

## TITLE 14. FISHING AND HUNTING

### Chapter 14.4

#### PORT USAGE FOR TRIBAL FISHERS

##### Sections:

- 14.4.1 Purpose.
- 14.4.2 Definitions.
- 14.4.3 Port Facility Privilege Priority.
- 14.4.4 Use, Maintenance, and Net Storage.
- 14.4.5 Inspection Notice and Confiscation of Debris, Fishing Gear, or Other Personal Property.
- 14.4.6 Vessel Notice and Seizure.

**14.4.1. Purpose.** The purpose of this chapter is to provide rules and regulations governing the use of port facilities where the Suquamish Tribe has Memorandums of Agreement with specific port authorities that allow tribal fishers to use port facilities, including slip use, for treaty fishing purposes. (Res. 2022-134, passed Aug. 15, 2022)

**14.4.2. Definitions.** The following terms when used in this chapter and accompanying regulations of the following meanings, unless another meaning is specified or required by context:

(a) "Abandoned gear" means any fishing gear which has been discarded or left unattended for greater than seventy-two (72) hours on any port property or nearby waters in which no arrangement for the placement or storage of the fishing gear exists.

(b) "Biology personnel" means professionally trained biologists and/or fisheries technicians who are employed by or are working with the Tribe and whose duties include advising the Tribe on the management, enhancement and/or regulation of tribal fisheries.

(c) "Docking" means the physical act of pulling a vessel up to a dock or similar structure and securing the vessel to that structure with proper equipment, including but not limited to, fenders and dock lines.

(d) "Fishing Gear" means any equipment or gear used to harvest finfish or shellfish.

(e) "Licensed Suquamish fisher" means any member who holds a valid tribal fishing license issued by the Suquamish Tribe's Fisheries Department.

(f) "Licensed Suquamish vessel" means a fishing vessel, owned by a member that has a license issued by the Suquamish Tribe's Fisheries Department and whose license is in good standing.

(g) "Live-aboard" means any licensed Suquamish vessel that is used by a tribal member as their primary residence and are living aboard the vessel at any port facility.

(h) “Member” means any person who is an enrolled citizen of the Suquamish Tribe.

(i) “Nonmember” means any person who is not an enrolled citizen of the Suquamish Tribe.

(j) “Open season” means the time period specified by a Suquamish Tribe fishing regulation when it is lawful for members to harvest treaty-reserved fish.

(k) “Personal property” means any movable tangible items owned by a member or nonmember.

(l) “Port facility” means any port where the Tribe has a Memorandum of Agreement or other similar agreement in place that permits tribal members to be moored or anchored at specific slips without cost or reduced cost for treaty fishing purposes.

(m) “Public nuisance” means any vessel that interferes with the use or enjoyment of a port facility by other member or nonmember users or a vessel that poses an immediate risk to the environment due to its poor condition that may cause it to sink or release pollution to the port facility and/or the environment and may be a risk to health and safety.

(n) “Suquamish Police Department” means the Suquamish Tribe’s Fishery Police Department officers.

(o) “Tribal fishers” means any person, whether or not a member of the Tribe, who is either exercising any tribal fishing right or who is assisting a member in the exercise of treaty fishing rights pursuant to tribal regulation.

(p) “Tribe” means the Suquamish Tribe of the Port Madison Indian Reservation.

(q) “Vessel owner” means any member who owns the fishing vessel, whether or not title is held by a financial institution or not, and to whose vessel is licensed by the Suquamish Fisheries Department.

(r) “Vessel operator” means any member who is operating a vessel during an open treaty fishery or operating a vessel in preparation of an opening for treaty fishing. (Res. 2022-134, passed Aug. 15, 2022)

**14.4.3. Port Facility Privilege Priority.** (a) Docking privilege will be granted to licensed Suquamish vessels based on space availability. Docking privilege will be based on the following prioritization during an open fishing season:

Priority 1: Licensed Suquamish fishing vessel

Priority 2: Suquamish Government vessel

(b) Port facility slip space will be granted first to Priority 1 vessels according custom and usage. Should additional slips be available, Priority 2 vessels may use the slip available but must move to make room for Priority 1 vessels should they arrive and need dock space.

(c) The Tribe reserves the right to terminate docking privileges for any licensed Suquamish vessel and vessel owner found in violation of this chapter.

(d) The use of a licensed Suquamish vessel for live-aboard is prohibited at any port facility.

(e) Any member vessel that is not a licensed Suquamish vessel and is docked at a port facility is deemed a per se violation of this chapter and will be subject to STC §14.4.6. (Res. 2022-134, passed Aug. 15, 2022)

**14.4.4. Use, Maintenance, and Net Storage.** (a) All vessel operators and crew are required to know and fully abide by the specific rules of any port facility they are using.

(b) All vessel operators and fishers will cooperate with the port facility over any issues that may arise during use of the port facility that is in conflict with the port's rules and the Tribe's agreement with that port.

(c) All vessel operators and fishers using docking privileges at port facilities will keep docks and slips clean and free of debris, fishing gear, and other personal property at all times.

(d) All vessels using docking privileges at port facilities will be kept clean and free of sea life.

(e) Any person who fails to comply with STC § 14.4.4 (a) through (c) is in violation of Suquamish law and will be fined:

(1) A minimum fine of two-hundred fifty dollars (\$250); or

(2) A maximum fine of five-hundred dollars (\$500). (Res. 2022-134, passed Aug. 15, 2022)

**14.4.5. Inspection Notice and Confiscation of Debris, Fishing Gear, or Other Personal Property.** (a) Inspection. Suquamish Police Department will inspect port facilities as follows:

(1) Regularly during any open fishing season; or

(2) When alerted by tribal fishers, the port facility, or any Suquamish or biology personnel that an inspection is needed.

(b) Notice. If the Suquamish Police Department finds debris, fishing gear, or other personal property on port property, the Suquamish Police Department will make an attempt to contact the vessel owner associated with the debris, fishing gear, or other personal property to facilitate its removal. If contact cannot be made at the facility or by telephone, the Suquamish Police Department will leave a written notice of the violation attached to the licensed Suquamish vessel or the debris, fishing gear, or personal property if the vessel is not present that notifies the owner that the property needs to be removed immediately and that if it is not removed within twenty-four (24) hours from the time the officer provided written notice that the debris, fishing gear, or other personal property will be confiscated by Suquamish Police Department.

(c) Service of citation. In the event that Suquamish Police Department attempts to issue a citation at the time of the violation and the vessel owner or operator refuses to sign or accept it, the citation will be deemed properly served upon proof of mailing a copy of the citation to the vessel owner's last known address.

(d) Seizure of fishing gear or personal property. Suquamish Police Department may seize the debris, fishing gear, or other personal property left on port facility property if, after twenty-four (24) hours, the vessel owner or vessel operator has failed to remedy the violation. Upon seizure, the Suquamish Police Department will prepare a written inventory of all items taken and provide a copy to the vessel owner as soon as practicable.

(e) Storage of seized debris, fishing gear, or personal property. All seized items will be brought to a place designated by Suquamish Police Department for secure storage.

(f) Return of items seized. Any items seized will be returned to the alleged violator upon dismissal of related violation(s).

(g) Forfeiture of proceeds of seized items. The Court may order the seized items forfeited to the Tribe as an alternative remedy of last resort.

(h) Unclaimed seized items. When the owner of the seized items is unknown, these items may be forfeited fifteen (15) days after the seizure should no owner come forward to claim them.

(i) Fine. Any person who abandons debris, fishing gear, or personal property at a port facility is in violation of STC § 14.4.05 and will be fined:

- (1) A minimum fine of two-hundred fifty dollars (\$250); or
- (2) A maximum fine of five-hundred dollars (\$500).

(j) Cost of Seizure and Disposal. The owner of seized fishing gear or personal property will be liable for the reasonable costs associated with seizing and disposing of the fishing gear or personal property by Suquamish Police Department. The owner is subject to the following charges:

- (1) The cost, if any, of removing the seized property, including the cost of fuel;
- (2) A daily charge for storage at a reasonable rate will be set by the Fish Committee. Unless otherwise posted, the rate will be fifty dollars (\$50) per day; and
- (3) The actual costs of advertising and conducting the bid process, if any, to sell the seized property. (Res. 2022-134, passed Aug. 15, 2022)

**14.4.6. Vessel Notice and Seizure.** (a) Reservation of Right. The Tribe reserves the right to confiscate and impound any licensed or unlicensed Suquamish vessel left at a port facility that becomes a public nuisance or is used as a live-aboard.

(b) Public Nuisance or Live-Aboard. Upon notification that a Suquamish vessel has become a public nuisance or is known to be used as a live-aboard, Suquamish Police Department will attempt to make contact with the vessel owner and will leave written notice on the vessel that it needs to be removed within twenty-four (24) hours from the port facility. If the vessel owner makes contact with Suquamish Police Department, Suquamish Police Department may extend the removal period for up to one week so long as the vessel does not pose an immediate risk of sinking or causing harm to the port facility or the environment.

(c) Unsafe Conditions. If the Suquamish vessel is in immediate risk of sinking, causing unsafe conditions at the port facility, or is in immediate danger of causing environmental damage, including leaking oil, fluids, or causing any other articulable type of pollution, Suquamish Police Department can seize the vessel without providing notice to the vessel owner.

(d) Storage of seized vessel. All seized vessels will be brought to a place designated by Suquamish Police Department for secure storage.

(e) Return of seized vessel. Any vessel seized will be returned to the vessel owner upon resolution of the related violations of this chapter.

(f) Forfeiture of proceeds of seized vessel. The Court may order that the seized vessel be forfeited to the Tribe as an alternative remedy of last resort.

(g) Unclaimed seized vessel. When the location of the owner of the seized vessel is unknown, the vessel and its contents will be considered abandoned thirty (30) days after the seizure should no owner come forward to claim them.

(h) Fine. Any person whose vessel becomes a public nuisance or is deemed a live-aboard at any port facility is in violation of STC § 14.4.06 will be fined:

- (1) A minimum fine of five-hundred dollars (\$500); or
- (2) A maximum fine of one-thousand dollars (\$1000).

(i) Cost of seizure and disposal. The owner of the seized vessel will be liable for the reasonable costs associated with seizing and disposing of the property by Suquamish Police Department. The owner is subject to the following charges:

- (1) The cost, if any, of removing the seized property, including the cost of fuel;
- (2) The Suquamish Police Department's costs for seizure and disposal;
- (3) A daily charge for storage at a reasonable rate will be set by the Fish Committee. Unless otherwise posted, the rate will be two-hundred dollars (\$200) per day;
- (4) The actual costs of advertising and conducting the bid process, if any, to sell the seized property;
- (5) The actual costs associated with salvaging the vessel; and
- (6) The actual costs associated with cleanup including any necessary environmental cleanup costs. (Res. 2022-134, passed Aug. 15, 2022)