

## MEMORANDUM

TO: United States Fish and Wildlife Service

FROM: The Tulalip Tribes of Washington  
Danny Simpson  
Fisheries/Wildlife Director  
7615 Totem Beach Road  
Marysville, Washington 98271  
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DATE: June 1, 2006

RE: Proposed 2006-2007 Migratory Bird Hunting Regulations

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### A. Introduction

The entity known as the Tulalip Tribes of Washington is the present-day tribal entity which is a political successor in interest to certain tribes, bands, and groups of Indians who were parties to the Treaty of Point Elliott of January 22, 1855 (12 Stat. 927). U.S. v. Washington, 459 F. Supp. 1020 at 1039 (1978). The Tribe is recognized by the United States government as a currently functioning Indian tribe maintaining its tribal government on the Tulalip Indian Reservation just north of the City of Everett in Snohomish County, Washington. Id. The Reservation was established pursuant to provisions of the Treaty of Point Elliott and by Executive Order on December 23, 1873. Id. I Kappler 925. The tribe is organized pursuant to the Indian Reorganization Act of June 18, 1934. 25 U.S.C. § 476. It is governed in accordance with its Constitution and By-Laws approved by the United States government on January 24, 1936. U.S. v. Washington, supra, at 1039.

These proposed regulations are not to be deemed to be a complete explanation of the full scope and nature of Tribally-reserved hunting rights. The Tulalip Tribes reserve the right to amend, expand, or modify hunting regulations at any time consistent with the Treaty and applicable federal law.

B. Tribal Capabilities

The Tulalip Tribes Department of National Resources is composed of approximately 50 employees, including administrators, biologists, support staff, and enforcement personnel. Since 1975, the Tulalip Tribes have participated actively in a broad range of harvest management and regulatory activities as a result of the comprehensive litigation in United States v. Washington. We have also participated in development of federal migratory bird regulation guidelines and tribal governmental regulations for the last 12 seasons. Four enforcement officers directed by the Chief of Police and the Fisheries/Wildlife Director have training and experience in enforcing tribal ordinances. These management and enforcement activities have provided an excellent background in training for managing and enforcing migratory bird hunting regulations.

C. Regulations

1. General Concerns

a. For the Tulalip Tribes of Washington, regulations will be considerate of the Pacific Flyway waterfowl population.

b. The proposed waterfowl season will be closely monitored to ensure conservation and adequate data gathering.

c. Assumptions concerning these regulations are derived from: information gathered during the last two hunting seasons, data pertaining to the hunting of waterfowl and species other than waterfowl, knowledge of commonly seen and harvested waterfowl in our region, and knowledge of biologists working for the Tulalip Tribes.

2. Potentially harvested species by Tulalip Tribal members:

Snow Goose, Chen caerulescens  
Canada Goose, Branta canadensis  
Black Brant, Branta bernicla  
Mallard, Anas platyrhynchos  
Gadwall, Anas strepera  
Green-winged Teal, Anas crecca  
American Wigeon, Anas americana  
European Wigeon, Anas penelope  
Northern Pintail, Anas acuta  
Northern Shoveler, Anas clypeata  
Blue-winged Teal, Anas discors  
Cinnamon Teal, Anas cyanoptera  
Wood Duck, Aix sponsa

Bufflehead, Bucephala albeola  
Common Goldeneye, Bucephala clangula  
Barrow's Goldeneye, Bucephala islandica  
Ruddy Duck, Oxyura jamaicensis  
Canvasback, Aythya valisineria  
Redhead, Aythya americana  
Ring-neck Duck, Aythya collaris  
Tufted Duck, Aythya fuligula  
Greater Scaup, Aythya marila  
Lesser Scaup, Aythya affinis  
Coot, Fulica americana  
Oldsquaw, Clangula hyemalis  
Black Scoter, Melanitta nigra  
White-winged Scoter, Melanitta deglandi  
Surf Scoter, Melanitta perspicillate  
Harlequin Duck, Histrionicus histrionicus  
Common Merganser, Mergus merganser  
Hooded Merganser, Lophodytes cucullatus  
  
Red-breasted Merganser, Mergus serrator  
  
Common Snipe, Capella gallinago

3. Specific Regulations

a. Migratory waterfowl hunting by Tulalip Tribal members is authorized by Tulalip Tribal Ordinance No. 67. All lands within the boundaries of the Tulalip Tribes Reservation are closed to non-member hunting unless opened by Tulalip Tribal regulations. Subsequently, any such opening will be governed by the terms of such regulations.

b. Open Seasons: September 15, 2006, through February 28, 2007 for all species listed under § C.2. for Tulalip Tribe members. For nonmembers hunting on-reservation pursuant to Tulalip Tribal law, the latest closing date and longest season permitted for the Pacific Flyway states under final federal frameworks will govern.

c. Ceremonial Hunting: Upon application of a qualified tribal member, a ceremonial hunt may be authorized by the Fisheries/ Wildlife Department at any time. Such a hunt shall have a bag limit designed to limit harvest only to those birds necessary to provide for the ceremony.

d. Bag Limits: All species listed under § C.2. For non-member hunting on-reservation pursuant to Tulalip Tribal law, daily bag and possession limits will be the same as permitted Pacific Flyway states under final federal frameworks to be announced. Additional conservation regulations may apply for specific species managed within our "region." For Tulalip Tribal members, bag limits are established under Tulalip Tribal Ordinance #67. These bag and possession limits, for ducks, are initially set at seven (7) and fourteen (14) respectively, per species per day for all species except for coots, set at twenty-five (25) and twenty-five (25) and snipe, set at eight (8) and sixteen (16) respectively and except for the following which will have bag and possession limits established in accordance with final federal frameworks for our flyway: Pintail, Canvasback, Harlequin, Wood Duck and Blue-winged Teal. Daily bag and possession limits for geese, other than Black Brant, Cackling Canada Geese and Dusky Canada Geese which will have limits established in accordance with final federal frameworks for the Pacific Flyway, are set at seven for the daily bag with 14 in possession. Also, for tribal members Subsistence waterfowl hunting the maximum annual bag limit per hunter shall be a total of 365 ducks and 365 geese.

e. All non-member waterfowl hunters, sixteen (16) years of age and older, hunting pursuant to the Tulalip Tribes Ordinance No. 67, must possess a valid Federal Migratory Bird Hunting and Conservation Stamp, signed in ink across the face, and a valid State of Washington Migratory Waterfowl stamp, also signed in ink across the face.

f. All non-member waterfowl hunters must obtain and possess while hunting a valid hunting permit from the Tulalip Tribes. Also, all non-members must be accompanied by a Tulalip Tribal member whenever hunting pursuant to Tulalip Tribal law, and must possess a valid Washington State hunting license. All Tulalip Tribal members must have in their possession while hunting, or accompanying another, their valid Tribal ID card.

g. All waterfowl harvested pursuant to the Tulalip Tribes law, and waterfowl hunting regulations must be reported and are subject to inspection by any Tulalip official enforcement personnel or designee.

h. The Tribe may close the season or place into effect additional waterfowl regulations at any time it deems it necessary for conservation of the resources. All changes may take effect immediately and are effectual for all hunters regardless of past regulations and/or purchases.

i. The anticipated harvest of waterfowl by members on traditional hunting grounds and non-members on reservation lands can be correlated to the availability of suitable waterfowling areas, the number of member hunters, and, if necessary, the limitation of non-member permits to a fixed number. Based on current harvest information and given the Tulalip

Tribes' full intention to manage in a conservative fashion, we estimate the total harvest of ducks, including mergansers, to be a maximum of 1,000, and the total harvest of geese to be a maximum of 500. These estimates are liberal. With the implementation of mandatory harvest reporting and the availability of regulations closing the season at any time, the Tulalip Tribes are confident that conservation of the resources will not be jeopardized.

j. Only shotguns, muzzleloaders loaded with shot, or bow and arrow may be used to harvest waterfowl for Subsistence purposes. It shall be unlawful for any waterfowl hunter to possess or hunt for waterfowl with shotshells or muzzleloader shotgun loaded with any metal other than steel.

k. Shooting hours are from one-half hour before official sunrise to sunset.

l. Baiting areas for the purpose of concentrating waterfowl in areas to be hunted is prohibited. This restriction does not preclude hunting over agricultural zones.

m. It is unlawful to:

(1) Hunt waterfowl from a vehicle or boat propelled by a motor, unless the boat's motor has been shut off and all motion due to the motor has been stopped.

(2) Use a boat, vehicle, or other power-driven device to concentrate, move, rally, pursue, or harass waterfowl. This does not exclude a member from using any traditional harvest method, such as "brush canoes" or sneak boats not powered by a motor driven engine.

(3) Waste waterfowl or fail to use all reasonable means to retrieve hunted waterfowl.

n. All exchange or barter of waterfowl or parts thereof shall be regulated by the Tulalip Tribal law. No sales are permitted.