

**TITLE 4  
NATURAL RESOURCES AND ENVIRONMENT**

**CHAPTER 4-1 FISH, WILDLIFE AND RECREATION**

**DEFINITIONS**

The following definitions shall apply to this Subchapter and to any regulations promulgated hereunder:

“Camping” means the erecting of a tent or shelter of natural or synthetic material, preparing a sleeping bag or other bedding material for use, parking of a motor vehicle, motor home or trailer, or mooring of a vessel, for the apparent purpose of overnight occupancy.

“Designated Campground” means a site where tent or trailer camping is permitted. Designated campgrounds are of two (2) types: (1) primitive (outhouses, picnic tables, and grills), and (2) developed (flush toilets, water, picnic tables, and grills).

“Guest Camper” means any non-member, not qualifying as family of a Tribal member, who engages in camping activities in the company of one or more Tribal members.

“Harassing and or Harassment” a course of conduct directed at any person that causes substantial emotional distress in such person and serves no legitimate purpose.

“Highway Legal” Any motorized vehicle legal to operate on all public, all primary and secondary highways, state highways and interstate highways, including the entire right of way.

“Highway road” means all primary and secondary State highways and Interstate highways, including the entire right-of-way.

“Immediate Family or Family of Tribal Member” means for purposes of this Subchapter related persons and immediate kin of both a Tribal member and a non-member spouse, whether related by blood or marriage, including parents, children (including foster children and children of previous marriages), brothers, sisters, aunts, uncles, grandparents, grandchildren, nieces, nephews, cousins, as well as members of the household of a Tribal member living under the same roof to the extent inconsistent with this definitions Resolution No. 1990-477 (Omak Lake), 1988-338 (Restricted Beach Area), and 1993-547 (certain campgrounds and recreation areas) are hereby repealed.

“Natural Resource Enforcement Officer(s)” means the person or persons charged with the responsibility of enforcing this chapter regulations and Tribal resolutions promulgated hereunder and shall include all Colville Tribal:

- (1) Police Officers,
- (2) Parks & Recreation Program Law Enforcement personnel,
- (3) Fish & Wildlife Program Law Enforcement personnel,
- (4) Regulatory Enforcement Officer, and
- (5) Any other qualified individual authorized by the Business Council to act as a Natural Resources Enforcement Officer under this Chapter.

“Non-highway road” means any public road within the boundaries of the Colville Reservation, except highways.

“Non-motorboats” Boats that are not powered by a motor, power plant, gas or electric engine, i.e., boats powered by oars, canoe, paddle boat, float tube, kayak and rubber rafts.

“Non-motorized vehicle” Commonly known as a mountain bike.

“Off-Road Vehicle (ORV)” means any motorized vehicle, when used for recreational travel on trails, non-highway roads and cross-country travel over natural terrain; such vehicles include but are not limited to: motorcycles, dune buggies, snowmobiles, and terrain vehicles.

“Open Waters” means those waters opened by in-season regulation for specific management purposes.

“Operator” means any person who operates or is in physical control of an ORV.

“ORV Closed Area” means that portion of the Colville Reservation where the use of an ORV is prohibited

“Owner” means any person, other than a mere lien holder, having a property Interest in an ORV and entitled to use or possess said ORV.

“Public Housing Site” means areas of public housing on trust or Tribal land, examples include; HUD housing sites, trailer courts, and Agency Campus public housing.

“Random Camping” means camping outside designated camping areas.

“Recreational Vehicle” means a vehicle or unit that is self-propelled or mounted on or drawn by another vehicle designed for temporary living which may be moved on public highways. Recreational vehicles include travel trailers, camping trailers, truck campers, and motor homes.

“Shoreline Jurisdiction” means those lands subject to the regulation contained in the Shoreline Management Program. Such lands include those extending landward 400 feet on a horizontal plane from the ordinary high water mark of Type 1 waters; 300 feet on a horizontal plane from the ordinary high water mark of Type 2 waters; 200 feet on a horizontal plan from the ordinary high water mark of Type 3 waters; and 100 feet on a horizontal plan from the ordinary high water mark of Type 4 waters; including any floodways and contiguous floodplain areas and all wetlands associated with the streams and lakes which are subject to the provisions of this policy.

“Shorelines of the Reservation” are the total of all “shorelines” within the Reservation.

“Trail” means any path used for travel which is not necessarily suitable for travel by automobile.

## BOATING AND WATER USE ACTIVITIES

### 4-1-360 Application

**The rules set herein apply to Lake Roosevelt, all boundary waters of The Colville Reservation and all water bodies on the Reservation.**

### 4-1-361 Inspection

(a) Natural Resource Enforcement Officers may at any time stop and/or board a vessel to examine documents, licenses or permits relating to the operation of the vessel, and to inspect such vessel to determine compliance with regulations pertaining to safety equipment and operation.

(b) A Natural Resource Enforcement Officer who observes a vessel being operated without sufficient lifesaving or fire fighting devices, or in an overloaded or in an unsafe condition, as defined in United States Coast Guard or this Subchapter, may direct the operator to take immediate and reasonable steps necessary for the safety of those aboard the vessel, including but not limited to directing the operator to:

- (1) Correct the hazardous condition immediately;
- (2) Proceed to a mooring, dock, or anchorage; or
- (3) Suspend further use of the boat until the hazardous condition is corrected.

### 4-1-362 Prohibited Operations

The Following Activities Are Prohibited Under This Chapter:

- (a) Operating a vessel, or knowingly allowing another person to operate a vessel, in a reckless or negligent manner, or in a manner so as to endanger or likely to endanger any person or property. It shall be deemed a per se violation of this section to operate a vessel while under the influence of alcohol or in a designated swimming area.
- (b) Operating a vessel while under the influence of alcohol or controlled substance.
- (c) Failing to observe restrictions established by a regulatory marker.
- (d) Operating a vessel in excess of five (5) mph or creating a wake in areas so designated by signs and/or buoys.
- (e) Operating a vessel within one hundred (100) feet of a diver's marker, downed water skier or swimmer, and fisherman.
- (f) Harassing, while operating a motorized vessel, individuals lawfully engaged in activities on Tribal waters or shorelines.
- (g) Operating a vessel in an area and designated as a swimming area.
- (h) Allowing a person to ride on the gunwales, transom, or on the decking over the bow of a vessel propelled by machinery when operated in excess of five (5) mph; provided, however, that this provision shall not apply under the following circumstances:
  1. When that portion of the vessel was designed and constructed for the carrying of passengers safely at all speeds;
  2. When the vessel is being maneuvered for anchoring, mooring or casting off moorings.
- (i) Attaching a vessel to or interfering with a marker, navigation buoy or other navigational aid or anchoring to a non-authorizing facilities.
- (j) launching or recover vessels, except at designated launching sites.
- (k) no gas outboard motors on Gold Lake, Rebecca Lake.
- (l) no water skiing and jet skis on Buffalo Lake, Rebecca Lake, Gold Lake.

### **Authorized Launch Sites on Reservation:**

Inchellium Ferry Boat Launch  
Wilmont Bay (**Primitive**)  
Alternate Keller Ferry Boat Launch  
Grand Coulee Dam: Marine Way Boat Launch  
Rufus Woods: Bridgeport State Ramp  
Seaton's Grove Boat Launch  
Mitigation Ramp at Thalheimers  
Timm Brothers Boat Launch

- (m) Operating a vessel at a speed greater than that which will permit the operator to bring the vessel to a stop to avoid injury to persons or property. The operator of a vessel is responsible for its wake at all times.
- (n) Overloading a boat beyond its safe carrying capacity rating, taking into consideration weather and other normal operating conditions.
- (o) Capacity plates are required on all boats less than twenty (20) feet in length constructed on or after November 1, 1972. Capacity plates state the boat maximum weight capacity, maximum person capacity and for outboard powered boats, the maximum horsepower. Exceptions to this requirement are sailboats, canoes, kayaks, and inflatable boats.
- (p) Operating personal watercraft at night without navigation lights.
- (q) Operating personal watercraft at night without P.F.D.
- (r) Launching boat, watercraft in a sensitive site or other than authorized site.

### **4-1-363      Personal Floatation Device**

- (a) Personal Floatation Device (P.F.D.) requirements for recreational vessels under sixteen (16) feet: All boats less than sixteen (16) feet in length and all canoes and kayaks, must have one TYPE I, II, III, or IV P.F.D. of a suitable size for each person on board; including water skiers being towed by the vessel.
- (b) P.F.D. requirements for recreational vessels sixteen (16) feet and over: All boats sixteen (16) feet or over in length must have one TYPE I, II, III (wearable) P.F.D. of a suitable size for each person on board; including water skiers being towed by boat. Also one TYPE IV (throwable) P.F.D. must be aboard each boat. Canoe and Kayak boats are not required to have a TYPE IV P.F.D. All P.F.D.'s must be U.S. Coast Guard approved, in serviceable condition, and of an appropriate size for the person who intends to wear it.
- (c) Children twelve (12) years and under are required to wear Coast Guard approved life jackets:
  - On all boats.
  - Whenever a vessel is underway.
  - When on an open deck or in an open cockpit.
  - On any waters of the Reservation and boundary waters.

### **4-1-364      Fire Extinguisher**

- (a) All motorboats less than twenty-five (25) feet in length shall be equipped with one (1) U. S. Coast Guard approved Type B-1 fire extinguisher.
- (b) All motorboats twenty-six (26) feet in length to less than forty (40) feet in length shall be equipped with at least two (2) U.S. Coast Guard approved Type B-1 fire extinguishers or one (1) U.S. Coast Guard approved Type B-11 extinguisher.

(c) All motorboats forty (40) feet to not more than sixty-five (65) feet in length shall be equipped with at least three (3) U.S. Coast Guard approved Type B-1 fire extinguishers or one (1) U.S. Coast Guard approved Type B-11 fire extinguisher.

#### **4-1-365      Additional Safety Equipment**

Every motorboat:

- (a) Sixteen (16) feet or over in length shall be equipped with an efficient whistle or other sound-producing appliance;
- (b) Shall have two or more ventilators with cowls or the equivalent capable of removing gases from bilges in any compartment containing gasoline engines or gasoline tanks. Motorboats so constructed as to have the greater portion of the bilges under the engine and fuel tanks open and exposed to the natural atmosphere at all times are not required to be fitted with such ventilators;
- (c) Shall have the carburetor of any inboard gasoline engine equipped with a device for arresting backfire. Such device shall be of the type approved by the Commandant, U.S. Coast Guard;
- (d) Shall have the exhaust to every internal combustion engine used on any motorboat shall be effectively muffled by equipment so constructed and used as to muffle the noise of the exhaust in a reasonable manner.

#### **4-1-366      Navigation Lights**

(a) All non-motorboats anchored or underway from sunset to sunrise or at such times as vision is less than five hundred (500) feet shall be equipped with a hand lantern showing a white light which shall be exhibited in sufficient time to prevent a collision.

(b) All motorboats less than twenty-six (26) feet in length from sunset to sunrise or at such a time as vision is less than five hundred (500) feet shall be equipped with the following lights:

##### **Anchored Boats**

- (1) One (1) white light aft to show all around the horizon (32 points in the compass or 360 degrees);

##### **Underway Boats**

- (2) One (1) combination light on the fore part of the vessel tower than the white light aft, showing a green light to the starboard and a red light to the port side of the vessel, each showing ten (10) points of the compass or 112.5 degrees.

(c) ALL motorboats twenty-six (26) feet to not more than sixty-five (65) feet in length from sunset to sunrise or at such times that vision is less than five hundred (500) feet shall be equipped with the following lights:

- (1) One (1) white light as far forward as possible to show an unbroken light twenty (20) points of the compass or two hundred and twenty-five (225) degrees with ten (10) points or 112.5 degrees on each side of the vessel;
- (2) One (1) white light aft to show all around the horizon (32 points of the compass or 360 degrees) and higher than the white forward;
- (3) One (1) red light on the port side and one (1) green light on the starboard side showing ten (10) points on the compass or three hundred and sixty (360) degrees with a screen installed to prevent lights from being seen across the bow.

(d) Every white light required in this Section shall be carried on the centerline of the vessel, except that the all around white light aft on a motorboat of less than twenty-six (26) feet in length may be carried off the centerline.

All motorboats may display in lieu of this Section navigation lights required by the International Rules of the Road.

**4-1-367      Water Skiing**

- (a) The towing of person by vessels is prohibited, except in designated waters.
- (b) Where towing is authorized, the following are prohibited:
  - (1) Towing between the hours of sunset and sunrise;
  - (2) Towing a person who is not wearing a Coast Guard approved personal flotation device;
  - (3) Towing or being towed in channels or within five hundred (500) feet of areas designated as harbors, swimming beaches, or mooring areas, or within one hundred (100) feet of a person fishing or swimming or diver's marker. Skiers must be picked up by a vessel before coming within one hundred (100) feet from the shoreline in the process of landing.
  - (4) On interior lakes towing or being towed in channels or within one hundred (100) feet of areas designated as harbors, swimming beaches, or mooring areas, or within one hundred (100) feet of a person fishing or swimming or divers marker. Skiers must be picked up by a vessel before coming within one hundred (100) feet of shore.
- (c) A vessel which has in tow a person or persons shall have at least an operator and an observer. The observer shall continuously observe the person or persons being towed and shall display a flag immediately after the towed person or persons falls into the water, and during the time preparatory to skiing while the person or persons are still in the water. Such flags shall be a bright red or brilliant orange color, measuring at least twelve (12) inches square mounted on a pole not less than twenty-four (24) inches long and displayed as to be visible from every direction.
- (d) no water skiing and jet skiing on Buffalo Lake.

**4-1-368      Age Requirements to Operate Motorboat or Personal Watercraft**

- (a) It shall be unlawful for a minor under the age of sixteen (16) years to operate a personal watercraft or a motorboat powered by an engine of ten (10) horsepower or more unless accompanied by a person who is legally capable of operating such motorboat.
- (b) It shall be unlawful for a minor ten (10) years of age or under to operate a motorboat in excess of four (4) horsepower.
- (c) It shall be unlawful for the owner of a motorboat or the person having charge of a motorboat to permit a minor to operate a personal watercraft or a motorboat in violation of subsection (a) and (b) above.

**4-1-369      Duty involved in Collision, Accident, or Other Casualty—  
Immunity From Liability of Person Rendering Assistance**

- (a) Accidents - All incidents involving an accident, collision, fire injury, or other casualty shall be reported to the Parks & Recreation Program within twenty-four (24) hours. Filing this report satisfies applicable National Park Service accident report requirements. Filing shall be made to any Natural Resource Enforcement Officer or National Park Ranger, or to the Parks & Recreation Office, or the National Parks Service office.
- (b) The operator of a vessel involved in a collision, accident, or other casualty, to the extent the operator can do so without serious danger to the operator's own vessel or person aboard, shall render all practical and necessary assistance to persons affected by the collision, accident, or casualty to save them from danger caused by the incident. Assistance rendered under this Section shall not be evidence of the liability of such operator for the collision, accident, or casualty. The operator shall also give his name, address, and identification of the operator's vessel to the Parks & Recreation Program, Natural Resource Enforcement Officer, and the National Park Service if the accident, collision or other casualty occurred on Lake Roosevelt and any person injured and to the owner of any property damaged. These duties are in addition to any duties otherwise imposed by law.

(c) Any person who complies with Subsection (a) of this Section or who gratuitously and in good faith renders assistance at the scene of a vessel collision, accident, or other casualty, without objection of the person assisted, shall not be held liable for any civil damages as a result of the rendering of assistance or for any act of omission providing or arranging salvage, towage, medical treatment, or other assistance, where the assisting person acts as any reasonably prudent person would have acted under the same or similar circumstances.

#### **4-1-370      Motorboats Crossing**

- (a) Motorboats Crossing: When two (2) motorboats are crossing so as to involve risk of collision, the vessel which has the other on their starboard side shall keep out of the way of the other.
- (b) Sailing Vessel Right of Way: When a motorboat and a sailboat are proceeding in such a direction as to involve risk of collision, the motorboat shall keep out of the way of the sailboat, except when the sailing vessel is overtaking the motorboat from behind.
- (c) Privileged Vessel Duty: Whenever, under this Subchapter, one of the two vessels is to keep out of the way, the other is to maintain their course and speed.

#### **4-1-371      Overtaking Vessels**

- (a) When two motorboats are running in the same direction and the vessel astern desires to pass, it must give the sound signal: (2) short horn blasts to pass on the port side and (1) short horn blast to pass on the starboard side.
- (b) If the course ahead is not safe for passing, the stand-on (privileged) vessel, shall indicate so by sounding five or more short rapid horn blasts. This danger signal must be used on both inland and international waters.
- (c) At any time when there is danger of collision and conditions prevent immediate compliance by either vessel with the other vessels signals, the danger signal shall be sounded, and both vessels shall be slowed or stopped, until signals for passing safely are sounded and understood.

#### **4-1-372      Right of Way - Fishing Vessels**

Right of Way - Fishing Vessels: Vessels underway shall keep out of the way of sailboats or boats fishing with nets, lines, trawl, beach seines or fish weirs or platforms. This Section shall not give to any vessel or boat engaged in fishing the right of totally obstructing a channel used by vessels other than fishing vessels such that other vessels are denied passage, unless permitted by Tribal regulations implementing the Tribes fishing rights.

#### **4-1-373      General Prudential Rule**

In obeying and construing this Subchapter, due regard shall be had to all dangers of navigation and collision and to any special circumstances which may render a departure from the normal navigation rules in order to avoid immediate danger.

#### **4-1-374      Shooting From a Boat**

No person will be allowed to hunt or shoot from a boat unless said person has a Tribal hunting permit or is an enrolled member of the Colville Confederated Tribes, and then only when the boat is not under power and all forward momentum is stopped.

#### **4-1-375**      **Garbage**

- (a) It shall be unlawful for any person, to throw or discard into the waters any waste, debris, refuse, oil, garbage or other fluids or solid materials which in any manner tend to pollute said water or shore.
- (b) The prohibition in subsection (a) above shall apply to all persons on the shore, all persons on a watercraft, and all persons on or in a structure extending onto a waterway.

#### **4-1-376**      **Trespassing and Vandalism**

The following are prohibited:

- (a) Trespassing, entering or remaining in or upon personal property or real property of the Colville Confederated Tribes located in that portion of the Indian Zone located within the Lake Roosevelt not open to the public, except with the express invitation or consent of the Colville Confederated Tribes;
- (b) Destroying, injuring, defacing, or damaging personal property or real property of the Colville Confederated Tribes.

#### **4-1 -377**      **Swimming**

- (a) The following are prohibited:
  - (1) Swimming or bathing in locations designated as closed
  - (2) Swimming from vessels which are underway, except in circumstances where a capable operator is on board and all propulsion machinery is off and/or sails are furled.
- (b) The Natural Resource Enforcement Officer may prohibit the use of flotation devices, glass containers, kites, or incompatible sporting activities within locations designated as swimming beaches.
- (c) A parent or adult guardian must be present when preschool-aged children are on the beach or in the water of designated swimming beaches and must supervise the children's activity. Voice and visual contact must be maintained with the child.

#### **4-1-378**      **Fires**

- (a) It shall be a violation of this Chapter to engage in the following activities:
  - (1) The willful or careless setting or starting of a forest fire, brush, grass fire or other destructive fire;
  - (2) Failure to maintain a campfire;
  - (3) Setting a campfire in an area where fires are prohibited by any person while on the Reservation.
- (b) Enforcement action under this Chapter for the violation of this Section shall not relieve a person from liability under any other provision of Tribal or Federal law relating to fire control, nor from liability for any damage caused.
- (c) Fires are only permitted as provided by regulation adopted by the Colville Tribal Business Council.
- (d) Leaving a fire unattended is prohibited.
- (e) Throwing or discarding lighted or smoldering material in a manner that threatens, causes damage to, or results in the burning of property or park resources, or creates a public safety hazard.
- (f) It is unlawful to violate any fire restrictions placed on an area by the Parks & Recreation Program or the Bureau of Indian Affairs Fire Management.
- (g) Fireworks are prohibited in campgrounds, unless authorized by the Colville Tribal Business Council.**



**4-1-379**      **Property**

(a) The following are prohibited:

- (1) Abandoning property;
- (2) Leaving property unattended for longer than twenty four (24) hours, except in locations where longer time periods have been designated or is accordance with conditions established by the Parks & Recreation Program;
- (3) Failing to turn in found property to the Parks & Recreation Program Manager or Natural Resource Enforcement Officer within seventy-two (72) hours.

(b) Impoundment of property. Property determined to be left unattended in excess of an allowed period of time may be impounded by the Parks & Recreation Program Manager or Natural Resource Enforcement Officer.

(c) Unattended property that interferes with visitor safety, orderly management of the park area, or presents a threat to park resources may be impounded or moved by a law enforcement officer authorized by prior approval by the Tribes Parks and Recreation program manager.

(d) Impounded property shall be inventoried to determine ownership and safeguard personal property.

(e) The registered owner is responsible and liable for charges to the person who has removed, stored, or otherwise disposed of property impounded pursuant to this Section; or the Parks & Recreation Program Manager may assess the registered owner reasonable fees for the impoundment and storage of property impounded pursuant to this Section.

(f) Disposition of Property:

(1) Property impounded pursuant to this Section shall be deemed abandoned unless property claimed by the owner or an authorized representative thereof within sixty (60) days. The sixty (60) day period shall begin from the earliest of either;

(A) the time the Parks & Recreation Program notifies the rightful owner of the property; or

(B) if the owner cannot be identified, the time the property was placed in the custody of the Parks & Recreation Program Manager.

(2) The finder may claim the abandoned property.

(3) Abandoned property still in the custody of the Parks & Recreation Program after ninety (90) days shall be disposed of in accordance with this subchapter at the cost of the owner.

**4-1-380**      **Prohibition of Intoxicants/Firearms - Designated Locations**

(a) No person shall possess intoxicating liquors while present on those water bodies and associated shorelines where such possession is prohibited by resolution of the Colville Tribal Business Council and the Colville Tribal Law and Order Code.

(b) No person shall possess a firearm while present at those locations where such possession is prohibited by resolution of the Colville Tribal Business Council and the Colville Tribal Law and Order Code.

(c) Any person in violation of this Section shall be subject to a civil penalty of not more than \$500 for each such violation.

(d) Any individual using the shoreline of any water body where possession of intoxicating liquors or firearms is prohibited by resolution of the Colville Tribal Business Council, by virtue of their presence on said shoreline consents to a search of their personal property by any Natural Resource Enforcement Officer or Law Enforcement Officer to determine compliance with the provisions of this Section. Any contraband discovered in the course of said search may be immediately seized by the officer for use as evidence in an enforcement action under this Chapter and subsequent disposal.

(e) The Term “shoreline” as used in this Section shall include public and Tribal lands adjacent to any body of water regulated by this Chapter (whether above or below the ordinary high water mark), including but not limited to beaches, parking lots, and picnic areas.

## **TRAIL AND OFF ROAD USE**

### **4-1-410      Purpose**

The primary purpose of this Subchapter is to protect and regulate the use of lands, waterways, archeological sites and wildlife habitat within the boundaries of the Colville Reservation. It is the policy of the Colville Confederated Tribes to manage, govern, preserve and protect persons, property, and natural and cultural resources within the boundaries of the Reservation.

### **4-1-411      Penalties**

**PERSONS OF ALL AGES ARE SUBJECT TO THIS SUBCHAPTER.** For children under sixteen (16) years of age who are found to have violated one or more provisions of this Subchapter, the adult directly responsible for supervision of the child will be subject to the prescribed penalty as if the adult had committed the offense.

### **4-1-412      Off-Road Vehicles**

Off-Road vehicles, unless otherwise restricted, may be operated within the boundaries of the Colville Reservation on dirt (not gravel) roads (including county dirt roads), logging roads and unimproved tribal roads. Snowmobiles, unless otherwise restricted, may be operated on snow covered, unplowed, non-highway roads.

### **4-1-441      Member/Non-Member ORV Use**

(a) Any tribal member, while engaged in motorized ORV use on the Reservation, shall produce his Tribal membership card if requested for identification purposes by an authorized Natural Resource Enforcement Officer.

(b) All lands on the Reservation shall be closed to unauthorized motorized ORV use by non-tribal members with the exception of parents, spouses and children of enrolled members of the Colville Confederated Tribes when the tribal member is present. Provided that the Parks & Recreation Program Manager may allow or restrict non-member ORV use by regulation adopted pursuant to this Chapter.

(c) Any adult member (18 years or older) shall be allowed up to two non-member guests when snowmobiling.

### **4-1-442      Rules and Regulations**

No person shall operate an ORV in violation of any rule or regulation conditioning the use of an ORV.

### **4-1-443      Area Closures**

The Parks and Recreation Program Manager shall have the authority to determine areas at risk of harm by any type of ORV use and areas requiring closure for any other reason, and in consultation with the Fish and Wildlife Program Manager, shall make recommendations to the Tribal Natural Resources Committee regarding areas to be designated as closed to certain or all ORV use. Areas shall be designated closed to certain or all ORV use only upon approval by the Business Council.

**4-1-444      Prohibited Acts**

(a) It is unlawful for any non-member to operate an ORV on the Colville Reservation unless he or she is an employee of the Colville Confederated Tribes operating said vehicle in the course of his or her employment or unless exempted by any other section of this chapter. Said employees shall obtain a permit from the Parks and Recreation Program.

(b) It is unlawful for any person to operate an ORV as follows:

- (1) While the operator is eighteen (18) years of age or younger and not wearing a safety helmet which meets the U.S. Department of Transportation standards for street motorcycle helmets;
- (2) And to throw or discard any waste, debris, refuse, oil, garbage or other fluids or solid materials which in any manner tends to pollute the natural environment while operating said ORV;
- (3) In such a manner as to endanger the life or property of another;
- (4) Without a lighted headlight and taillight between the hours of dusk and dawn or when visibility is less than 500 feet;
- (5) Without an adequate braking device;
- (6) Without a spark arrester device that prevents hot carbon from escaping the ORV;
- (7) Without an adequate operational muffling device that limits exhaust noise to 105 decibels at 20 inches from the exhaust exits when the vehicle is stationary and the engine RPMs are at one-half the manufacturer's allowable maximum (red line) RPMs (RPMs = revolutions per minute);
- (8) While the operator is under the influence of intoxicating liquor and/or drugs;
- (9) Upon the shoulder or inside bank or slope of any highway;
- (10) Drive on the draw-down of any shoreline;
- (11) In any area or in such a manner as to unreasonably expose the underlying soil, or to create an erosion condition, or to injure, damage or destroy trees, growing crops or other vegetation;
- (12) On any non-highway road or trail that is restricted for only pedestrian/animal travel;
- (13) (Excepting a motorcycle) on any public paved or gravel road maintained for automobile, motorcycle and truck use, e.g., Bureau of Indian Affairs Class 2-4 paved or gravel roads, highway, etc.;
- (14) In any area in which ORV use is prohibited;
- (15) Chase, harass or run-down any wildlife or livestock except as provided by this Chapter or the Colville Tribal Business Council;
- (16) At a rate of speed greater than is reasonable and prudent under existing conditions;
- (17) In violation of any terms or conditions of an ORV Use Permit;

(18) After failing to sign a notice of infraction citation issued by a Natural Resource Enforcement Officer;

(19) And hunt or shoot/throw any object from the ORV while the ORV is moving;

(20) And carry a passenger, when said ORV is not designated to carry a passenger, or carry more passengers than the number for which the ORV is designed;

(21) And, when such person is not an enrolled member of the Colville Confederated Tribes, carry or transport a loaded weapon (bullet in the magazine or chamber) in/on an ORV within the boundaries of the Reservation;

(22) On a snow plowed road or highway, when the ORV is a snowmobile;

(23) (Excepting a motorcycle or mountain bike) within a public housing site;

(24) In any manner prohibited by this Subchapter or the rules and regulations promulgated hereunder;

(25) Who is over thirteen (13) and under sixteen (16) years of age unless an adult is present; or

(26) Who is under the age of thirteen (13);

#### **4-1-445      Accidents**

The operator of an ORV involved in an accident, or owner of the ORV who has knowledge of the accident, shall, within twenty-four (24) hours of the date of the accident, file or cause to have filed with the Tribal Police an Accident Report whenever such accident results in the injury to/death of any person or results in property damage estimated at a value of \$500.00 or more. Tribal Police: 1-800-551-5800

### **CONFEDERATED TRIBES OF THE COLVILLE RESERVATION PARKS & RECREATION PROGRAM NON-MEMBER ORV USE REGULATIONS**

#### **UNAUTHORIZED NON-MEMBER ORV USE:**

- (1) Recreational use of motorized ORV's on Tribal land (including roads)
- (2) Recreational use of non-motorized ORV's on Tribal land (Excluding roads)

#### **AUTHORIZED NON-MEMBER ORV USE:**

- (1) Recreational use of motorized ORV's on Tribal land (including roads) when the Non-Member is a parent, spouse or child of a Tribal member, when the Tribal member is present.
- (2) Recreational use of non-motorized ORV's on Tribal roads.
- (3) Employees of the Tribe or BIA to perform their job duties.
- (4) Contractors of the Tribe or BIA to perform their contract scope.
- (5) Permittee of the Tribe or BIA to perform conditions of the permit.
- (6) Lessee of the Tribe or BIA to perform conditions of the lease.
- (7) Contracts to perform surveys on Tribal land.
- (8) Contracts to perform appraisals on Tribal lands.
- (9) Licensed vehicles shall be allowed on BIA maintain roads.
- (10) Agent or permittee on Tribal land.

#### **CONDITIONS:**

Motorized ORV's shall include but is not limited to; motorcycles, dune buggies, and snowmobiles. Non motorized ORV's shall include but is not limited to; mountain bikes. All contract, permits,

leases shall serve as an ORV use permit for proper authorization. A Tribal "Blue Card" shall serve as an ORV use permit for Tribal members, their parent, spouse and children.

Nonmembers may not use snowmobiles anywhere on the reservation, except that any adult tribal member (18 years or older) shall be allowed up to two non-member guests when snowmobiling.

## **NON-MEMBER CAMPING REGULATIONS**

### **4-1-480      Findings: Purpose**

(a) The Colville Tribal Business Council hereby finds: that the Tribal Trust lands of the Confederated Tribes of the Colville Reservation (as well as other Tribally owned or managed lands) contain many areas suitable and desirable for camping and related recreational activities, whether or not established campgrounds may exist; that these areas are attractive to non-members of the Tribes as well as Tribal members; that Tribal members are entitled to expect a priority in the opportunity to use these areas due to their ancestral and aboriginal ties to the lands of the Reservation; and that in many cases non-member use of these camping areas has resulted in crowded conditions and environmental degradation that conflict with enjoyment and use of these areas by Tribal members.

(b) Consistent with the legislative intent set forth in this Chapter, the purpose of this Subchapter is to establish policies and procedures to regulate and restrict non-member camping activities on Tribal Trust lands and on other lands within the Reservation owned or managed by the Tribes, in order to protect the rights of Tribal members to use and enjoy Tribal lands, to prevent degradation of the land and natural resources, and to defray the cost of such regulation.

### **4-1-481      Closure: Permit Regulations: Public Notice**

(a) Consistent with the policy previously established by the Colville Tribal Business Council, all Tribal Trust and Fee lands of the Confederated Tribes of the Colville Reservation (whether located within or outside the exterior boundaries of the Reservation) are closed to camping by non-members except to the extent, and under such conditions, as they may be opened pursuant to regulation adopted by the Colville Tribal Business Council in accordance with this Chapter.

(b) Such regulations may identify specified areas to be opened to non-member camping, may provide that non-members must obtain a Tribal camping permit to be maintained in their possession while camping, and may authorize the assessment of fees and other conditions as appropriate. Such regulations shall be reviewed on an annual basis, but shall remain in effect until modified or repealed by the Colville Tribal Business Council as provided by this Chapter.

(c) Camping areas subject to closure or conditions shall be posted and identified in an efficient and reasonable manner, and the posting shall include a listing of camping rules based on the requirements of this Subchapter and regulations and other applicable tribal law.

(d) Due to the high rate of vandalism involving signs and posting of signs and notices on the reservation, it is incumbent upon individuals seeking to recreate on reservation lands to contact the Natural Resources Department to ascertain closures and restrictions on the use and enjoyment of tribal lands and resources.

### **4-1-482      Interpretation**

(a) Nothing in this Subchapter shall be interpreted to restrict the inherent or delegated authority of the Tribes to regulate any lands within the exterior boundaries of the Reservation or otherwise exercise its jurisdiction for reasons related to the protection and promotion of the political integrity, economic

security, or health and welfare of the Tribes, including but not limited to protection of natural resources or reserved rights.

(b) All prior resolutions and enactment's relating to camping by non-members are hereby repealed to the extent they are inconsistent with the provisions of this Subchapter or regulations approved pursuant hereto.

(c) This Subchapter is not intended to impose any conditions on camping activities of Tribal members except to the extent such conditions may be imposed by regulation approved by the Colville Tribal Business Council when necessary to protect the resources of the Reservation; provided, that the Colville Tribal Business Council may by regulation restrict camping by non-member guests and immediate family or family of Tribal members.

(d) This Subchapter shall not be interpreted as establishing, a matter of Tribal Law, any criminal penalties for camping activities by non-members (including where the language defining a civil violation is adopted from the Tribal Criminal Code), but shall not be interpreted to preclude federal prosecutions pursuant to this Chapter or any applicable federal law.

(e) If any part of this Subchapter, or the regulations promulgated hereunder, is found to be invalid by a court of competent jurisdiction, it is the intent of the Colville Tribal Business Council that the remaining provisions shall continue in full force and effect to the maximum extent possible.

#### **4-1-484      Civil Offenses**

Notwithstanding any reference to the criminal offenses provisions of this Law and Order Code, the following constitute civil offenses under this Subchapter:

(a) No person shall violate any provision of this Subchapter or any regulation promulgated hereunder;

(b) Whenever a regulation adopted hereunder shall require a camping permit, the holder of the permit shall maintain the permit on his/her person or displayed in the windshield of his/her vehicle, as may be required by the regulation in question or the character of the campground. Any person subject to regulation under this Subchapter and not in possession of a permit shall be in violation of this Subchapter.

(c) No person subject to regulation under this Subchapter shall possess a firearm in any campground or in any public area adjacent thereto, or on the waters of any lake or on the shoreline thereof or in any public area adjacent thereto, except to the extent authorized by Tribal law permitting such person to exercise hunting privileges.

(d) No person subject to regulation under this Subchapter shall engage in disorderly conduct, nor shall such person be under the influence of any intoxicating beverage, drug, or controlled substance as these offenses are defined in the criminal offenses provisions of this Code.

(e) Any person who, while engaging in camping activities regulated by this Subchapter, commits an act that is in violation of any other provision of this Chapter or of any other applicable Tribal law, shall also be deemed to have violated this Subchapter.

(Boating & Water Use Code, Trail & Off Road Use Code, and Non-member Camping Regulations adopted by Resolution 1996-51 to 54, have been re-designated as Department regulations and not a part of this Law and Order Code. Any subsequent resolutions adopting similar regulations will be designated as Department regulations).

### **NON-MEMBER CAMPING SEASONS, AREAS, FEES & CONDITIONS CAMPING SEASON & AREAS:**

## OPEN AREAS SUBJECT TO FEE AND PERMIT:

1. Areas listed below are open to camping by non-members who pay a fee and obtain a permit, which must be maintained on the person of the permittee or displayed on the windshield of permittees vehicle.
2. Non-members are permitted to camp in the following authorized campground areas subject to payment of a daily fee (except as noted below). A camping permit is considered a valid camp fire permit:
  - (a.) It is the responsibility of the camper to check for restrictions at the time of camping permit purchase. During periods of HIGH, VERY HIGH, OR EXTREME Fire Danger burning may be restricted.
  - (b) The area around the fire must be cleared of any burnable materials. A minimum of 4 feet is required.
  - (c) The fire must not be within 50 feet of any structure.
  - (d) The fire must be less than 6 feet in diameter, or contained within the fire pit provided in the campground.
  - (e) The camper will have a bucket of water or charged hose nearby while the campfire is burning, and will have a suitable tool, such as a shovel axe, or hoe, near by to help stir the fire when it is time to put it out.
  - (f) The camper is also responsible to make sure their campfire is dead out before they leave the campsite. Dead out means to put water on the fire or coals, stir it around, put more water on it and stir it again until there is no more heat left in the fire or coals.
  - (g) Do not dispose of animal parts and fish waste in the garbage cans.
  - (h) Not meeting these guidelines will result in a civil infraction and fine against the camper.

Opening day will be **April 1, 2018 thru 2<sup>nd</sup> Sunday in November** to coincide with the Colville Tribal Fishing Season. (At the following Campgrounds only.)

NORTH TWIN LAKES - ROCKY POINT  
BUFFALO LAKE - PUBLIC ACCESS

All other Campgrounds (listed below) will be open **2<sup>nd</sup> Saturday May 2018 thru 2<sup>nd</sup> Sunday November 2018.**

### LAKE ROOSEVELT

ROGERS BAR  
WILMONT CREEK  
BARNABY ISLAND  
BARNABY CREEK  
INCHELIUM FERRY CAMPGROUND (AA CAMP)

### SAN POIL

KELLER PARK  
13 MILE CAMPGROUND (NO FEE REQUIRED)  
21 MILE CAMPGROUND  
BEAR CREEK CAMPGROUND  
BRIDGE CREEK ROAD CAMPGROUND  
OMAK LAKE - MISSION END  
HIGHWAY 155 - COYOTE CREEK (UPPER LEVEL)

3. Random camping by non-members is permitted in the Tribally managed portion of the Lake Roosevelt Management Area subject to payment of a designated fee from the shoreline up with a recreational vehicle, boat moored or anchored to the Reservation Zone of the Colville Confederated Tribes with self-contained sanitation facilities, and on the further condition that any garbage that is packed in is packed out.

## **CAMPING FEES:**

### **CAMPGROUND FEES:**

1 DAY PERMIT =	<b>\$20.00</b>
3 DAY PERMITS =	<b>\$40.00</b>
7 DAY PERMITS =	<b>\$85.00</b>
SEASONAL PERMITS =	<b>\$350.00</b>

Permit is good until 6:00 pm of the last day of the permit. **A campsite shall be limited to eight people, one tent, or one R.V. Any additional people, tents, or R.V.'s will require additional permits.**

### **RANDOM CAMPING FEES:**

(These fees are per boat or tent on Lake Roosevelt only)

1 DAY PERMIT =	<b>\$15.00</b>
3 DAY PERMITS =	<b>\$30.00</b>
7 DAY PERMITS =	<b>\$60.00</b>
SEASONAL PERMITS =	<b>\$200.00</b>

## **AREAS CLOSED EXCEPT TO FAMILY AND GUESTS OF TRIBAL MEMBERS:**

All land of the Tribes not listed in Section 2 (of the "Open Areas Subject To Fee & Permit) both within and outside the Reservation, are closed to camping by non-members of the Tribes, except as follows:

Family members of tribal members, as defined in Section 4-1-483 of Chapter 4-1 Fish, Wildlife and Recreation, may camp without a permit on all lands open to the tribal members, provided that an adult tribal member who is a family member be at all times physically present with such non-member(s), except that a non-member who is the legal guardian of a minor tribal member may camp with said minor tribal member.

(a) Non-member guests of tribal members may also camp without a permit on all lands open to tribal members, provided that an adult tribal member be at all time physically present with the guests, and provided further that there shall be not more than five (5) non-member guests in the company of one (1) tribal member (this does not include family members).

## **CAMPING CONDITIONS:**

**The following conditions shall apply to the use of any designated camping areas by non-members:**



- (a) Stay shall be limited to two weeks, after which a non-member must depart for at least two weeks before returning.
- (b) Non-members are required to check current regulations before camping anywhere on the Colville Reservation to assure that no closure has occurred. Non-members can do so by contacting the Parks & Recreation Program at 509-634-3145.
- (c) Drugs and intoxication are not permitted in any areas open to non-member camping.
- (d) Firearms are not permitted in any areas open to non-member camping, except to the extent permitted under Tribal law authorizing the exercise of hunting privileges.
- (e) Campers shall comply with all posted campground rules:
  - 1) Camp only in designated sites. Vehicles and trailers must not obstruct traffic flow. Vehicles may only be operated on designated road.
  - 2) Quiet hours are from 10 PM to 6 AM.
  - 3) Waste water may be drained or disposed of only in facilities provided for such purposes.
  - 4) Any use of motorized ORV's are subject to the Colville Tribal Trail and Off Road Use Code.
  - 5) Possessing or using a weapon, trap or metal detector is Prohibited.
  - 6) Pets must be restrained on a leash not to exceed six (6) feet in length, or be physically confined.
  - 7) Dispose of trash/garbage in refuse containers.
  - 8) Children under the age of 16 must be under adult supervision – 18 years or older.
- (f) In designated campgrounds and adjoining beaches fires are only permitted in fire grills. Campgrounds are subject to closure without notice and burn permits may be cancelled if necessary to protect against fire danger or other damage to the natural resources of the Reservation.
- (g) Random Camping on Lake Roosevelt - in these areas a self contained port-a-potty is required. All garbage that is packed in MUST be packed out. Fires must be in compliance with all rules set by the BIA Fire Management.
- (h) Day Use - shall mean the use of any campground area or shoreline area from 8:00 a.m. to 6:00 p.m.
- (i) No digging on beaches, random camping sites or campgrounds.
- (j) No using metal detectors in campgrounds, random camping areas and on the reservation.
- (k) No fireworks allowed when camping; designated or random. (except when allowed by Colville Confederated Tribal Council Resolution).

**LIMITED EXCEPTIONS:**

- (a) These regulations do not apply to Trust Lands and Allotment lands belonging to Tribal members and other individuals.
- (b) A limited exception to the rule against camping by non-members in areas other than those listed above may be made for non-member Tribal employees in circumstances where Tribal and departmental objectives are furthered by allowing non-members to camp in closed areas for work-related purposes. The Tribal department whose employees need approval for such camping shall obtain the appropriate permit or other approval from Parks & Recreation Program.
- (c) The Parks & Recreation Program may approve applications to allow non-member contractors to perform their contracts, or to allow non-member permittees or leasees to perform the conditions of their permits or leases, regardless whether the contract, lease, or permit in

question is issued by the Tribes or by a private party. It shall be the responsibility of the party issuing the contract, lease, or other permit to obtain the special camping permit from the Tribal Parks & Recreation office.

- (d) The Parks & Recreation Program may approve applications for special permits to allow non-member camping in connection with specific community events in areas otherwise closed to camping by non-members.

#### **CAMP FIRE REGULATIONS:**

- (a) A fire permit is required for all fires on the Colville Indian Reservation.
- (b) A signed camping permit serves as a valid fire permit, in designated campgrounds and random camping areas unless fire restrictions are in effect. **Call: 509-634-3100**
- (c) You are the landowner or have landowner permission prior to burning.
- (d) You have a shovel, axe, and a bucket full of water or a charged garden hose at the burn site.
- (e) Build a campfire away from overhanging branches, steep slopes, rotten stumps or logs, dry grass, and leaves. Pile firewood at least 15 feet away from the rock ring.
- (f) Make sure the fire is not within 50 feet of any structure.
- (g) Scrape away litter, duff, and any burnable materials in a 10 ft. circle. This will keep a small campfire from spreading.
- (h) Burn only in calm or light winds. Burning normally is not safe when wind speed noticeably sway trees, extends flags or forms crests on lakes or rivers.
- (i) In the center of the 10 foot cleared circle, build a rock ring no larger than 3 feet in diameter. This will keep a small campfire from spreading.
- (j) Fuel within the rock ring will be less than 2 feet in total height.
- (k) Never leave your campfire unattended. If you have to leave the campfire and no one is attending it put it out. It can always be started again when you return.
- (l) Do not burn rubber products, plastics, asphalt, garbage, dead animals, petroleum products, paint or any similar materials that emit dense smoke or create offensive odors when burned.
- (m) When putting out your campfire drown it with water, stir it with your shovel, drown it again with water, and then check it with your hand to make sure it is cool before you leave.
- (n) Any campfire that escapes, the permittee may be billed for the suppression costs.
- (o) Campfire Permittee is responsible for campfire.

#### **ADDITIONAL INFORMATION:**

[www.colvilletribes.com/services&department/services/naturalresources/parks&recreation](http://www.colvilletribes.com/services&department/services/naturalresources/parks&recreation)

CAMPING PERMIT OUTLETS

**Big Wally's**  
9944 Hwy 2 E.  
Coulee City, WA 99115  
509-632-5504

**Colville Tribal  
Fish & Wildlife Program**  
P.O. Box 150  
Nespelem, WA 99155  
509-634-2110

Colville Tribal Parks & Recreation  
P.O. Box 150  
Nespelem, WA 99155  
509-634-3145

**Coulee Playland Resort**  
401 Coulee Blvd. E.-PO Box 457  
Electric City, Wa 99123  
509-633-2671

**7 Bays Marina**  
1250 marina DR  
Seven Bays, WA 99122  
1-800-816-2431

**Elch's Merchantile**  
30421 Hwy 20 E.  
Republic, WA 99166  
509-775-2846

**Fruitland Service**  
5369 Hwy. 25 S  
Fruitland, WA 99129  
509-722-3525

**Inchelium Store**  
P.O. Box 283  
Inchelium, WA 99138  
509-722-3305

**Jackson's Service, Inc**  
P.O. Box 30  
Nespelem, WA 99155  
509-634-4222

**Keller Store**  
P.O Box 307  
Keller, WA 99140  
509-634-4632

**Nespelem Trading Post**  
P.O. Box 150  
Nespelem, WA 99155  
509-634-2701

**Rainbow Beach Resort**  
HCR 1, Box 146  
Inchelium, WA 99138  
509-722-5901

**Reynold's Resort**  
Bufflo Lake  
P.O. Box 155  
Keller, WA 99140  
509-633-1092

**Keller Ferry Marine**  
45751 SR 21 N  
Wilbur, WA 99185  
509-647-5755

**Wal-Mart**  
810 N. Hwy. 395  
Colville, WA 99114  
509-684-3209

**Wal-Mart**  
900 Engh Rd., Box 3606  
Omak, WA 98841  
509-826-6002