

Washoe Tribe of Nevada and California

Law & Order Code

TITLE 28 - HUNTING AND FISHING

[Last Amended 11/17/08. Current Through 11/17/08.]

28-10 GENERAL PROVISIONS

28-10-10 Title

This Title is known and may be cited as the Washoe Hunting and Fishing Code.

28-10-10 Findings and Policies

The Washoe Tribe of Nevada and California hereby declares that:

1. The wildlife resources found within Washoe Indian Country are of invaluable traditional, cultural, economic, historic, environmental, recreational and aesthetic importance and a benefit to the continued health and welfare of the Tribe, its members and communities.
2. All wild birds, animals and fish found within Washoe Indian Country, whether resident or migratory, are the property of the Washoe Tribe of Nevada and California.
3. The Washoe Tribe of Nevada and California has historically retained an ownership interest in all wild birds, animals, and fish, whether resident or migratory, found within Washoe Indian Country to ensure the care, custody and maintenance of those wildlife resources and the Tribe's traditional trustee relationship with all wildlife.
4. In traditional Washoe hunting practices a special emphasis was placed upon conservation of resources.
5. Hunting, Fishing, Trapping and other activities by both Tribal members and non-members of the Tribe have a direct effect on the health of those wildlife populations and other natural resources found within Washoe Indian Country which has been traditionally utilized by the Tribe for essential subsistence and ceremonial purposes. Tribal jurisdiction over, and management of, these activities, and in particular hunting, fishing, and trapping, and all persons engaging in these activities is essential to ensure the economic security, subsistence, health, welfare, and political integrity of the Tribe as such, and of the subsistence and welfare of Tribal members.

6. The Washoe Tribe of Nevada and California, by virtue of its inherent sovereignty and the powers assigned it by the Tribal Constitution, and as recognized by the permanent injunction, findings of fact and conclusions of law entered on April 15, 1980 by the United States District Court for the District of Nevada in the case of *Washoe Tribe of Nevada and California, and Vernell Frank and Carl James v. Joseph Greeley, Director for the State of Nevada Department of Wildlife, et al.*, possesses the sovereign authority to control and regulate the taking of game and other wildlife found within Washoe Indian Country to ensure the protection, conservation, and perpetuation of those natural resources.
7. It is the intent of this Hunting and Fishing Code to provide for the establishment of an orderly system for the control and regulation of all hunting, fishing, and trapping activities within Washoe Indian Country.
8. Game animals, game birds, and game fish and all other wildlife may be taken only at times, places, or in manners or quantities as in the judgment of the Tribe and its Hunting and Fishing Commission as maximizes hunting, fishing, and trapping opportunities compatible with healthy and diverse wildlife populations.
9. The wildlife resources found within Washoe Indian Country shall be preserved, protected and perpetuated primarily for the taking and use by members of the Washoe Tribe of Nevada and California and their immediate families.
10. Use of Tribal lands and facilities and the taking of wildlife or fish by non-members of the tribe is a privilege within the discretion of the Tribe and to be conferred only upon compliance with the terms and conditions set by the Washoe Tribe of Nevada and California and only with explicit, written approval from the Hunting and Fishing Commission.

28-10-30 Jurisdiction

1. Applicability. This Code shall be applicable to all persons within Washoe Indian Country.
2. Exclusivity. This Code and any rules or regulations adopted pursuant to this Code shall be the exclusive law concerning hunting, fishing, trapping, or other wildlife related activities within Washoe Indian Country. No activity regulated by this Code shall be committed or attempted to be committed within Washoe Indian Country even though such activity may be lawful under the laws of the State of Nevada or the State of California.

28-10-40 Repeal of Prior Ordinances

All ordinances, regulations and codes heretofore enacted for the Washoe Tribe of Nevada and California for the purpose of regulating hunting, fishing, and

trapping are hereby repealed.

28-10-50 Definitions

As used in this Code:

1. "Animals, birds and fish" as used herein shall mean any animals, birds or fish which are not domesticated.
2. "Bag Limit" means the maximum number of animals, birds or fish which may be taken, caught, killed or possessed by any member of the Washoe Tribe within Washoe Indian Country specified by regulation of the Washoe Tribe Hunting and Fishing Commission for any period of time, or so specified and fixed as to size, sex, or species.
3. "Chumming" means the placing in the water of fish, parts of fish, or other material upon which fish feed, for the purpose of attracting fish to a particular area in order that they be taken.
4. "Closed Area" means any place, river, or stream described or designated by regulation of the Washoe Tribe Hunting and Fishing Commission wherein it shall be unlawful to hunt or trap for animals or birds, or to fish.
5. "Closed Season" means all of the time during the entire year excepting the "open season" as specified by regulation of the Washoe Tribe Hunting and Fishing Commission. There is no closed season on those types of wildlife classified as unprotected.
6. "Commission" means the Washoe Tribe Hunting and Fishing Commission.
7. "Destruction" means the act of ruining the structure or condition of something or to completely put it out of existence.
8. "Fish" or "fishing" and its derivatives means to take aquatic wildlife by any means, and every attempt to do so.
9. "Fork Length" means the length of any fish, measured in a straight line from the tip of the snout to the fork of the tail.
10. "Fur-bearing Mammal" means any mammal so classified by Commission regulation.
11. "Game" means all big game or small game animals, game fish, fur-bearing mammals or migratory or upland game birds.
12. "Game fish" means any fish, crustacean, or mollusk so classified by Commission regulation.

13. "Hook" or "fish hook" means any implement to catch or hold fish. "Single hook" means any hook with one point, with or without a barb. "Double hook" means any hook with two points, with or without barbs, attached to a single shank. "Treble or triple hook" means any hook with three points, with or without barbs, attached to a single shank. "Snag" or "Gaff" hooks are hooks with or without handles used to take fish in such a manner that the fish does not take the hook voluntarily in its mouth.
14. "Hunt" or "hunting" and its derivatives means to take any wildlife, other than aquatic wildlife, by any means, and every attempt to do so.
15. "Law Enforcement Officer" means any Washoe Tribe of Nevada and California law enforcement officer or ranger, including deputized rangers, who may enforce the law within Washoe Indian Country.
16. "Legal Tackle" means a hook and line attached to a rod and reel held in hand while landing fish.
17. "Member of the Washoe Tribe" shall mean any person whose name appears on the records of the Washoe Tribe as an enrolled member of the Tribe.
18. "Migratory game bird" means any birds so classified by Commission regulations.
19. "Open Area" means any place, river, or stream described or designated by regulation of the Washoe Tribe Hunting and Fishing Commission wherein it shall be lawful to hunt or trap for animals or birds, or to fish.
20. "Open Season" means the period of time specified by regulation of the Washoe Tribe Hunting and Fishing Commission when it shall be lawful to hunt, trap or fish for game animals, game birds, game fish, or fur bearing mammals. Each period of time specified as an "open season" shall include the first and last days thereof.
21. "Person" shall mean any natural person or artificial entity.
22. "Small game animal" means any mammal so classified by Commission regulation.
23. "Snagging" means any activity whereby an effort is made to hook a fish in any part of its body other than its mouth by constant jerking of a hook or hooks attached to a line, pole, rod or other device.
24. "Solid Waste" shall have the definition contained in Title 16 of the Law and Order Code.
25. "Tag" means a card, label or other identification device issued by the Tribe for attachment to the carcass of any wildlife.

26. “Take” or “taking” and its derivatives means to fish, hunt, trap, capture, catch, chase, collect, cripple, disturb, follow, harass, injure, kill, net, possess, pursue, seine, shoot, snare, or wound any wildlife, and any attempt to engage in such activity.
27. “Trap” or “trapping” and its derivatives means to set or operate any device that is designed, built, or made to close upon or hold fast any wildlife, and every act of assistance to any person in so doing.
28. “Tribal Court” means the Washoe Tribal Court.
29. “Upland game bird” means any birds so classified by Commission regulation.
30. “Washoe Indian Country” means those lands and waters described in the Washoe Tribe’s Constitution over which the Washoe Tribe of Nevada and California asserts jurisdiction.
31. “Washoe Tribe Hunting and Fishing Commission” means the Commission formed in accordance with this Code when acting in its official capacity and as directed by law.
32. “Waters” means the water resources of the Washoe Tribe as defined in Title 19 of the Law and Order Code.
33. “Wildlife” means any form of animal life generally living wild in a state of nature, including all wild mammals, birds, fish, mollusk, reptiles, crustaceans and amphibians and their nests, eggs and spawn.

28-20 HUNTING AND FISHING COMMISSION

28-20-10 Members

There is hereby created a Hunting and Fishing Commission which will regulate hunting and fishing within Washoe Indian Country. The Commission shall consist of up to seven (7) members, appointed by the Washoe Tribal Council.

28-20-20 Terms

The term of each member is three years, except that the first appointees after initial adoption of this Code shall serve terms of one, two and three years respectively, so that in the future two vacancies will occur each year. A member is eligible for reappointment. If there is a vacancy for any cause, the Tribal Council shall make an appointment to become immediately effective for the unexpired term. The Tribal Council, after public hearing, in its sole discretion, may remove any member of the Commission for inefficiency, neglect of duty, or misconduct in office.

28-20-30 Officers

The Commission shall select one of its members as Chairman for such terms and with such necessary duties and powers as may be assigned by the Commission.

28-20-40 Quorum

The majority of the members of the Commission constitute a quorum for the transaction of business.

28-20-50 Appointment of Members

The Washoe Tribal Council shall select the members of the Commission in the following manner:

1. Notice that the Tribal Council will appoint someone to fill a vacancy on the Washoe Tribe Hunting and Fishing Commission shall be given at least twenty (20) days before the appointment is made.
2. The notice required by subsection (a) shall be posted at the Tribal office and at least one other place determined by the Tribal Council to be appropriate.
3. Any member of the Washoe Tribe may submit his or her name to the Washoe Tribal Council for consideration at any time before the day set in the notice for making the appointment.
4. The Tribal Council shall select the person it deems the best person for the job by majority vote, either with or without holding interviews with the applicants.

28-20-60 Commission Duties and Powers

1. Establishment of seasons, amounts, and manner of taking wildlife. After investigation of the supply and condition of wildlife, the Commission, *at least once each year*, shall establish appropriate hunting, trapping and fishing seasons and prescribe the time, place, manner and method that may be used to hunt, fish, trap, take or possess wildlife.
2. Commission delegated regulatory authority. The Commission shall manage the hunting, fishing, and trapping of all wildlife within Washoe Indian Country. The Commission may exercise such powers and duties, including the promulgation of rules and orders, necessary to carry out fully the policies of the Washoe Tribe and the provisions of this Code.
3. Discretionary powers. The Commission may (by way of example only):
 - (a) Designate a species of wildlife as a:

- (i) big game animal;
 - (ii) small game animal;
 - (iii) upland game bird;
 - (iv) migratory game bird;
 - (v) fur-bearing mammal; and
 - (vi) game fish.
- (b) Determine the kinds of game species, such as by gender, age, size, or other obvious physical characteristic, that may be taken.
 - (c) Determine the wildlife or kinds of wildlife that are protected from hunting, fishing or trapping by designating such wildlife as protected.
 - (d) Determine the wildlife or kinds of wildlife that are unprotected, and may be hunted, fished, trapped, or taken without regard to season.
 - (e) Establish open seasons for taking or possessing game.
 - (f) Establish lawful methods of taking game.
 - (g) Establish bag limits.
 - (h) Establish geographic areas where specific regulations may apply to the taking of game.
 - (i) Determine those persons who may fish, hunt, or trap within Washoe Indian Country.
 - (j) Issue licenses, tags and permits for the hunting, fishing, trapping, or possession of wildlife. Licenses issued pursuant to this subsection may include special hunting permits for a Tribal Member to hunt on land owned by that person in areas where permits for deer are limited by quota, or
 - (k) Determine conditions under which hunting, fishing, and trapping privileges may be granted by the Commission.
 - (l) Prescribe fees and procedures for the issuing of licenses, tags, permits and applications.
 - (m) Regulate the hours during which wildlife may be hunted.

- (n) Establish methods of taking wildlife that are primarily taken because of the value of their pelts or plumage.
 - (o) Accept, from whatever source, appropriations, gifts or grants of money or other property for the purposes of wildlife management.
 - (p) Prescribe procedures requiring the holder of any license, tag or permit issued pursuant to this Code to keep records and make reports concerning the time, manner and place of taking wildlife, the quantities taken and such other information as the Commission determines necessary for proper enforcement of this Code or to obtain information for use in wildlife management.
 - (q) Issue special licenses, tags and permits for traditional hunting and fishing practices and prescribe procedures therefore.
 - (r) Appoint agents to issue any of the licenses, tags or permits the Commission issues.
 - (s) Regulate wildlife depredations.
4. Public notice and participation. In exercising its powers and duties, the Commission shall ensure adequate public notice, opportunity for public comment and participation, and due regard for traditional Washoe methods and practices. Copies of this Code and all rules, regulations or orders of the Commission adopted pursuant to this Code shall be made available to any interested person.
5. Impartiality.
- (a) The Commission will complete its duties impartially and avoiding the appearance of bias or impropriety.
 - (b) No member of the Commission will participate in any Commission vote to approve or issue any tag or license where the person requesting the tag or license is an immediate family member.
 - (c) The Commission will arrange for any lottery drawing conducted by the Commission under this Code to be performed by a person or persons not seeking a tag or license in the drawing.
 - (d) Any person who fixes or manipulates a lottery drawing is responsible for a civil infraction and a civil fine of not more than Two Hundred and Fifty Dollars (\$250.00) in addition to any other penalties prescribed by law.
6. All persons who apply for a license or who seek special written permission to

do any act pursuant to this Code shall be provided with a copy of the Code at that time, whether the individual requests to receive a copy or not.

28-20-70 Adoption of Regulations

Regulations may be adopted or amended by a majority vote of a quorum of the Commission.

28-30 LICENSE, PERMIT AND TAG REQUIREMENTS

28-30-10 General License and Permit Requirements

1. Fishing:

(a) No Tribal Member shall need a fishing license, so long as he or she has proof of Washoe Tribal membership in their possession while fishing.

(b) No persons who are not members of the Washoe Tribe shall be eligible for or receive a license to fish within Washoe Indian Country.

2. Hunting. No person shall hunt, trap, or take, or assist another in hunting, trapping or taking wildlife without having procured and holding in his or her possession proof of membership in the Washoe Tribe of Nevada and California, as well as all licenses or permits required by Commission regulation, or

3. Any person who violates this Section and has killed an animal is responsible for a civil infraction and subject to a civil fine of not more than Two Hundred and Fifty Dollars (\$250.00) in addition to any other penalties prescribed by law.

4. Any person who violates this Section and has not killed an animal is responsible for a civil infraction and subject to a civil fine of not more than Fifty Dollars (\$50.00) in addition to any other penalties prescribed by law.

5. The Law Enforcement Officer has the discretion to give a verbal warning if an individual engaged in hunting deer does not have *both* a valid poof of Tribal Membership and a valid deer tag in his or her possession at the time.

28-30-20 General Tag Requirements

1. Except as authorized by Commission regulation, no person shall kill or possess game, including but not limited to deer, mountain lion or black bear, for which a tag is required, without a valid tag.

2. Tags will be issued by the Commission at the beginning of each season through a lottery drawing to individuals who meet all requirements set forth in the "Hunting Registration Form," including the completion of a

mandatory Hunter Safety Course if born after January 1, 1960 and being over the age of 12. If under the age of 12, a child may hunt only if accompanied by a duly licensed individual.

3. This subsection does not prohibit the killing of an animal if necessary to protect the life or property of any person in imminent danger of being attacked by an animal.
4. A tag issued for hunting any game specified in this Section is not valid if knowingly used by a person;
 - (a) Other than the person specified on the tag (unless Section 28-30-40 applies);
 - (b) Outside of the geographical area specified on the tag; or
 - (c) Outside of the dates established by the Commission for the lawful taking of the game specified on the tag.
5. Any person who violates this Section is responsible for a civil infraction and a civil fine of not more than Two Hundred and Fifty Dollars (\$250.00) in addition to any other penalties prescribed by law.

28-30-30 Nevada Deer Tag Holders May Not Receive Washoe Deer Tag

It shall be unlawful for any tribal member receiving a Deer Tag from the State of Nevada to participate in the annual Washoe Tribe Deer Tag Drawing for the year he or she received the Nevada Tag.

28-30-40 Special Deer Tag Provision for Seniors and Handicapped Persons

If a Senior, 55 or older, or handicapped person draws a deer tag in the drawing and cannot physically hunt the deer, then the person may do the following:

1. Seek written permission from the Hunting and Fishing Commission to have a relative who is also a Tribal member hunt the deer. The deer tag holder must be present in the vehicle during the hunting and must have the written permission with them along with the tag and must comply with all other hunting regulations; or
2. If the person has no relative who is also a Tribal member who can hunt for him or her, then the person may ask that a member of the Hunting and Fishing Commission or its designee hunt the deer on the deer tag holder's behalf.

28-30-50 Special License for Traditional Hunting & Fishing Practitioners

To encourage and promote traditional hunting and fishing practices, the

Commission may issue special licenses, tags, or permits upon request to traditional hunting and fishing practitioners. Any such license, tag, or permit will be issued to coincide with the Tribe's regular hunting and fishing seasons and may be subject to other generally applicable rules such as bag limits. To qualify for a traditional practitioner license, tag or permit, the practitioner's equipment must be authenticated by the Tribe's Historic Preservation Officer.

28-40 STANDARDS OF CONDUCT GOVERNING HUNTING AND FISHING

28-40-10 Obtaining License or Permit by Fraud

1. No person shall obtain by fraud or misrepresentation a license, permit or tag to take wildlife.
2. A license, permit or tag so obtained is void and of no effect.
3. Any person who violates this Section is responsible for a civil infraction and subject to a civil fine of not more than Three Hundred Dollars (\$300.00) in addition to any other penalties prescribed by law.

28-40-20 Inspection of Licenses, Tags, Permits, Wildlife and Firearms

1. The holder of any license, tag or permit to hunt, fish or trap must consent to the inspection of any such license, tag or permit, any wildlife taken pursuant to such license, tag or permit as well as any firearm in possession during the taking of the wildlife by any Law Enforcement Officer and shall inform the Law Enforcement Officer that he or she does not have the appropriate license, tag or permit if he or she does not have it.
2. Any person who refuses such inspection is responsible for a civil infraction and subject to a civil fine of not more than Five Hundred Dollars (\$500.00) in addition to any other penalties prescribed by law.
3. The refusal of an inspection shall constitute prima facie evidence that such person has no permit, license or tag.

28-40-30 Resisting or Obstructing Officers

1. A person shall not resist or obstruct any Law Enforcement Officers in the discharge of their duties while enforcing the law or rules adopted pursuant to this Code.
2. Any person who violates this Section is responsible for a civil infraction and subject to a civil fine of not more than Five Hundred Dollars (\$500.00) in addition to any other penalties prescribed by law.

28-40-40 Misuse of Firearms: Intoxication, Carelessness and Recklessness

1. No person may handle or discharge any firearm while under the influence of an intoxicating substance including alcohol and illicit drugs or in a careless or reckless manner or with wanton disregard for the safety of human life or property.
2. Any person who handles any firearm while under the influence of an intoxicating substance including alcohol and illicit drugs or in a careless or reckless manner or with wanton disregard for the safety of human life or property is responsible for a civil infraction and subject to a civil fine of not more than Three Hundred Dollars (\$300.00) in addition to any other penalties prescribed by law.
3. Any person who discharges any firearm while under the influence of an intoxicating substance including alcohol and illicit drugs or in a careless or reckless manner or with wanton disregard for the safety of human life or property is responsible for a civil infraction and subject to a civil fine of not more than Five Hundred Dollars (\$500.00) in addition to any other penalties prescribed by law.

28-40-50 Chasing or Harassing Wildlife

1. Except as authorized by law or rules adopted pursuant to this Code, no person shall intentionally or recklessly chase, harass, molest, worry or disturb any wildlife except while engaged in lawful fishing, hunting or trapping such wildlife.
2. Any person who violates this Section is responsible for a civil infraction and subject to a civil fine of not more than Five Hundred Dollars (\$500.00) in addition to any other penalties prescribed by law.

28-40-60 Wildlife Depredations

1. Nothing in this Code is intended to prevent any person from taking any wildlife that is damaging land that the person owns or lawfully occupies, or is damaging livestock or agricultural or forest products of such land.
2. No person shall take any wildlife, pursuant to this Section, unless the person first informs the Commission in writing and obtains permission for such taking from the Commission.
3. Any person who violates this Section is responsible for a civil infraction and subject to a civil fine of not more than Five Hundred Dollars (\$500.00) in addition to any other penalties prescribed by law.

28-40-70 Illegal Killing of Specific Animals

1. It is illegal to kill or possess a bobcat, swan, eagle or any big game mammal for which one does not have a valid tag.
2. Any person who violates this Section is responsible for a civil infraction and subject to a civil fine of not more than Five Thousand Dollars (\$5,000.00) in addition to any other penalties prescribed by law.

28-40-80 Releasing Domestically Raised or Imported Wildlife

1. No person may release within Tribal jurisdiction any domesticated or captive animals, birds, or fish, or wildlife brought to Washoe Indian Country from any place outside Tribal jurisdiction unless the person first obtains permission from the Commission.
2. Any person who violates this Section is responsible for a civil infraction and subject to a civil fine of not more than Five Hundred Dollars (\$500.00) in addition to any other penalties prescribed by law.

28-40-90 Carrying, Transporting and Utilizing Traps without Required License, Permit or Tag and Commission Approval to Use Such Trap

1. A person may not carry, transport or utilize a trap while in any closed area or area frequented by wildlife unless that person has in his or her possession all required licenses, tags or permits and has explicit, written Commission approval to use such trap.
2. All persons who have such written Commission approval to trap fur-bearing animals shall:
 - (a) Tag traps with a chain attached with an indestructible tag with the true name and address of the owner of the trap, in English letters of a readable size;
 - (b) Ensure that a 3/16 inch spacer is present on No. 3 steel traps or larger traps;
 - (c) Check all traps a minimum of once every 72 hours and remove any trapped animal;
 - (d) Send a report of all catch to the Commission at the end of each season;
 - (e) Not use the edible flesh of any game, bird, animal or fish for trap bait in trapping; and
 - (f) Place or set any steel trap within 200 feet of any paved road.
3. Any person who violates this Section is responsible for a civil infraction and subject to a civil fine of not more than Five Hundred Dollars (\$500.00)

in addition to any other penalties prescribed by law.

28-40-100 Transporting Loaded Firearms in a Motor Vehicle

1. No person may carry, transport, convey, possess, or control in or on a motor vehicle a shotgun, rifle or other firearm containing shells or cartridges in the firing chamber, or a muzzle-loading firearm, loaded and capped or primed.
2. Any person who violates this Section is responsible for a civil infraction and subject to a civil fine of not more than One Hundred Dollars (\$100.00) in addition to any other penalties prescribed by law.

28-40-110 Discharging a Firearm Along a Paved Road

1. No person may shoot or discharge a firearm from, upon, across or along a paved road.
2. Any person who violates this Section is responsible for a civil infraction and subject to a civil fine of not more than Two Hundred Fifty Dollars (\$250.00) in addition to any other penalties prescribed by law.

28-40-120 Hunting or Discharging Firearm from Any Motor-Propelled Vehicle

1. No person who is the occupant of any motor-propelled vehicle that is moving on a road open to the public or stopped on a paved road may discharge a firearm or hunt any wildlife from such motor-propelled vehicle.
2. The Commission may authorize hunting from a stopped motor-propelled vehicle which is not parked on the traveled portion of a paved road by a person who is permanently disabled from walking.
3. Any person who violates this Section is responsible for a civil infraction and subject to a civil fine of not more than Two Hundred Fifty Dollars (\$250.00) in addition to any other penalties prescribed by law.

28-40-130 Discharging a Firearm Near a Building

1. No person may hunt or discharge a firearm within one hundred fifty (150) yards of an occupied building, dwelling, house, residence, cabin or building without obtaining the written permission of the owner, renter or occupant of the property.
2. Any person who violates this Section is responsible for a civil infraction and subject to a civil fine of not more than Two Hundred Fifty Dollars (\$250.00) in addition to any other penalties prescribed by law.

28-40-140 Habitat Destruction where Hunting and Fishing Occurs

1. The Commission believes that in order to ensure that hunting and fishing activities are available for generations to come, it must protect the habitat where hunting and fishing occurs.
2. No person may pollute, impair, or destroy the air, Waters (as defined in Title 19 of the Law and Order Code), or other natural resources or the public trust in these resources while hunting, fishing or trapping; and no person may pollute, impair, or destroy the air, Waters (as defined in Title 19 of the Law and Order Code), or other natural resources or the public trust in these resources where hunting, fishing or trapping occurs.
3. Any person who violates this Section is responsible for reimbursement to the Tribe or property owner for the cost of clean up and shall receive a civil infraction and be subject to a civil fine of not more than One Thousand Dollars (\$1,000.00) in addition to any other penalties prescribed by law.
4. If a person pollutes, impairs, or destroys the air, Waters (as defined in Title 19 of the Law and Order Code), or other natural resources or the public trust in these resources they may be found in violation of Title 17 of the Law and Order Code. The decision to bring civil charges pursuant to Title 28 or Title 17 of the Law and Order Code shall rest with the Tribal Prosecutor, who may seek a recommendation from the Law Enforcement Officer, the Tribal Council, or WEPD.

28-40-150 Disposing of Solid Waste

1. No person may dispose of Solid Waste while hunting, fishing, or trapping and no person may dispose of Solid Waste where hunting, fishing or trapping occurs.
2. Any person who violates this Section is responsible for reimbursement to the Tribe or property owner for the cost of clean up and shall receive a civil infraction and be subject to a civil fine of not more than One Thousand Dollars (\$1,000.00) in addition to any other penalties prescribed by law.
3. If a person disposes of Solid Waste in violation of this Section they may be found in violation of Title 16 of the Law and Order Code. The decision to bring civil charges pursuant to Title 28 or Title 16 of the Law and Order Code shall rest with the Tribal Prosecutor, who may seek a recommendation from the Law Enforcement Officer, the Tribal Council, or WEPD.

28-40-160 Damaging Public or Private Property

1. No person may remove, destroy, injure, damage, or molest livestock, growing crops, signboards, notices, improvements, or personal property of another while hunting, trapping or fishing.

2. Any person who violates this Section is responsible for reimbursement to the property owner of the damaged property and shall receive a civil infraction and be subject to a civil fine of not more than Two Hundred Fifty Dollars (\$250.00) in addition to any other penalties prescribed by law.

28-40-170 Destruction of Tribal Notices

1. No person may tear down, mutilate, or destroy any sign or other notice which has been posted pursuant to this Code.
2. Any person who violates this Section is responsible for reimbursement to the Tribe for the damaged property and shall receive a civil infraction and be subject to a civil fine of not more than Five Hundred Dollars (\$500.00) in addition to any other penalties prescribed by law.

28-40-180 Silencers

1. No person may possess while hunting any contrivance designed to silence, muffle or minimize the report of a firearm.
2. All silencers shall be seized by law enforcement.
3. Any person who violates this Section is responsible for a civil infraction and subject to a civil fine of not more than Five Hundred Dollars (\$500.00) in addition to any other penalties prescribed by law.

28-40-190 Hunting on Another’s Posted and Cultivated or Enclosed Land

1. No person may hunt upon the enclosed or cultivated land of another without first obtaining signed, written permission from the owner or lawful occupant thereof, or the agent of such owner or occupant if signs are displayed thereon forbidding hunting, shooting, or trapping.
2. The person must have a valid hunting permit, license, and tag and the signed, written permission in their possession when stopped by a Law Enforcement Officer. The failure or refusal to display a valid Tribal permit, license, and tag along with the signed, written permission shall constitute prima facie evidence that such person has no right to hunt on the land.
3. Any person who violates this Section is responsible for a civil infraction and subject to a civil fine of not more than Five Hundred Dollars (\$500.00) in addition to any other penalties prescribed by law.

28-40-200 Hunting at Night

1. Except as authorized by law or rules adopted pursuant to this Code, no person shall hunt wildlife either before sunrise or after sunset.

2. Any person who violates this Section is responsible for a civil infraction and subject to a civil fine of not more than Five Hundred Dollars (\$500.00) in addition to any other penalties prescribed by law.

28-40-210 Toxic Substances Accessible to Wildlife

1. No person shall place any toxic substance where it is accessible to wildlife unless the substance used and the method of application complies with all applicable law.
2. Any person who violates this Section is responsible for reimbursement to the Tribe or property owner for the cost of clean up and shall receive a civil infraction and be subject to a civil fine of not more than One Thousand Dollars (\$1,000.00) in addition to any other penalties prescribed by law.

28-40-220 Endangering Wildlife with Explosives or Poisons

1. Except as authorized by law or rules adopted pursuant to this Code, no person may lay, set or use an explosive, poison or other substance that may endanger, injure or kill wildlife.
2. Any person who violates this Section is responsible for a civil infraction and subject to a civil fine of not more than Fifteen Hundred Dollars (\$1,500.00) in addition to any other penalties prescribed by law.

28-40-230 Mutilation of Wildlife and Hampering Identification

1. No person may mutilate wildlife so that the size, species or sex cannot be determined visually in the field, or while being transported.
2. Any person who violates this Section is responsible for a civil infraction and subject to a civil fine of not more than One Thousand Dollars (\$1,000.00) in addition to any other penalties prescribed by law.

28-40-240 Removal of Parts of Wildlife and Waste of Wildlife

1. No person shall remove from the carcass of any game animal or game bird the head, antlers, horns, hide or plumage and utilize only those parts so removed and leave the carcass to waste, except when engaged in lawful trapping activities or when utilizing those game animals or game birds that the Commission declares to be inedible.
2. No person shall needlessly waste any edible portion of any game animal, game bird or game fish or the pelt of any fur-bearing animal.
3. Any person who violates this Section is responsible for a civil infraction and subject to a civil fine of not more than Fifteen Hundred Dollars (\$1,500.00) in addition to any other penalties prescribed by law.

28-40-250 Use of Dogs Generally

1. Except as authorized in an explicit written approval letter by the Commission, no person shall permit any dog the person owns to hunt, track, or pursue any game animal.
2. Any such dog running at large may be destroyed by any Law Enforcement Officer, without civil or criminal liability therefore.
3. Any person who violates this Section is responsible for a civil infraction and subject to a civil fine of not more than Two Hundred Fifty Dollars (\$250.00) in addition to any other penalties prescribed by law.

28-40-260 Use of Dogs to Hunt Deer and Negligent Injury to Animals by Dogs

1. It is unlawful for the owner or any person in control or possession of a dog to directly or negligently permit the dog to pursue or injure deer, bobcats, cougars, swan, bears, eagles or any big game mammal or to accompany a person who is hunting deer or elk.
2. A dog may accompany a hunter when engaged solely in the hunting of small game animals or game birds.
3. Any person who violates this Section is responsible for a civil infraction and subject to a civil fine of not more than Two Hundred Fifty Dollars (\$250.00) in addition to any other penalties prescribed by law.

28-40-270 Federally Protected Fish and Game

1. No person may kill, take, catch or possess any wildlife, the killing, taking, catching or possession of which is in violation of federal law.
2. Any person who violates this Section is responsible for a civil infraction and subject to a civil fine of not more than One Thousand Dollars (\$1,000.00) in addition to any other penalties prescribed by law.

28-40-280 Taking of Protected Wildlife

1. No person may take any wildlife deemed protected by law or Commission regulation, or destroy or possess the nests or eggs of game birds or protected wildlife.
2. Any person who violates this Section is responsible for a civil infraction and subject to a civil fine of not more than Five Hundred Dollars (\$500.00) in addition to any other penalties prescribed by law.

28-40-290 Federal Stamp for Hunting of Migratory Waterfowl

1. No person subject to the federal migratory bird hunting stamp tax may hunt or take any migratory waterfowl unless at the time of such hunting or taking that person carries on their person an unexpired federal migratory bird hunting stamp validated by their signature hand-written in ink across the face of the stamp prior to hunting such birds.
2. Any person who violates this Section is responsible for a civil infraction and subject to a civil fine of not more than Fifty Dollars (\$50.00) in addition to any other penalties prescribed by law.

28-40-300 Closed Season

1. No person may take wildlife at any time during the year other than during an open season designated by the Commission pursuant to this Code.
2. Any person who violates this Section is responsible for a civil infraction and subject to a civil fine of not more than Five Hundred Dollars (\$500.00) in addition to any other penalties prescribed by law and shall have the animals and any weapon or implement used to catch such animals seized.

28-40-310 Closed Area

1. It shall also be illegal for individuals when acting within Washoe Indian Country to hunt, trap or fish within the boundaries of any Closed Area within Washoe Indian Country.
2. The Open Area to hunt deer with a rifle is the Washoe ranches unless there is a special exception made in writing by the Commission to the person and they have such approval in their possession at the time of being stopped.
3. Any violator of this Section is responsible for a civil infraction and subject to a civil fine of not more than Five Hundred Dollars (\$500.00) in addition to any other penalties prescribed by law and the animals and any weapon or implement used to catch such animals will be seized.

28-40-320 Unlawful Use of Devices and Methods

1. No person may take wildlife with an unlawful device or by an unlawful method.
2. Unless otherwise specified by Commission regulation, no person shall hunt:
 - (a) Any game bird or game animal with any automatic firearm capable of firing more than one round of ammunition with one continuous pull of the trigger, or with any full steel, full steel core, full metal jacket, tracer or incendiary bullet or shell, or any shotgun larger than number ten (10) gauge.

- (b) Big game animals in any manner other than with a rifle, held in the hand, that exerts at least 1,000 foot-pounds of energy at 100 yards, or with a longbow and arrow which meet the specifications established by Commission regulation.
 - (c) Small game animals in any manner other than with a handgun, shotgun, rifle, longbow and arrow or by means of falconry.
 - (d) Game birds with any rifle or handgun, or in any manner other than with a shotgun held in the hand, with a longbow and arrow or by means of falconry.
 - (e) Any game bird or game animal with the aid of any artificial light.
 - (ii) It is prima facie evidence of a violation of this Section to be found with a spotlight or other artificial light, after sunset and before sunrise, while there is in the possession or in the immediate physical presence of the person a firearm with which the wildlife could be killed.
3. Any person who violates this Section is responsible for a civil infraction and subject to a civil fine of not more than Five Hundred Dollars (\$500.00) in addition to any other penalties prescribed by law.

28-40-330 Bag Limit

- 1. No person may take wildlife in excess of the bag limit.
- 2. The bag limits shall derive from the limits put forth by the Nevada Department of Wildlife each year.
- 3. Any person who violates this Section is responsible for a civil infraction and subject to a civil fine of not more than Three Hundred Dollars (\$300.00) in addition to any other penalties prescribed by law.

28-40-340 Possession Limit

- 1. No person may possess wildlife in excess of the possession limit.
- 2. The possession limits shall derive from the limits put forth by the Nevada Department of Wildlife each year.
- 3. Any person who violates this Section is responsible for a civil infraction and subject to a civil fine of not more than Three Hundred Dollars (\$300.00) in addition to any other penalties prescribed by law.

28-40-350 Transportation of Unlawfully Taken Wildlife

1. No person may possess or transport any wildlife or parts of wildlife which have been unlawfully taken.
2. Any person who violates this Section is responsible for a civil infraction and subject to a civil fine of not more than Three Hundred Dollars (\$300.00) in addition to any other penalties prescribed by law.

28-40-360 Tagging of Carcass

1. No person may possess or transport the carcass of wildlife for which a tag is required without a valid tag being attached thereto.
2. Any person who violates this Section is responsible for a civil infraction and subject to a civil fine of not more than Three Hundred Dollars (\$300.00) in addition to any other penalties prescribed by law.

28-40-370 Transmission Lines

1. It shall be unlawful for any person to hunt any wild bird while the bird is perched on any telephone or electrical transmission line, the pole, crossarm or insulator thereof.
2. Any person who violates this Section is responsible for a civil infraction and subject to a civil fine of not more than Two Hundred Fifty Dollars (\$250.00) in addition to any other penalties prescribed by law.

28-40-380 Unattended Decoys

1. It shall be unlawful for any person to leave unattended any game decoy upon any lands or waters. Any decoy so left, in excess of one hour shall be considered abandoned and may be removed and retained by the Washoe Tribe.
2. Any person who violates this Section is responsible for a civil infraction and subject to a civil fine of not more than Two Hundred Fifty Dollars (\$250.00) in addition to any other penalties prescribed by law.

28-40-390 Live Decoys

1. It shall be unlawful for any person to hunt game birds with the use or aid of live birds as decoys.
2. Any person who violates this Section is responsible for a civil infraction and subject to a civil fine of not more than Two Hundred Fifty Dollars (\$250.00) in addition to any other penalties prescribed by law.

28-40-400 Taking of Young of Animals, Birds

1. It shall be unlawful for any person to destroy or to have in his possession or under his control the nest or eggs of any game bird or any young of game animals or predators. Unlawful hunting or trapping of the nests or eggs or young of game birds or animals shall be punished.
2. Any person who violates this Section is responsible for a civil infraction and subject to a civil fine of not more than Two Hundred Fifty Dollars (\$250.00) in addition to any other penalties prescribed by law.

28-40-410 Unlawful Molestation or Destruction of Muskrat Nests

1. It shall be unlawful for any person at any time to molest or destroy, or attempt to molest or destroy any muskrat nest.
2. Any person who violates this Section is responsible for a civil infraction and subject to a civil fine of not more than Two Hundred Fifty Dollars (\$250.00) in addition to any other penalties prescribed by law.

28-40-420 Private Publication of Game Laws

1. Any tribal member who prints, publishes, or disseminates by spoken word, or causes to be printed or published any wording purporting the same to be a true game law, when the same is in fact not a true game law or regulation shall, upon conviction, be deemed guilty of an offense. In addition, if any violations of the game laws results from such printing or publication, the printer or publicator shall also be liable as an aider or abettor of the crime resulting therefrom.
2. Any person who violates this Section is responsible for a civil infraction and subject to a civil fine of not more than Two Hundred Fifty Dollars (\$250.00) in addition to any other penalties prescribed by law.

28-40-430 Setting Fire

1. It is unlawful for any person to willfully, maliciously, or negligently set a fire or cause to be set a fire of any woods, sagebrush, or grounds of any description other than his own, or to permit a fire, set or caused to be set by him, to pass from his own grounds to the injury or damage of others.
2. Any person who violates this Section is responsible for reimbursement to the Tribe or property owner for the cost of response and clean up and shall receive a civil infraction and be subject to a civil fine of not more than One Thousand Dollars (\$1,000.00) in addition to any other penalties prescribed by law.

28-40-440 Campfires - Unlawful Acts

1. It is unlawful for any Tribal member to build a campfire within Washoe Indian Country and to leave such campfire unattended and unextinguished.
2. Any person who violates this Section is responsible for reimbursement to the Tribe or property owner for the cost of response and clean up and shall receive a civil infraction and subject to a civil fine of not more than One Thousand Dollars (\$1,000.00) in addition to any other penalties prescribed by law.

28-40-450 Unlawful Manner of Camping Near Waterhole

1. It is unlawful for any Tribal member to camp within 100 yards of a waterhole in such a manner that wildlife or domestic stock will be denied access to such waterhole.
2. Any person who violates this Section is responsible for a civil infraction and subject to a civil fine of not more than Two Hundred Fifty Dollars (\$250.00) in addition to any other penalties prescribed by law.

28-50 STANDARDS OF CONDUCT GOVERNING FISHING

28-50-10 Illegal Tackle

1. It shall be illegal, except where expressly permitted, to fish from or in any of the waters of Washoe Indian Country for any fish with any seine, net, spear, setline, set hooks, grabhooks, trotline or snagline, or in any manner known as snagging, or with any wire fence, trap, giant powder, or any other manner other than the act of fishing with legal tackle for personal use and not for barter or sale.
2. For catching minnows, a net or trap may be used.
3. Only one combination of rod, line and no more than two hooks, which hooks may be single, double or treble, shall be used by one person at any time and such equipment shall be closely attended by such person while fishing.
4. Any person who violates this Section is responsible for a civil infraction and subject to a civil fine of not more than Fifty Dollars (\$50.00) in addition to any other penalties prescribed by law.

28-50-20 Chumming

1. Chumming is prohibited.
2. Any person who violates this Section is responsible for a civil infraction and subject to a civil fine of not more than Fifty Dollars (\$50.00) in addition to any other penalties prescribed by law.

28-50-30 Snagging

1. Snagging is prohibited. Possession of fish that have hook marks in any area of the body other than the head or mouth shall be prima facie evidence of snagging.
2. Any person who violates this Section is responsible for a civil infraction and subject to a civil fine of not more than Fifty Dollars (\$50.00) in addition to any other penalties prescribed by law.

28-50-40 Fishing Season

The open waters of Washoe Tribal lands shall be open to fishing year round.

28-50-50 Fishing Hours

1. One hour before sunrise to one hour after sunset.
2. Any person who violates this Section is responsible for a civil infraction and subject to a civil fine of not more than One Hundred Dollars (\$100.00) in addition to any other penalties prescribed by law.

28-50-50 Catch and Possession Limits

1. No person may catch more than five (5) fish per day and shall not have more than five (5) fish in their possession at any time.
2. The catch may include any combination of fish species.
3. Any person who violates this Section is responsible for a civil infraction and subject to a civil fine of not more than One Hundred Dollars (\$100.00) in addition to any other penalties prescribed by law.

28-60 STANDARDS OF CONDUCT GENERALLY

28-60-10 Non-Compliance with Commission Rules

Unless a different or other penalty is specifically prescribed, a person who fails to comply with a lawful order or rule of the Commission shall be responsible for a civil infraction and subject to a civil fine of not more than Two Hundred Fifty Dollars (\$250.00) in addition to any other penalties prescribed by law.

28-60-10 Devices Declared Public Nuisance

1. Articles, devices, or equipment, including but not limited to motor vehicles, unlawfully used, possessed, or maintained for catching, taking killing, attracting or decoying wildlife are public nuisances.

2. If only an immediate seizure or abatement will stop the nuisances delineated in paragraph 1 above, then a Law Enforcement Officers may immediately seize or abate the public nuisance without warrant, process, or liability.
3. If a person's activity is such that immediately action is not warranted then the person shall have a claim filed against them for public nuisance pursuant to Title 17 of the Law and Order Code.

28-60-30 Possession of Wildlife as Evidence of Illegal Taking

The fact that any person has any wildlife, or any part thereof, in possession when it is illegal to take or have same, or without all required licenses, permits or tags, is prima facie evidence that such person killed or has taken such wildlife in violation of this Code.

28-60-30 Counseling, Aiding or Sharing in Violation

Any person, who causes, counsels, aids, conspires or assists in any violation of this Code or the rules adopted there under, or shares in any of the proceeds of such violation by receiving or possessing any wildlife shall incur the penalties provided for the person guilty of such infraction.

28-60-30 Additional Damages for Violation of this Code

1. Whenever a person is found to have illegally killed or possessed wildlife listed in this subsection, the Tribal Court may also order the person to reimburse the Tribe in the following amounts for *each* animal killed or possessed in addition to the assessment of fines already contained herein and any other penalties prescribed by law:
 - (a) Each bobcat, swan, eagle, black bear, or big game animal other than deer (\$400.00 to \$5,000.00).
 - (b) Deer (\$400.00 to \$1,500.00).
 - (c) Each game bird, migratory game bird, and upland game bird (up to \$300.00).
 - (d) Each game fish (\$5.00).
 - (e) Each fisher (up to \$350.00).
 - (f) Each specimen of any wildlife species whose survival is specified by the Code or the laws of the United States as threatened or endangered (up to \$5,000.00).
 - (g) Each specimen of any wildlife species otherwise protected by this Code

or the laws of the United States, but not otherwise referred to in this Section (up to \$250.00).

2. If two or more persons are found to have violated the Code, the reimbursement amount shall be imposed upon them jointly and separately.
3. The reimbursement amount provided in this Section shall be imposed in the discretion of the Tribal Court, in addition to and regardless of any other remedies prescribed by this Code for the unlawful taking or killing of wildlife.
4. All funds recovered pursuant to this Section shall be deposited with the Tribal Finance Department and credited to the Wildlife Fund.

28-60-60 Additional Penalties for Violation of this Code

1. Expulsion: Nothing in this Hunting and Fishing Code shall be deemed to preclude the remedy of expulsion against non-members for violation of this Code. An action for expulsion may be taken in addition to or in lieu of any other enforcement procedure provided for by this Code.
2. When an individual's crime is deemed particularly egregious by the Tribal Court it may seek a non-binding recommendation from the Commission as to the appropriate penalty and/or fine.

28-70 TRESPASS AND THEFT

28-70-10 Civil Trespass

1. Civil Trespass exists when a person without lawful authority or permission, willfully and knowingly goes upon Washoe Indian Land or the land of any private individual for the purpose of engaging in unauthorized activity.
2. It is unlawful for any individual when acting within Washoe Indian Country to commit civil trespass in order to engage in hunting and fishing and all trespassers will be liable for civil penalties and damages. If any Animal, Birds or Fish are involved in the trespass, a Law Enforcement Officer may seize and take possession of such Animal, Birds or Fish involved in the trespass when such products are found within Washoe Indian Country.

28-70-20 Criminal Trespass

1. Any non-member who has entered upon Washoe Indian Country to engage in unauthorized activity such as illegal hunting and fishing may be arrested for criminal trespass pursuant to N.R.S. 207.200 (or its equivalent) by any Law Enforcement Officer and may be transported to a Nevada Law Enforcement Agency to be taken into custody.

2. Any person, whether Tribal member or non-member, may have a federal claim initiated against them for trespass pursuant to 18 U.S.C. §1165 or for any other federal law designed to protect tribes from trespass. This may be initiated in addition to or in lieu of any other enforcement procedures provided by this Title. 18 U.S.C. §1165 states, “[w]hoever, without lawful authority or permission, willfully and knowingly goes upon any land that belongs to any Indian or Indian tribe, band, or group and either are held by the United States in trust or are subject to a restriction against alienation imposed by the United States, or upon any lands of the United States that are reserved for Indian use, for the purpose of hunting, trapping, or fishing thereon, or for the removal of game, peltries, or fish therefrom, shall be fined under this title or imprisoned not more than ninety days, or both, and all game, fish, and peltries in his possession shall be forfeited.”

28-70-30 Federal Prosecution for Theft

1. This Code has been enacted to protect the natural resources of the Washoe Tribe of Nevada and California, and taking or using of said resources contrary to the terms of this Title constitutes theft of Tribal assets.
2. Any person, whether Tribal member or non-member, may have a federal claim initiated against them for theft of Tribal assets pursuant to 18 U.S.C. §1163 or for any other federal law designed to protect Tribal assets. This may be initiated in addition to or in lieu of any other enforcement procedures provided by this Title.

28-80 ENFORCEMENT

28-80-10 Authority to Enforce the Hunting and Fishing Code

1. Authority of Law Enforcement Officers:

Washoe Law Enforcement Officers have the authority to enforce this Code by issuing citations and/or taking into custody individuals when acting within Washoe Indian Country and violating the laws or regulations of the Washoe Tribe pertaining to hunting and/or fishing.

2. Authority of Game Warden:

(a) Under supervision from the Commission, the Game Warden is responsible for maintaining and patrolling all boundaries of Washoe Indian Country to assure that fishermen and hunters have secured the necessary permits for their activities, including valid deer tags, and protecting the natural resources. The Game Warden may be required to perform other duties, however they must be explicitly agreed to by a majority vote of a quorum of the Commission.

(b) Under supervision from the Commission, the Game Warden is

responsible for checking to ensure that users have necessary permits and that adherence and compliance with laws and regulations pertaining to the protection of natural resources are met. If the Game Warden discovers that an individual is not in compliance with laws and regulations pursuant to this Code, he shall contact a Law Enforcement Officer immediately and has no discretion to allow anyone to leave his custody voluntarily.

- (c) The Game Warden is not a Law Enforcement Officer who may arrest or issue citations.

28-80-20 Enforcement of Hunting and Fishing Code

1. It shall be the duty of all Law Enforcement Officers, the Tribal Prosecuting Attorney and the Tribal Legal Department to investigate, enforce, and prosecute all violations of this Title. Non-Tribal enforcement agencies shall not be deemed agents of the Tribe. Law Enforcement Officers shall have the power and authority to apply for and execute all warrants and serve process of law issued by the Tribal Court in enforcing this Title.
2. Whenever a person is arrested based upon a Law Enforcement Officer's reasonable belief the person has failed to comply with any provision of this Code, the arresting Officer may serve upon the arrested person a citation and notice to appear in court, in lieu of keeping said person in custody.
3. In determining whether to issue a citation and notice to appear, the Officer may consider the following factors:
 - (a) Whether the person has identified himself satisfactorily;
 - (b) Whether detention appears reasonably necessary to prevent imminent bodily harm to himself or to another, injury to property, or breach of the peace;
 - (c) Whether the person has ties to the community or is a local resident so as to provide reasonable assurance of his appearance before the Tribal Court, or whether there is a substantial likelihood that he or she will refuse to respond to the citation; and
 - (d) Whether the person previously has failed to appear in response to a citation issued pursuant to this Section or to other lawful processes of the Washoe Tribe.
4. A citation shall contain:
 - (a) The name and address of the Defendant;
 - (b) The name of the Tribe as Plaintiff;

- (c) A description of the alleged infraction(s) of this Code;
 - (d) The place where Defendant shall appear in Court;
 - (e) The telephone number of the Court;
 - (f) The time at or by which the appearance shall be made; and
 - (g) Any additional information required by Tribal law.
5. The issuance and service of a civil citation constitutes a civil summons and complaint to appear in the Tribal Court and defend a civil action. The Plaintiff shall be the Washoe Tribe of Nevada and California. Except as otherwise provided in this Section, the rules of civil procedure and all other rules governing civil actions in Tribal Court are applicable to any proceeding instituted where it is alleged that an infraction of this Code has occurred.
 6. If a Tribal member defendant fails to appear, the Tribal Court shall issue a warrant of arrest and shall order any bail deposited by defendant as hereafter set fourth, forfeited.
 7. If a non-member defendant fails to appear, the matter shall be turned over to a collection agency.
 8. The fine amounts contained throughout this Title shall be the bail amounts in the bail schedule which shall be imposed by the Tribal Court.
 9. Any person arrested and taken into custody for violation of this Code may be released upon posting the specified bail with the clerk of the Tribal Court. This shall not prevent the Court from ordering or authorizing the release of such persons without bail if he or she is satisfied that such persons meet the standards above set for the for reliability as to appearance in Court for trial and where such persons are without the financial means to post bail.
 10. The failure to comply with any provision of this Code shall constitute a civil infraction, except for the act of criminal trespass and criminal theft contained in §§28-70-20 and 28-20-30. A civil infraction is not a crime and shall not subject a person to criminal punishment. There is no right to trial by jury for a civil infraction of this Code.

28-80-30 Non-Liability of Law Enforcement Officers

No person authorized to enforce this Code shall suffer any civil liability for the enforcement or the attempted enforcement, in good faith, of any provisions of this Code or for the exercise or attempted exercise, in good faith, of any of the duties or privileges granted to or imposed by law upon the Commission or Law Enforcement Officers.

28-80-40 Entry Upon Property in Course of Duty

Law Enforcement Officers may enter upon lands or waters and remain there while performing their duties without liability for trespass.

28-80-50 Stopping of Motor Vehicles Authorized in Certain Circumstances

In order to investigate, enforce and prosecute all violations of this Title, the Game Warden, Law Enforcement Officers, and law enforcement agencies of the Tribe are hereby empowered to require the driver of any motor vehicle being operated for the purpose of conducting hunting and fishing activity within Washoe Indian Country, on any tribal, State, or BIA road and any other land or highway within Washoe Indian Country to stop and display his or her license or permit to conduct such hunting and fishing activity for which a license or permit is required by the Washoe Tribe of Nevada and California. No person shall fail to stop as required by this Section.

28-80-60 Searches and Seizure of Evidence

1. Law Enforcement Officers may search with or without warrant any conveyance, vehicle, package, game basket, game coat, or other receptacle, tent, camp, or similar place which they have probable cause to believe contain evidence of a violation of law, and, for purposes of such a search, may detain any vehicle or conveyance for a reasonable time.
 - (a) The Tribal Court may issue a search warrant pursuant to this Section on an affidavit under oath demonstrating that probable cause exists for said search. The Tribal Court may order a search on such terms and conditions as are reasonable in the discretion of the Tribal Court. This warrant may be issued ex parte when the representative for the Tribe has demonstrated exigent circumstances.
 - (b) Warrantless searches pursuant to this Section may only be made:
 - (i) Pursuant to Title 4 of the Tribal Law and Order Code, which addresses searches without a warrant for evidence of criminal violations.
 - (ii) In the absence of a criminal violation, if the search is of a vehicle or other conveyance capable of moving under its own power, or a receptacle or place from which items would probably be taken before a warrant could be obtained, and the Officer has probable cause to believe the conveyance, receptacle or place to be searched contains evidence which could be discovered with a search warrant.
2. Any Law Enforcement Officer may seize without warrant all birds, animals,

fish or parts thereof taken, killed, transported or possessed contrary to Code or any regulation of the Commission pertaining to hunting and fishing, and any dog, gun, trap, net, seine, decoy, bait, boat, light, fishing tackle, motor vehicle, or other device unlawfully used in hunting, fishing, or trapping, or held with intent to use unlawfully in hunting, fishing or trapping.

3. A Law Enforcement Officer who seizes personal property shall issue to the person from whom it is seized a receipt listing the serial number of any firearms and describing any other property seized. The receipt shall also contain the date and place of seizure, and the address and telephone number of the seizing Officer or other person or Tribal agency from whom information about the seizure may be obtained. Any property seized under this provision shall be delivered to and shall remain in the custody of the Washoe Tribe Police Department pending court proceedings, *however all wildlife seized shall be documented and if suitable donated to the Tribe's Senior Center or equivalent or otherwise destroyed.*

28-80-70 Search Warrants Required for Dwellings

1. A dwelling may be searched only pursuant to a warrant. The Tribal Court may, upon a showing of probable cause by sworn statement of a Law Enforcement Officer, issue a search warrant and direct a search to be made in any place wherein it is alleged that any wildlife, taken or in possession contrary to this Code or regulation of the Washoe Tribe, is concealed or illegally kept or wherein it is alleged that any dog, firearm, trap, net, seine, decoy, bait, boat, light, fishing tackle, motor vehicle, or other device unlawfully used in hunting, fishing or trapping, or held with the intent to use unlawfully in hunting, fishing or trapping, is concealed or illegally kept. Such warrant shall authorize the search of any dwelling, buildings, enclosures or vehicles, and any box, package, or other receptacle to be opened and the contents thereof examined, provided that the scope of said warrant is limited to the area within Washoe Indian Country. This warrant may be issued ex parte when the Law Enforcement Officer has demonstrated exigent circumstances.
2. Law Enforcement Officers may seize and take possession of any such wildlife and any firearm, ammunition, trap, snare, tackle or other device or equipment whose presence indicates that a violation of any provision of this Code has occurred.
3. A Law Enforcement Officer who seizes personal property shall issue to the person from whom it is seized a receipt listing the serial number of any firearms used and describing any other property seized. The receipt shall also contain the date and place of seizure, and the address and telephone number of the seizing officer or other person or Tribal agency from whom information about the seizure may be obtained. Any property seized under this provision shall be delivered to and shall remain in the custody of the Washoe Tribe Police Department pending court proceedings, *however all*

wildlife seized shall be documented and if suitable donated to the Tribe's Senior Center or equivalent or otherwise destroyed.

28-80-80 Complaints in Tribal Court

Proceedings brought against any person for violation of any hunting or fishing law or regulation of the Washoe Tribe shall be brought in Tribal Court and initiated by a complaint signed by a Law Enforcement Officer and either prepared by the Officer, the Tribal Prosecutor, or the Tribal Attorney. The complaints shall set forth the following information:

1. The name of the Court
2. The name of the person charged
3. The offense charged, in the language of the applicable Code provision or regulation, together with a statement as to the time, place, persons or property involved so as to enable the defendant to understand the character of the offense charged.

28-80-90 Seizure & Forfeiture

1. Tribal Findings and Declaration of Purpose:
 - (a) The Washoe Tribe hereby finds and declares that: The unlawful taking of game, protected species of wildlife, and other wildlife within Washoe Indian Country causes economic, ecological, and other damage to the Tribe, its resources, its members, the residents of Washoe Indian Country and the natural environment which sustains them all. This forfeiture provision is intended to remedy those economic and ecological damages, insofar as it is possible, by quantifying the indirect and diffuse harmful impacts in financial terms. Every instance of the unlawful taking of wildlife within Washoe Indian Country imperils the subsistence and welfare of the Tribe by depleting its wildlife resources beyond those limits considered prudent or warranted by the Tribe.
 - (b) The economic and ecological costs of unlawful hunting and fishing activities, like all other unlawful activities, exact a toll on the natural balance of the environment and the human utilization of natural resources. These costs, whether taken single or in aggregate, are borne by the Tribe, its wildlife populations, natural resources and environment, Tribal members, and residents, as well as the public at large both within and without Tribal jurisdiction. These costs include unhealthy and decreased wildlife populations; injury to related natural resources, the environment, and other public goods; as well as decreased subsistence and recreational opportunities; decreased opportunity to observe and maintain Tribal traditions, including

spiritual practices; and increased costs to manage and maintain wildlife populations and other natural resources. The exact amount of damage attributable to a specific infraction of this Code is difficult if not impossible to calculate. This forfeiture provision is intended to rationally assess those damages in light of the anticipated harm, the difficulty of proof of all damages, especially indirect, diffuse, cumulative and long term damage, and the inconvenience or infeasibility of otherwise obtaining an adequate remedy. The damages therefore shall be deemed to be the value of the property used, or intended to be used, to engage in or facilitate conduct proscribed by this Code.

2. Pursuant to this Code, Law Enforcement Officers may seize any property that was used:
 - (a) To facilitate the unlawful and intentional taking of any wildlife designated by the Commission as a game or protected species; or
 - (b) To transport, sell, receive, conceal, acquire or purchase any wildlife designated as a game or protected species which is unlawfully taken; or
 - (c) Any wildlife which has been taken in any manner or for any purpose contrary to this Code.
3. Anything seized pursuant to this Code shall be subject to forfeiture at the order of the Tribal Court after notice and opportunity for hearing or trial as hereafter set forth.
4. If a person is delinquent on paying the fine assessed on them in the citation for 60 days and the person failed to appear then all items seized from the person shall be deemed forfeited.
5. In case it appears upon the sworn complaint of the Officer making the seizure that any articles seized were not in the possession of any person and that the owner thereof is unknown, the Tribal Court shall have power and jurisdiction to forfeit such articles upon a hearing duly had after service of summons on the unknown owner by publishing such summons in any newspaper of general circulation in Douglas County or Carson City for a period of 4 successive weeks. Said summons shall describe the articles seized and shall give the owner 15 days from the date of last publication to appear before the Tribal Court and contest the forfeiture.
6. In the event the Tribal Court orders forfeiture of any articles seized, such articles shall be turned over to the Washoe Tribal Council for the use and benefit of the Washoe Tribe.
7. If any articles are not declared forfeited by order of the Tribal Court, they

shall be returned to the person from whom they were seized, after the case has been concluded and the fines, if any, have been paid.

28-80-100 Wildlife Fund – Creation, Deposits

1. There is established in the Tribal Treasury the Wildlife Fund, which shall consist of any money received or derived from the operation of this Code, and which shall be used primarily for any purposes related to the implementation of this Code, the policies and goals expressed in this Code, or to the Tribe’s wildlife and natural resource policies and goals.
2. Any Tribal employee or agency receiving any money pursuant to the provisions of this Code shall forthwith deposit that money in the Treasury for credit to the Wildlife Fund, unless otherwise authorized by law.

28-80-110 Statutory Construction

The provisions of this Code shall be liberally construed to effectuate its remedial purposes. Civil remedies under this Act shall be supplemental and not mutually exclusive. They do not preclude and are not precluded by any other provision of law.

28-80-120 Severability

If any provision of this Code or the application thereof to any person or circumstance is held invalid, the invalidity does not effect other provisions or applications of the Code which can be given effect without the invalid provision or application, and to this end the provisions of this Code are severable.