

TITLE 12

WOOD RESOURCES

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TITLE 12

WOOD RESOURCES

Chapter 12.01 Wood Harvesting

12.01.01 Wood Harvesting Regulated - Purpose

The Port Gamble S'Klallam Tribal Council finds that the trees, timber, and bark on the reservation are a vital and valuable Tribal resource that must be protected and preserved for the benefit of the Tribe and its members. The Port Gamble S'Klallam Tribal Council finds that this valuable resource is threatened by the indiscriminate and irresponsible cutting and sale of timber, and by bark stripping, by members and non-members. The purpose of this chapter is to control these destructive practices.

[HIST: Source - Formerly, the "Port Gamble S'Klallam Tribal Woodcutting Ordinance" passed 10/1/81, this chapter was renumbered and slight changes in wording made to facilitate codification. Resolution 15-A-97, passed 9/14/15, amended this Title for the following reasons: 1) the Title's name was "Natural Resources" and is now changed to "Wood Resources"; 2) previously non-tribal members could not assist tribal members with cutting wood and they are now permitted to help if they have permit permission from the Natural Resources (NR) Department; 3) a permit process was implemented for tribal members who cut wood; 4) permit restriction specifications are now included; 5) persons who want to cedar strip now need a permit from NR; 6) rules about showing a wood cutting permit, minors cutting wood, and daylight hours are now included; and 7) Chapter 12.02 is a new chapter that creates civil penalties for violations of Chapter 12.01.]

12.01.02 Definitions

When the words listed in this section appear in this title, they shall have the following meaning unless a different meaning is clearly intended.

- a) Department of Natural Resources means the Port Gamble S'Klallam Department of Natural Resources.
- b) Downed means any tree or wood that has fallen to the ground.
- c) Sale means the exchange of anything of value including, but not limited to, cash, goods, or services.
- d) Timber and Wood mean any and all live trees, downed trees, and firewood from forests on tribal property.
- e) Timber Cutting means the cutting of standing or downed timber for any purpose.
- f) Tribe means the Port Gamble S'Klallam Tribe.

- g) Tribal member means an enrolled member of the Port Gamble S’Klallam Tribe.

[HIST: Source - “Port Gamble S’Klallam Tribal Woodcutting Ordinance” passed 10/1/81.]

12.01.03 Who May Cut Timber

Only members of the Port Gamble S’Klallam Tribe or persons with written authorization from the Tribe may cut standing or downed timber from land within the Tribe’s jurisdiction. A non-member may assist a tribal member if he or she is authorized to do so by the Tribe’s Department of Natural Resources. Any such authorization must appear in writing on the tribal member’s permit, and the authorized person must have the permit on his or her person when cutting timber. The tribal member does not need to be present while an authorized person cuts timber to assist the tribal member.

[HIST: Source - “Port Gamble S’Klallam Tribal Woodcutting Ordinance” passed 10/1/81. Resolution 15-A-97, passed 9/14/15.]

12.01.04 Cutting Limited to Designated Areas

Timber cutting is only permitted in areas designated for that purpose by the Port Gamble S’Klallam Natural Resources Department.

[HIST: Source - “Port Gamble S’Klallam Tribal Woodcutting Ordinance” passed 10/1/81.]

12.01.05 Sale of Timber Prohibited

The sale of timber or wood cut from land within the Tribe’s jurisdiction by any person or entity other than the Port Gamble S’Klallam Tribe is prohibited unless the person or entity has a tribally approved contract to do so. The Tribal Council must approve such a contract.

[HIST: Source - “Port Gamble S’Klallam Tribal Woodcutting Ordinance” passed 10/1/81.]

[Cross References - Section 5.02.04 (Theft), Section 5.02.02 (Vandalism/Unauthorized Use).]

12.01.06 Permit Required to Cut Timber or Wood (Cutting Permit)

Only members of the Port Gamble S’Klallam Tribe or persons with written authorization from the Tribe may acquire a permit to cut timber. No person may cut timber or wood from land within the Tribe’s jurisdiction unless he or she has obtained and has in his or her possession a permit from the Tribe to do so. Permits may be obtained

at the Port Gamble S’Klallam Natural Resources Department. No fee shall be charged for the permit.

[HIST: Source - “Port Gamble S’Klallam Tribal Woodcutting Ordinance” passed 10/1/81. Resolution 15-A-97, passed 9/14/15.]

12.01.07 Permit Required to Take Timber or Wood Off Reservation (Hauling Permit)

No person may remove timber or wood from land within the Tribe’s jurisdiction unless he or she has obtained and has in his or her possession a permit from the Tribe to do so. Permits may be obtained at the Port Gamble S’Klallam Natural Resources Department. No fee shall be charged for the permit.

[HIST: Source - “Port Gamble S’Klallam Tribal Woodcutting Ordinance” passed 10/1/81.]

12.01.08 Permit Restrictions

Only members of the Port Gamble S’Klallam Tribe and persons with written authorization from the Tribe may be issued permits to remove timber and wood from the Tribe’s jurisdiction. Each permit shall be valid only for the length of time indicated on the permit. Only the amount of timber specified on the permit may be removed from land within the Tribe’s jurisdiction under that permit.

Permits for cutting or hauling timber or wood under this Title may contain any or all of the following restrictions:

- a) Length limits for cut wood;
- b) Amount of wood that may be harvested;
- c) Duration of the permit, including dates and time of day;
- d) Persons authorized to assist, and type of assistance if any;
- e) The place where the permit holder may transport the wood;
- f) The species, maturity, downed or standing condition of the timber;
- g) The place or area where the timber may be harvested; and
- h) Any restrictions necessary for safety or for protection of the resource, including but not limited to emergency closure of harvest areas.

Permits may be subject to other terms and conditions that the Port Gamble S’Klallam Tribal Council or the Department of Natural Resources may require.

[HIST: Source - "Port Gamble S'Klallam Tribal Woodcutting Ordinance" passed 10/1/81. Resolution 15-A-97, passed 9/14/15.]

12.01.09 Permit Required for Cedar Stripping

No person may remove bark from cedar trees within the Tribe's jurisdiction unless he or she has obtained and has in his or her possession a permit from the Tribe to do so. Permits may be obtained at the Port Gamble S'Klallam Natural Resources Department. No fee shall be charged for the permit.

[HIST: Source - Resolution 15-A-97, passed 9/14/15.]

12.01.10 Examination of Identification and Permits by Law Enforcement

Any person claiming to have a permit under this Code shall produce for examination the applicable identification cards and permits required by this Title upon demand of any tribal law enforcement officer. Failure to produce the required forms of identification shall be probable cause to believe that such person is not authorized to cut, haul, sell, or strip timber, or to assist with cutting, hauling, selling, or stripping timber, on land within the Tribe's jurisdiction.

[HIST: Source - Resolution 15-A-97, passed 9/14/15.]

12.01.11 Minors

Persons under eighteen (18) may obtain a permit to cut timber or may be listed as an authorized person to cut timber on another member's permit, provided that they cut timber accompanied by an adult.

[HIST: Source - Resolution 15-A-97, passed 9/14/15.]

12.01.12 Daylight hours

Timber cutting on tribal property shall only be allowed during daylight hours.

[HIST: Source - Resolution 15-A-97, passed 9/14/15.]

Chapter 12.02 Civil Infractions

12.02.01 Timber Cutting Without Obtaining Permit

Any person who exercises or claims to exercise timber cutting rights without first obtaining a valid and current permit, as required by this Title, has committed a civil infraction. Upon finding the person committed the infraction, the Court shall impose a civil fine not less than \$250.00 and not to exceed \$500.00.

[HIST: Source - Resolution 15-A-97, passed 9/14/15.]

12.02.02 Timber Cutting Without Identification and Permit Possession

Any person who fails to produce the applicable identification cards and permits required by this Title has committed a civil infraction. Upon finding that the person committed the infraction, the Court shall impose a civil fine not to exceed \$50.

[HIST: Source - Resolution 15-A-97, passed 9/14/15.]

12.02.03 Refusal to Produce Identification and Permit to Law Enforcement Officers

Any person who willfully fails or refuses to produce for examination his or her identification and permit required by the Code, upon demand by any tribal law enforcement officer, has committed a civil infraction. Upon finding that the person committed the infraction, the Court shall impose a civil fine not less than \$100.00 and not to exceed \$500.00.

[HIST: Source - Resolution 15-A-97, passed 9/14/15.]

12.02.04 Sale of Timber Without a Permit

Any person who sells timber or wood cut from land within the Tribe's jurisdiction without a tribally approved contract to do so has committed a civil infraction. Upon finding that the person committed the infraction, the Court shall impose a civil fine not less than \$250 and not to exceed \$500.00.

[HIST: Source - Resolution 15-A-97, passed 9/14/15.]

12.02.05 Hauling Timber Without a Permit

Any person who removes timber or wood from the land within the Tribe's jurisdiction without first obtaining a valid and current permit, as required by this Title, has committed a civil infraction. Upon finding that the person committed the infraction, the Court shall impose a civil fine not less than \$100.00 and not to exceed \$500.00.

[HIST: Source - Resolution 15-A-97, passed 9/14/15.]

12.02.06 Timber Cutting While Intoxicated

Any person who cuts timber while under the influence of alcohol or illegal drugs has committed a civil infraction. Upon finding that the person committed the infraction, the Court shall impose a civil fine not less than \$250 and not to exceed \$500.00.

[HIST: Source - Resolution 15-A-97, passed 9/14/15.]

12.02.07 Cedar Stripping

Any person who removes bark from cedar trees within the Tribe's jurisdiction without a permit to do so has committed a civil infraction. Upon finding that the person committed the infraction, the Court shall impose a civil fine not less than \$250 and not to exceed \$500.00.

[HIST: Source - Resolution 15-A-97, passed 9/14/15.]

12.02.08 Violation of Timber Cutting Code

Any person who fails to comply with any provisions of this Code, whether a provision has been specifically designated as a civil infraction under this Chapter or whether a provision does not carry with it a specific penalty, has committed a civil infraction. Upon finding that the person committed the infraction, the Court may impose a civil fine not to exceed \$500.00.

For any violation of this Code, in addition to a fine, the Court may also order:

- a) Forfeiture of any timber, wood, or bark wrongfully taken; and
- b) Restitution for any damage to the resource. Damage could include, but is not limited to, wrongful felling of a live tree or causing habitat damage.

[HIST: Source - Resolution 15-A-97, passed 9/14/15.]