

Ceremonial and subsistence fishing -- some definitions

TRIBAL CEREMONIES

1. All tribal ceremonies originate through the Tribe and not individuals

A. Tribal Ceremonial Feasts i.e. Salmon Feast, Root Feast, Huckleberry Feast, Memorials, and other potlatches at numerous longhouses and ceremonial lodges, medicine lodge ceremonies, Sunday Old Time Religious Services (Washut).

B. Individual ceremonies recognized by Tribal tradition and custom:

i.e. Death-wake ceremonies, Birth-Diaper Services, Indian Custom Marriages, First Deer-Kill & First Salmon Catch of youngsters, memorial Ceremo-

nies, Name-giving and Widow's Dark and Clean Clothes Dressing Ceremonies.

C. Tribal Council special recognition ceremonies.

SUBSISTENCE FISHERIES

1. Individual's Home Uses

A. Salmon (all species): i.e. Smoked, dried, air-dried, salted, canned, frozen.

B. Steelhead & Salmon: i.e. Oils from steelhead to preserve pulverized salmon for sugared pemmican, dried steelhead for use in Indian hunters lunch.

C. Lampreys:

i.e. Dried, frozen, fresh.

D. Sturgeon

As the spring and summer fishing seasons approach, the Tribal Fish and Wildlife Committee wants tribal members to be aware of and understand the regulations governing ceremonial, subsistence and commercial fishing. Our treaty rights can be preserved through observance of these rules.

CEREMONIAL FISHING PROCEDURES FOR THE CONFEDERATED TRIBES OF WARM SPRINGS, OREGON

1. The Tribal Fish & Wildlife Committee determines immediate and future needs for the Confederated Tribes of Warm Springs.

2. The Tribal Fish & Wildlife Committee determines allowable number of fish under the Five (5) Year Comprehensive Fishery Management Plan.

3. The Tribal Fish & Wildlife Committee reviews tribal fishermen's qualifications based on past records.

4. The Tribal Fish & Wildlife Committee assigns number of fish to catch to each qualified fisherman.

5. Selected fisherman submits to the Tribal Fish & Wildlife Committee: Fishing Sites, number of nets, etc.

6. Tribal Fish & Wildlife Committee submits notifications to Oregon and Washington Fishery Personnel (at least 7 days prior to exact fishing time).

7. The Natural Resource Department coordinates monitoring of fisheries with U.S.F.W.S. (United States Fish & Wildlife Service) Personnel.

8. The Natural Resource Department weighs, measures, checks for marks and transports all fish to the Warm Springs walk-in freezer.

9. The Natural Resource Department can have all nets pulled when requested number of fish is near the end point.

10. The Natural Resource Department submits catch statistics to appropriate agencies.

11. The Natural Resource Department compiles all statistical and biological data for future reference.

12. The Tribal Council or Tribal Fish & Wildlife Committee determines what Tribal Ceremony will get fish and number of fish.

13. The Natural Resource Department delivers all fish and maintains records of distribution.

14. The Tribal Fish & Wildlife Committee has the authority to restrict fishing privileges of any tribal fisherman who violates any rules or regulations pertaining to Treaty Fishing or Tribal Law.

Ordinance No. 38 provides regulations for fishing and hunting

WHEREAS, Long prior to 1855, the various tribes and bands of Indians now confederated and incorporated at The Confederated Tribes of the Warm Springs Reservation of Oregon, held Indian title to and right of occupancy based upon aboriginal possession, of certain lands, along the Columbia River and its tributaries; and

WHEREAS, Since time immemorial the said areas have been historic, usual and accustomed hunting and fishing places of the said tribes and bands and of the members of The Confederated Tribes of the Warm Springs Reservation of Oregon since its incorporation, pursuant to the provisions of Section 16 of the Act of June 18, 1934 (48 Stat. 984,) as amended by the Act of June 15, 1938 (49 Stat. 378); and

WHEREAS, The said tribes and bands of Indians executed a Treaty with the United States at Wasco, Oregon territory, June 25, 1855, which said treaty guaranteed to the said Indians a right to take fish at all usual and accustomed fishing stations and the right to hunt on unclaimed lands, along the Columbia River and its tributaries; and

WHEREAS, Subsequent to the signing of such treaty the said tribes and bands of Indians and the members of the Confederated Tribes since incorporation have continuously exercised their right to take fish at said sites and the right to hunt on unclaimed lands; and

WHEREAS, The Tribal Council of The Confederated Tribes of the Warm Springs Reservation of Oregon is desirous of regulating and controlling Indian hunting and fishing at said sites and the use of lands adjacent thereto by the Indians to provide for the orderly and proper use of the resource; now, therefore,

BE IT ORDAINED, By the Tribal Council of The Confederated Tribes of the Warm Springs Reservation of Oregon (hereinafter called "the Tribe") pursuant to Article V (1)(k) of the Constitution of the Tribes that the following regulations are hereby promulgated with respect to the use of the lands and the fishing by members of the Tribes at the usual and accustomed fishing sites:

1. No member of the Tribes shall exercise treaty fishing rights unless he has in his possession an identification card issued by the Tribal Registrar showing him to be a duly enrolled member of The Confederated Tribes of the

Warm Springs Reservation of Oregon. Such card shall be carried on the person of the member at all times and upon demand shall be shown to any federal, state or tribal officer. Any lending or unauthorized alteration or use of identification cards is prohibited.

2. Fishing shall be permitted

as may be authorized by the Fish and Wildlife Committee, at any time of the year at the usual and accustomed fishing stations. Members of the Tribes carrying an identification card as referred to in paragraph number 1 may fish for commercial purposes at the times and places as provided by the regulations of the Fish and

9. No fishing is permitted in fish ladders except that this prohibition shall not apply to the taking of lampreys. Lampreys may be taken in the existing fish ladders or by any other method, or at any other place.

10. While no specific limits on the number of fish that may be taken is established by this ordinance,



during open seasons established by the Fish and Wildlife Committee or established in accordance with the laws and regulations of the States of Oregon and Washington applicable to treaty Indians, as may be modified by the action of the Fish and Wildlife Committee.

3. The Treaty Fishing Rights belong to The Confederated Tribes of the Warm Springs Reservation of Oregon and not to be individual members. If members have been fishing in the same location for a number of years, other tribal members shall respect the rights of such long users. However, this shall not be construed to create any vested rights by individuals in fishing sites.

4. Members of the Tribes carrying an identification card as referred to in paragraph number 1 may fish for subsistence purposes with dip net or bag nets, of a mesh size not exceeding five inches attached to a hoop 18 feet or less in circumference, or by spear, gaff, club, fouling hook or hook and line or such other gear

Wildlife Committee or of the States of Oregon and Washington, as may be modified by the action of the Fish and Wildlife Committee, with setnets, gill nets, dip nets, bag nets, hoop nets, and any other gear expressly authorized by the States or Fish and Wildlife Committee for commercial or subsistence fishing.

5. No tribal member shall use or operate any gill net, setnet, or hoop net which does not have the Tribal affiliation and Tribal enrollment number of the owner of the net placed upon or adjacent to each end cork or float of the gill net or setnet and upon the upper side of the hoop net.

6. No Tribal member shall fish a setnet or gill net which is more than 300 feet in length, or fish more than one setnet at any one location or operate more than five setnets any any one time.

7. No Tribal member shall have any spoiled salmon or other spoiled fish in a setnet or hoop net.

8. All subsistence fishing gear must be attended at all times.

the Tribal Council reserves the right, without notice, to close all fishing at any site in the event that the Tribal Council determines it is necessary for the proper conservation of the fish runs.

11. Any member fishing shall, upon request, furnish any and all information requested as to the number of and types of fish taken to any authorized federal, state, or tribal officer. Any Tribal member taking fish for subsistence purposes shall keep a record of species of fish taken, numbers, areas of fishing, and individuals participating and furnish such records to the Fish and Wildlife Committee at the end of each calendar year.

12. No permanent structures shall be erected at the fishing sites except scaffolds.

13. No member of the Tribes shall fish under claim of treaty rights while under the influence of intoxicating liquor.

14. No member of the Tribes shall be on any scaffold without a safety rope of not less than 1/2 inch in diameter, adequately anchored.

BE IT FURTHER ORDAINED by the Tribal Council of the Tribes pursuant to Article V (1)(k) of the Constitution of the Tribes that the following regulations are hereby promulgated with respect to off reservation hunting or unclaimed lands:

1. No member of the Tribes shall exercise treaty hunting rights unless he has in his possession an identification card issued by the Tribal Registrar showing him to be a duly enrolled member of The Confederated Tribes of the Warm Springs Reservation of Oregon. Such card shall be carried on the person of the member at all times and upon demand shall be shown to any federal, state or tribal officer. Any lending or unauthorized alteration or use of identification cards is prohibited.

2. Hunting shall be permitted during open seasons established by the Fish and Wildlife Committee or established in accordance with laws and regulations of the State of Oregon applicable to treaty Indians, as may be modified by the action of the Fish and Wildlife Committee.

3. Bag limit shall be as established by the Fish and Wildlife Committee or established in accordance with the laws and regulations of the State of Oregon applicable to treaty Indians, as may be modified by the action of the Fish and Wildlife Committee.

4. All persons hunting species for which a "tag" is required by Oregon State law shall have in their possession a "tag" issued by the State of Oregon or a "tag" issued by the Fish and Wildlife Committee through the Natural Resources Department.

5. Any persons transporting big game animal on to the reservation shall comply with the provisions of Ordinance No. 50 requiring transportation permit.

BE IT FURTHER ORDAINED that:

1. The Fish and Wildlife Committee of the Confederated Tribes of Warm Springs Reservation of Oregon shall have authority to suspend the identification card of any member's card, such member shall have no right to claim the treaty rights and shall be subject to the application of state laws.

2. Violation of this ordinance shall be punishable under Chapter VI, Section 26 of the Tribal Law and Order Code.

3. This ordinance shall be known as Tribal Council Ordinance No. 38 and shall supersede Ordinance No. 38 passed July 19, 1965 and amended April 3, 1974.