit issued pursuant to this Code, shall be guilty of an offense and shall, upon conviction, be ordered to pay a fine for each offense in accordance with the schedule of penalties established by regulation, in addition to any court costs; and any firearms, hunting or fishing gear found in his/her possession and used in violation of this Code or any regulations adopted hereunder may be confiscated and forfeited to the Tribe.
- 15.2 Any wildlife taken, and any hunting or fishing gear, vehicles, machinery, dogs, or craft used or intended to be used in violation of this Code, or a regulation adopted or permit issued pursuant to this Code, may be seized, confiscated and impounded by a Tribal Law Enforcement Officer.
- 15.3 In addition to any other penalty imposed, any person who violates this Code, or a regulation adopted or permit issued pursuant to this Code, may have his/her hunting or fishing rights or privileges suspended or revoked by the Commission.
- 15.4 Any Tribal Conservation or Law Enforcement Officer is authorized to inspect all wildlife taken or transported within the boundaries of the Reservation and may, for the purposes of monitoring or enforcing any provision of the Code, or a regulation adopted or permit issued pursuant to this Code, search any

vehicle, boat, box, hunting camp, game bag or other package, based on probable cause that the areas to be searched contain evidence that wildlife has been taken or possessed in violation of this Code.

Article XVI. Authorized Fishing

- 16.1 Notwithstanding any other provision of this Code or regulation adopted hereunder, tribal members may fish within the Reservation and in its boundary streams for personal consumption, and for subsistence of their immediate families, provided that they are in possession of the required permit and otherwise comply with the provisions of this Code, and any regulation adopted and permit issued pursuant to this Code.
- 16.2 In addition to any applicable provisions of this Code, and any regulation adopted or permit issued pursuant to this Code, tribal member fishing in the Reservation boundary streams using fish dams or barriers must comply with the following requirements:
- (a) The streams to be fished are those that comprised the historic 1873 Round Valley Indian Reservation boundaries where access is from adjacent tribal trust lands or by permission of the individual landowners. For purposes of this Code, a dam shall consist of a removable barrier but shall not include any entangling or trapping device such as a fyke net or Gill nets.
 - (b) Dams may be used across the width of the watercourse, provided that dams must be lifted out of the water, or opened where the fisher is not present during the fishing operation
 - (c) Regardless of the presence of the fisher, dams shall be opened at least four hours out of each 24 hours; specifically, dams shall be opened between the hours of 12 o'clock noon to 4 p.m.
 - (d) There shall be no fishing by dam or nets on the middle-fork of the Eel River, however the use of hook and line and spear fishing is allowed.
 - (e) Tribal law enforcement officers shall conduct inspections of fish dams and barriers. Should an officer determine that a dam or barrier violates any of the above restrictions, the following measures shall be taken. On the first violation, the dam shall be opened and a warning issued to the fisher, if present. On the second violation, a citation shall be issued to the fisher, if present, and the dam shall be seized

and transported to the Natural Resources Department where it shall be placed in the custody of the Tribe for further disposition pursuant to this Code.

- 16.3 All other fishing within the Reservation shall be in accordance with the general provisions of this Code and any regulations adopted or permits issued pursuant to this Code.

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LOCATION: ON STATE HWY 162
ONE MILE NORTH OF COVELO
IN ROUND VALLEY
TRIBAL TERRITORY SINCE TIME BEGAN

ROUND VALLEY RESERVATION ESTABLISHED 1856

CERTIFICATION

I, the undersigned as Executive Secretary of the Round Valley Tribal Council do hereby certify that the Wildlife Code of the Round Valley Indian Tribes was adopted at a duly called and duly noticed regular meeting of the Round Valley Tribal Council at which seven (7) members were present, constituting a quorum held on the 15th day of May 2004, and that the Round Valley Tribal Council approved the "Wildlife Code" by a vote of:

For	<u>Five (5)</u>
Against	<u>One (1)</u>
Abstentions	<u>One (1)</u>

ATTESTED:

Alberta J. Anzell
Executive Secretary, Round
Valley Tribal Council