

Pala Band of Mission Indians
Ordinance No. 4
Hunting



Amended
September 10, 2008



PALA BAND OF MISSION INDIANS

35008 Pala Temecula Rd. PMB 50
Pala, CA 92059

Ph: (760) 891-3500
Fax: (760) 742-1411

PALA BAND OF MISSION INDIANS

ORDINANCE NO. 4, As Amended

PURPOSE: TO ESTABLISH RULES GOVERNING HUNTING AND FISHING ON THE PALA RESERVATION

WHEREAS, the frequency of trespass by hunters on the Pala Reservation, has made the area dangerous to members of the Pala Band, and the increased hunting has resulted in reducing the amount of game available to members of the Pala Band, and some members have illegally allowed nonmembers to hunt on the Reservation, and

WHEREAS, the Pala Band has filed an application with the United States requesting certain land be taken into trust for the Band's benefit which includes fishing areas; and

WHEREAS, 18 U.S.C. §1165 provides: "Whoever, 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, 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;" and

WHEREAS, 18 U.S.C. § 3571 imposes a maximum fine of \$5,000 for persons who commit the offense of unlawful hunting, trapping, or fishing on Indian land or under 18 U.S.C. § 1165; and

WHEREAS, 16 U.S.C. § 3372(a)(1) provides: "It is unlawful for any person to import, export, transport, sell, receive, acquire, or purchase any fish or wildlife or plant taken, possessed, transported, or sold in violation of any law, treaty, or regulation of the United States or in violation of any Indian tribal law;" and

WHEREAS, 16 U.S.C. §§ 3373 and 3374 impose penalties on persons who violate 16 U.S.C. § 3372(a)(1), ranging from a maximum civil fine of \$10,000 to a maximum criminal penalty of a fine of \$20,000 and/or 5 years imprisonment to forfeiture of game, vehicles, and equipment used in committing the offense; and

WHEREAS, Section 12300 of the State Fish and Game Code provides that said Code does not apply to California Indians whose names are inscribed upon the tribal rolls, while on the reservation of such tribe, except that such Indians are subject to that part of the Code which prohibits the sale of any bird, game, fish or amphibian; and

WHEREAS, the members of the Pala Band wish to bring the provisions of the above-cited laws to the attention of members of the Band and non-members, and to provide hunting and fishing rules specifically for the Pala Reservation;

NOW THEREFORE BE IT ORDAINED by the General Council of the Pala Band under authority of Article 6. A. of the Pala Constitution:

SECTION I – Rules Governing Hunting on the Pala Reservation

A. Only the following individuals may hunt on the Pala Reservation: (i) enrolled members of the Pala Band (“enrolled member”), (ii) Pala blood descendants within the most recent two generations, and (iii) the legally recognized family member of an enrolled member; provided however that such individuals who fall within (ii) and (iii) may only hunt on the Pala Reservation if accompanied by the enrolled member who is their tie to the reservation. Individuals who fall within this Section I(A) shall hereinafter be referred to as “Eligible Hunter(s).” For purposes of this Ordinance, the term “legally recognized family member” means any individual recognized under state or tribal law as the child, sibling, spouse or partner of an enrolled member of the Pala Band.

B. Such hunting on the Reservation must be conducted pursuant to tribal hunting permits issued by Admin. in accordance with policies adopted by the Executive Committee and General Council establishing hunting seasons, bag limits and any necessary regulations for the purpose of safeguarding members and ensuring adequate wildlife management and conservation, including the protection of endangered species. An Eligible Hunter who demonstrates an incapacity to hunt may designate another Eligible Hunter to use his or her annual permit for purposes of bag limits so long as any game taken is given to the Eligible Hunter with incapacity to hunt.

C. Game taken shall not be sold. Nor shall game taken be removed from the Reservation, except for the limited purpose of meat processing, taxidermy, disposal and consumption by the Eligible Hunter or where applicable, the Eligible Hunter with incapacity to hunt.

D. Eligible Hunters under eighteen (18) years of age must be accompanied by an enrolled, adult member of the Band when hunting on the Reservation.

SECTION II – Rules Governing Fishing on the Pala Reservation

A. Only the following individuals may fish recreationally on the Pala Reservation in designated areas: (i) enrolled members of the Pala Band, (ii) Pala blood descendants within the most recent two generations; and (iii) the legally recognized family members of an enrolled member; provided however that such individuals who fall within (ii) and (iii) may only fish on the Pala Reservation if accompanied by the enrolled member who is their tie to the reservation.

B. Such fishing must be conducted pursuant to permits issued by Admin. Such permits shall be issued by Admin. in accordance with policies adopted by the Executive Committee, and the General Council, establishing designated fishing areas and any necessary fishing seasons, catch and species limits, methods of take, and regulations for the purpose of safeguarding members and ensuring adequate wildlife and natural resource management and conservation, including the protection of endangered species.

C. Fish shall not be taken from the Reservation or sold.

D. Any individual eligible to fish under Section II(A) who is under eighteen (18) years of age must be accompanied by an enrolled, adult member of the Band when fishing on the Reservation.

E. Only legally recognized family members may accompany those individuals authorized to fish pursuant to Section II(A) and (B). If the legally recognized family member not has not been issued a permit, then he or she may not fish during such accompaniment.

Pala Band of Mission Indians Hunting Fishing Fines

Tribal and Non-Tribal

No Poaching/ rifle or shotgun, bow arrow, crossbow or traps.

1 st offense	2 nd offense	3 rd offense
\$200	\$500	\$1000

No consumption of alcohol or drugs while hunting.

1 st offense	2 nd offense	3 rd offense
\$500	\$1000	\$2000

Fishing poaching/ taking fish or night fishing.

1 st offense	2 nd offense	3 rd offense
\$100	\$300	\$500

No swimming.

1 st offense	2 nd offense	3 rd offense
\$100	\$200	\$300

No boat, floatation devices allowed in the water.

1 st offense	2 nd offense	3 rd offense
\$100	\$300	\$500

No consumption alcohol or drugs while fishing.

1 st offense	2 nd offense	3 rd offense
\$100	\$300	\$500

No Littering.

1 st offense	2 nd offense	3 rd offense
\$50	\$100	\$200

Fishing Times for Pala Lakes.

Fishing time start ½ hour before sun up and fishing ends ½ hour after sunset.



SECTION III – Violations

A. The Pala Band has jurisdiction over all violations of Section I and Section II of this Ordinance. It shall be the duty of Band law enforcement officers to enforce this Ordinance. A violation of Section I or Section II of this Ordinance is a civil infraction and subject to the fines and procedures applicable to civil infractions under the Pala Peace and Security Code Sections 3, and 6-14.

B. The federal government has jurisdiction over violations of 16 U.S.C. § 3372(a)(1) and 18 U.S.C. § 1165. Violations of Section I and Section II of this Ordinance are also violations of one or both of these federal laws. Band law enforcement officers shall therefore report violations of Section I or Section II of this Ordinance to federal law enforcement officers, but nothing herein limits the duty and authority of Band law enforcement officer to investigate and enforce violations of Section I or Section II as violations of tribal law. Furthermore, the Executive Committee is authorized to enter into agreements with federal agencies concerning the application of federal laws relating to hunting, fishing, and game and wildlife management and the enforcement of those laws by the Bureau of Indian Affairs' Division of Law Enforcement Services, the United States Fish and Wildlife Services' Division of Law Enforcement, or other federal law enforcement agencies.

C. As provided for in Section 9 of the Pala Peace and Security Code, any person found in violation of any applicable federal or state law while within the exterior boundaries of the Pala Reservation also may be referred to appropriate federal, state, or county law enforcement officials for prosecution, which may carry maximum penalties.

SECTION IV – Effective Date of Ordinance

This Ordinance became effective on February 26, 1969. Any amendments to the Ordinance shall become effective upon the date of their adoption by the General Council of the Pala Band.

SECTION V – Amendments

This ordinance may be amended by the eligible voters of the Pala Band at any regular or special meeting of the General Council which is convened pursuant to Article 7 of the Pala Constitution.

CERTIFICATION

We, the undersigned, duly elected members of the Pala Executive Committee, do hereby certify that the foregoing Ordinance No. 4, was adopted by the General Council by a vote of 18 “for” and “0” against at a duly called meeting on November 17, 1968, a quorum being present, approved by the Area Director on February 26, 1969, and amended by the General Council by a vote of 46 “for” and 18 “against” at a duly called regular meeting of the General Council on 14 March 2007, at which a quorum was present, and as Amended, was adopted by the General Council by a vote of 50 “for” and 36 “against” at a duly called meeting on September 10, 2008, a quorum being present.

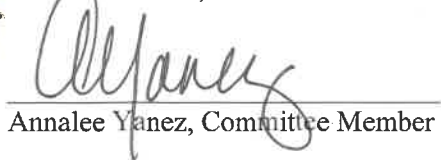

Robert H. Smith, Chairman


Leroy Miranda, Vice Chairman


Kilma S. Lattin, Secretary


Theresa J. Nieto, Treasurer


Dion Perez, Committee Member


Annalee Yanez, Committee Member


-Office of the Secretary-