

Title 110
FISH, GAME, AND ANIMALS

Choctaw Nation Fish, Game, and Animals Code

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Section 1. Title

This Code shall be known as the Fish, Game, and Animals Code of the Choctaw Nation of Oklahoma.

History

CB-39-20, eff. December 23, 2019.

Section 2. Definitions

For the purpose of this Code:

1. "Aircraft" as used herein means any flying machine, whether fixed wings, rotary wings, or a hover craft.
2. "Antlered deer" as used herein means any Mule deer or Whitetail deer, regardless of sex, having at least three (3) inches antler length above the natural hairline on either side.
3. "Authorized officer" as used herein means an agent designated by the Executive Director of Public Safety.
4. "Bag limit" as used herein means the maximum limit, in number amounts, of a particular species of wildlife which may lawfully be taken by one person in one day during an open season.
5. "Carcass" as used herein means the dead body of an animal or edible parts thereof, excluding those parts as may be used as trophies, pelts, and/or parts for traditional display and not intended for food consumption.
6. "Closed season" as used herein means the time and/or days during which wildlife may not be harvested legally.
7. "Contraband" as used herein means any property which is unlawful, by Federal Statute or Choctaw Statute, to produce or possess.
8. "Falconry" as used herein means the taking of quarry by a trained raptor.
9. "Furbearer" as used herein means muskrat, beaver, mink, nutria, badger, bobcat, skunk, fox, raccoon, opossum, coyote.
10. "Harass" as used herein means the action of shooting at, disturbing, worrying, molesting, rallying, concentrating, chasing, driving, herding, or tormenting any wildlife or property.

11. "Harvest" as used herein means the legal taking or possessing of any flora and/or fauna extant on land known as Indian land within the jurisdictional boundaries of the Choctaw Nation.

12. "Hunting" as used herein means the legal pursuit or taking of any animal.

13. "Member" as used herein means any member of the Choctaw Nation of Oklahoma.

14. "Non-member" as used herein means any person not a member of the Choctaw Nation of Oklahoma.

15. "Migratory game bird" as used herein means any game bird that has dual living areas, including the Mourning Dove.

16. "Game animals" as used herein means all big game, small game, fur bearing animals, and aquatic wildlife, and including upland game birds and migratory game birds.

17. "Non-game animals" as used herein means all wild animals except game animals.

18. "Predatory animal" as used herein means fox, skunk, coyotes, weasel, opossum, raccoon, mink, badger, bobcat.

19. "Calling" as used herein means the use of hand, mechanical, or electronic devices to reproduce the sounds of other animals for the purpose of luring animals, including birds.

20. "Raptor" as used herein means a living migratory bird of the Order Falconiformes or the Order Strigiformes, other than a Bald eagle (*Haliaeetus Leucocephalus*) or Golden eagle (*Aquila Chrysaetos*).

21. "Road" as used herein means any government-maintained road that is being used by the public.

22. "Small game" as used herein means any of the following species of mammals: squirrels, rabbits (Cottontail, Jack, or Swamp).

23. "Trapping" as used herein is the use of traps, nets, snares, deadfalls or other devices used for the purpose of killing, capturing, netting or ensnaring any wildlife.

24. "Waterfowl" as used herein means all species of ducks and geese (not including swans) of the Order Anseriformes.

25. "Weapons" as used herein means centerfire rifles (primer located in center of base of case), rimfire rifle, 22 short, 22 long, 22 long rifle, 5 mm rimfire, bow (longbow or crossbow), muzzleloader (rifle or shotgun receiving powder and lead projectile through end of muzzle), shotgun, pistol, spear, hand powered projectile, blowgun, legal raptor, dog, and sling shot.

26. "Feral animal" as used herein means any domestic animal that has gone wild, such as a dog, a cat, or a hog.
27. "Person" as used herein means any person, Choctaw or non-Choctaw.
28. "Antlerless deer" as used herein means any Whitetail or Mule deer without antlers during official hunting season.
29. "Hardwood" as used herein means all members of the oak family, including Blackjack. Excluded from this classification are Pecan, Hickory (Smooth Bark and Scaled Bark), and Black Walnut.
30. "Den tree" as used herein means a tree or a log with a hollow cavity, capable of nesting furbearers or small game.
31. "Habitat" as used herein means any immediate area producing food or shelter for animals.
32. "Noodling" as used herein means the use of hands to catch fish.
33. "Rodent control" as used herein means the reduction of high numbers of beaver or any other members of the rodent family.
34. "Predator control" as used herein means the reduction of carnivores for the purpose of the support of livestock production or deer population.
35. "Trespassing" as used herein means the unauthorized entry of any person on tribal land.
36. "Bearded turkey" as used herein means any turkey, male or female, having a beard.
37. "Arrow" as used herein means a projectile shot from a bow having a broadhead hunting point not less than 7/8 of an inch wide and not less than 1 1/2 inches long.
38. "Nationwide" as used herein means any land known as Indian land, or water, within the jurisdictional boundaries of the Choctaw Nation, over which the Choctaw Nation has, or may have, jurisdiction relevant to this law.
39. "Night" or "nighttime" as used herein means the time between official sunset to official sunrise, as established by the U.S. Weather Bureau for Central Standard Time.
40. "Hound" as used herein means any dog specifically bred or trained to be used in hunting furbearers or feral hogs.

41. "Deerstop" as used herein means a device used in the obstruction of a snare to keep it from completely closing.
42. "Kill stake" as used herein means a stob protruding from the ground to shorten the entanglement area of a snared furbearer.
43. "Nightlight" as used herein means any portable light.
44. "Land Management Agreement" as used herein means any agreement between the Choctaw Nation and any other land owner, or any other government, for purposes of fish and wildlife programs.
45. "Gamebird" or "Gallinaceous game bird" as used herein means a heavy bodied, short, broadwinged, fowl-like bird commonly sought after by sportsmen and includes quail and turkey.
46. "Sportsman" as used herein means any legal person in pursuit of legal fish or game.
47. "CDIB" as used herein means Certificate of Degree of Indian Blood as issued by the U.S. Department of the Interior, Bureau of Indian Affairs.
48. "License" as used herein means a valid Choctaw Nation Membership card.
49. "Final destination" as used herein means for purposes of pheasant, turkey, bear, deer, elk, Eurasian collared dove and antelope, shall be the hunter's residence or place of consumption.
50. "Headlighting" as used herein means the use of any light or light enhancement device commonly known as a nightscope in conjunction with a firearm, longbow or crossbow, from the period of sunset to sunrise for the taking of wildlife.
51. "Baiting" as used herein means the placing, exposing, depositing, distributing or scattering of shelled, shucked or unshucked corn, wheat or other grain or other feed.

History

CB-39-20, eff. December 23, 2019; CB-92-22, eff. January 8, 2022.

Section 3. Enforcement Authority

- A. The Executive Director of Public Safety may designate persons authorized to issue field citations, make arrests and confiscate property for violations.
- B. Any person authorized by the Executive Director of Public Safety to engage in enforcement actions shall have appropriate training.

C. The Executive Director of Public Safety or his or her designee shall have the authority to issue notices of violation for violations of this Code.

D. The District Court of the Choctaw Nation shall have jurisdiction to issue judgments and orders, assess costs, fines and attorney fees, require remediation, restitution and payment of damages, issue injunctive relief and issue orders relating to confiscation of property, in any civil or criminal enforcement proceeding, pursuant to the rules of criminal procedure, involving violations of requirements imposed by this Code or rules duly promulgated pursuant to this Code. The decisions, opinions and orders of the District Court shall be appealable to the superior courts of the Nation pursuant to the Court of General Jurisdiction Unification Act as codified in CB-60-2016.

History

CB-39-20, eff. December 23, 2019.

Section 4. Traditional Use

A. All hunting, fishing, gathering, and trapping on lands subject to the jurisdiction of the Choctaw Nation shall be conducted in conformance with both Federal and Choctaw Nation laws and regulations. Notwithstanding any other provision of law, it shall be permissible at any time for any Choctaw tribal member to take any species for use by any Choctaw tribal member, for traditional, ceremonial, religious or medicinal purposes in accordance with Choctaw traditional practices.

B. This section is not intended to apply to Bald eagles and Golden eagles, or to authorize hunting in violation of Federal law.

History

CB-39-20, eff. December 23, 2019.

Section 5. Licenses, as Defined

A. Proof of membership of the Choctaw Nation of Oklahoma shall constitute a permit to hunt, fish, gather or trap within the jurisdictional boundaries of the Choctaw Nation of Oklahoma unless hunting, fishing, gathering and trapping privileges have been suspended by the Choctaw Nation of Oklahoma. Any person hunting, fishing, gathering, or trapping on lands subject to the jurisdiction of the Choctaw Nation shall have in his or her possession a valid Choctaw Nation Membership card. For future needs, the Choctaw Nation may recognize reciprocal intertribal hunting, fishing, gathering, or trapping agreements negotiated with other Indian nations between chief executive officers of the nations.

a. Persons not having a valid Choctaw Nation Membership card are subject to penalties as provided under this Code and applicable federal law.

b. State issued licenses, permits, tags, stamps and other permits are not recognized within the Choctaw Nation for tribal members. The limits and seasons in this Code

apply to all Choctaw Nation tribal members, and said tribal members may not use state issued licenses, permits, tags or stamps to exceed the limits and seasons set forth in this Code.

B. Penalties

a. Indian Criminal Penalties: A fine not to exceed Two Hundred Dollars (\$200.00) and/or not more than 90 days imprisonment and forfeiture of all game, fish, peltries, vehicles, weapons, and equipment.

b. Indian Civil Penalties: A fine not to exceed Two Hundred Dollars (\$200.00) and forfeiture of all game, fish, peltries, vehicles, weapons, and equipment.

c. Non-Indian Civil Penalties: A fine not to exceed Two Hundred Dollars (\$200.00) and forfeiture of all game, fish, peltries, vehicles, weapons, and equipment.

C. For purposes of this section, “person” shall mean an Indian over the age of eight (8).

History
CB-39-20, eff. December 23, 2019; CB-69-22, eff. January 1, 2022.

Section 6. Sportsman's Responsibilities

A. Any sportsman has the responsibility to the landowner or to the Choctaw Nation for any damage, including littering, that may occur as a result of his pursuit of fish or game. Said landowner or the Choctaw Nation may seek full restitution from said violator of this provision in tribal court or another court of competent jurisdiction.

B. WANTON WASTE

a. No person may capture, kill or destroy any wildlife protected by law and remove the head, claws, teeth, hide, antlers, horns or any or all of such parts from the carcass with the intent to abandon the carcass. No person may kill any wildlife protected by law and abandon the carcass without disposing of the carcass in the most appropriate manner. No person may dump the carcass of any dead animal in any well, spring, pond, or stream of water or leave it within 1/4 mile of any occupied dwelling or public highway without burying the carcass in an appropriate manner where it will not become exposed through erosion of the soil or where such land is subject to overflow.

C. USE OF FIRE

a. No person shall concentrate, drive, molest, hunt, take, capture, kill, or attempt to take any wildlife by aid of any fire or smoke whether man-made or natural.

D. TAKING OF WILDLIFE

a. No person, including but not limited to persons licensed for commercial hunting or wildlife breeders, may hunt, chase, capture, shoot, shoot at, wound, attempt to take or take, attempt to kill or kill, slaughter, or use any trap, net, snare, cage, pitfall, baited hook or similar device, drug, poison, narcotic, explosive or

similar substance, swivel or punt gun of greater caliber than ten (10) gauge, or any device which generates electricity on an antelope, moose, whitetail or mule deer, bear, elk, mountain lion, Rocky Mountain bighorn sheep, wild turkey, or any subspecies except as otherwise provided by statute or commission rule.

E. SHOOTING FROM ROAD

- a. Shooting from or across any public road, highway (or right-of-way) or railroad right-of-way is prohibited. Public roadways are defined as any governmental or corporate roadways where vehicular traffic is not restricted and the roadway is routinely used by the general public.

F. SUPPRESSORS (SILENCERS)

- a. Hunters are allowed to use legally acquired and possessed suppressors to hunt game animals, game or nongame birds on both private and public lands.

G. LANDOWNER PERMISSION

- a. Hunters must obtain permission to enter any posted or occupied land or land primarily devoted to farming, ranching or forestry purposes.
- b. Nothing in this guide shall be interpreted as permitting hunting or allowing access into any area, public or private, without permission from the owners or custodian as required by law. All persons are prohibited from entering land owned by another without permission for the sole purpose of retrieving domestic livestock or other animals.
- c. Consent is not valid for more than one year, unless the owner, lessee, or occupant specifically grants consent for a specified period of time.

H. FLUORESCENT ORANGE

- a. Hunter orange requirements apply to hunters hunting either public or private property.
- b. All hunters participating in any antelope, bear, deer or elk season using a firearm (muzzleloader or gun) must wear both a head covering and an outer garment above the waistline, both totaling at least 400 square inches of hunter orange that are clearly visible while in the field. Camouflage hunter orange is legal as long as there are at least 400 square inches of hunter orange.
- c. Antelope, bear, deer or elk hunters using archery equipment during any antelope, bear, deer or elk firearms (muzzleloader or gun) season in any open hunting area (zone, county, or area), this includes public lands closed to the firearm(s) season(s), must conspicuously wear either a head covering or an outer garment above the waistline consisting of hunter orange. Camouflage hunter orange is legal.
- d. All other hunters, including trappers, except those hunting waterfowl, crow, crane or dove, or while hunting furbearing animals at night, must wear either a head covering or upper garment of hunter orange clothing while hunting during any antelope, bear, deer or elk firearms (muzzleloader or gun) season in any open hunting area (zone, county or area), this includes public lands closed to the firearm(s) season(s). Camouflage hunter orange is legal.

I. HEADLIGHTING AND SPOTLIGHTING

- a. No person may attempt to take, take, attempt to catch, catch, attempt to capture, capture, attempt to kill, or kill any deer, feral animal or other wildlife, except fish and frogs or except as provided by law, by the use of a vehicle-mounted spotlight or other powerful light at night, by what is commonly known as “headlighting” (or “spotlighting”) or use any light enhancement device (night scope). Provided, however, nothing in this code shall prevent one from possessing a .22 caliber rimfire rifle or .22 caliber rimfire pistol and a light carried on his person while in pursuit of furbearers with hounds during the legal open furbearer season, while possessing a valid hunting license and fur license, unless exempt.

J. Hunter’s Competence and Safety

- a. All persons between ten (10) years of age and thirty (30) years of age must be able to provide a certificate of competency and safety in the use of handling firearms issued by a state, country, or tribal nation. If a person hunting does not have a certificate of competency or safety as required by this section but is lawfully designated as an apprentice hunter by the Nation, a state, country or tribal nation, said person is exempt from the certificate requirement of this section.
- b. A hunter under the sixteen (16) years of age hunting small game shall be exempt from the hunter safety certification requirements set forth in subsection A of this section if they are accompanied by a licensed hunter eighteen (18) years of age or older who possesses a certificate of hunter safety or is exempt from the hunter safety certification requirements. The accompanying hunter shall be in sight of the youth hunter and shall be able to communicate with the youth hunter in a normal voice without the aid of any communication device. A youth hunter who possesses a certificate of hunter safety may hunt small game without an accompanying hunter as long as the youth hunter carries the certification on their person.
- c. The provisions of this section shall not apply to any person who has an honorable discharge from the United States Armed Forces, who is currently on active duty in the United States Armed Forces or a member of the National Guard. In addition, the provisions of this section shall not apply to any person who is a resident landowner or a resident tenant, while hunting game other than deer or antelope, upon land owned or leased by the person. The provisions of this subsection shall not exempt nonresidents owning land in this state nor any person leasing land, for the purpose of hunting.
- d. Any person convicted of violating the provisions of this section shall be punished by the imposition of a fine of not less than Fifty Dollars (\$50.00) nor more than Two Hundred Dollars (\$200.00) or by imprisonment in jail for a period not to exceed thirty (30) days, or by both fine and imprisonment.

History

CB-39-20, eff. December 23, 2019; CB-92-22, eff. January 8, 2022.

Section 7. Proper Courts/Penalties

A. Any person hunting, fishing, gathering, or trapping on land known as Indian land within the jurisdictional boundaries of the Choctaw Nation, in violation of tribal hunting, fishing, gathering, or trapping laws or regulations, shall be arrested by a proper law enforcement officer and then may be brought to trial before a court of competent jurisdiction, such as the Choctaw Nation Court or Federal Court, which shall assess penalties under this Code or the Federal Code.

B. TRESPASSING

a. Any Indian, without lawful authority or permission, who willfully and knowingly goes upon any land known as Indian land, within the jurisdictional boundaries of the Choctaw Nation, by Constitution, that belongs to any Indian, or to the Choctaw Nation, and that is either held by the United States in trust or 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 not more than \$200 or imprisoned not more than ninety days, or both, and all game, fish, and peltries in his possession shall be forfeited.

b. Any Indian who willfully destroys, defaces, or removes any sign on lands known as Indian land, within the jurisdictional boundaries of the Choctaw Nation, by Constitution, erected by the Choctaw Nation, or a Government agency, is subject to prosecution as defined by federal law.

c. It shall also be a civil violation for any person to violate this trespassing law, and may subject same to fines of not more than Two Hundred Dollars (\$200.00) and to confiscation of vehicles, weapons, and equipment.

C. CONFISCATION

a. In all cases where weapons, vehicles, and equipment are confiscated, as provided in this Code, and in all cases where contraband such as illegally taken game, fish, or peltries are confiscated, as provided in this Code, same shall be seized by any authorized law enforcement official, with or without a search warrant.

b. Said officer shall be required to make a written report within five (5) days, under oath or affirmation, and to file same with the clerk of a court of competent jurisdiction. The report shall detail the name of said officer, the place where said seizure was affected, cause for said seizure, and an inventory of the seized weapons, vehicles, equipment, and/or contraband.

c. Said seized weapons, vehicles, equipment, and/or contraband shall be delivered to the appropriate law enforcement agency; and said receiving location shall retain same and all thereof until same shall be claimed by the rightful owner or disposed of pursuant to the orders of the court according to federal law or this Code.

History

CB-39-20, eff. December 23, 2019.

Section 8. Destruction of Habitat

A. Destruction of habitat shall include, but shall not be limited to, the cutting or molesting of den trees, living or non-living, or trees considered logs lying on the ground, having a denning capacity, which shall be defined as a hollow depth of two (2) feet or more.

B. No person or persons shall knowingly cut down or cut into or remove a den tree or a tree being used as a den tree, by raccoons or by any other animal unless written permission for such cutting or removal is given by the owner of said land.

C. It shall be deemed illegal to cut any vine, bush, or tree that produces fruit or nuts consumed either by humans or animals except in regards to agricultural purposes, in pecan and/or walnut orchards, and for timber harvesting; provided that hardwood trees other than pecan, smooth bark and scaled bark hickory, and black walnut, may be harvested for fire wood.

D. It shall be unlawful for any person to leave an open fire unattended. Any person who makes a campfire, or makes or causes any other fire, and negligently allows it to spread and/or to do damage to any property, shall be in violation of this section.

E. It shall be unlawful for any person to deposit litter, garbage, debris, or any other waste except in places expressly designated for this purpose.

F. Any Indian found guilty of a violation of this section shall, upon conviction, be punished by a fine of not less than Two Hundred Fifty Dollars (\$250.00), nor more than Five Hundred Dollars (\$500.00), or by imprisonment for six (6) months, or by both such imprisonment and fine.

G. It shall also be a civil violation for any person to violate this section, and may subject same to fines of not less than Two Hundred Fifty Dollars (\$250.00), nor more than Five Hundred Dollars (\$500.00), and to confiscation of vehicles, weapons and equipment.

History

CB-39-20, eff. December 23, 2019.

Section 9. Choctaw Authority/Jurisdiction

A. The Choctaw Nation has jurisdiction over hunting, fishing, gathering, and trapping activities on land known as Indian country within its jurisdictional boundaries. The authority for licensing such activities resides exclusively in the Choctaw Nation.

B. Violations of any portion of these regulations may subject the violator to loss of permission to hunt, fish, gather, or trap, and/or to civil and/or criminal penalties.

History

CB-39-20, eff. December 23, 2019.

Section 10. Game Birds - Nest/Eggs

A. It shall be unlawful willfully and intentionally to take or destroy at any time the nest or eggs of any game bird, except as specifically permitted by law.

B. Any Indian found guilty of a violation of this section shall, upon conviction, be punished by a fine of not less than Ten Dollars (\$10.00), nor more than One Hundred Dollars (\$100.00), or by imprisonment for up to thirty (30) days, or by both such imprisonment and fine.

C. It shall also be a civil violation for any person to violate this section, and may subject same to fines of not less than Ten Dollars (\$10.00), nor more than One Hundred Dollars (\$100.00) and to confiscation of vehicles, weapons, and equipment.

History

CB-39-20, eff. December 23, 2019.

Section 11. Hunter Harassment

A. It shall be unlawful to interfere intentionally with the lawful taking of wildlife by another or to harass intentionally, drive or disturb any game animal for the purpose of disrupting a lawful hunt, otherwise called "hunter harassment;" provided, that nothing in this section shall prohibit a landowner or lessee from exercising his lawful rights of prohibiting shooting, hunting, fishing, gathering, or trapping on his land, or any other legal right.

B. A person may not willfully obstruct or impede the participation of any individual in the lawful activity of shooting, hunting, fishing, gathering, or trapping on Choctaw land.

C. Any person in violation of this section shall be liable, in a civil action, to the person with whom he or she interfered for all costs and damages resulting therefrom. If said person holds a Choctaw Nation hunting, fishing, gathering, or trapping license at the time of conviction, such license shall be revoked upon appropriate request.

D. This section of law shall not prevent an agent of the Choctaw Nation from performing his enforcement duties.

E. Any Indian found guilty of a violation of this section shall, upon conviction, be punished by a fine of not less than One Hundred Dollars (\$100.00), nor more than Five Hundred Dollars (\$500.00), or by imprisonment for six (6) months, or by both such fine and imprisonment.

F. It shall also be a civil violation for any person to violate this section, and may subject same to fines of not less than One Hundred Dollars (\$100.00), nor more than Five Hundred Dollars (\$500.00) and to confiscation of vehicles, weapons, and equipment.

History

CB-39-20, eff. December 23, 2019.

Section 12. Predator and Rodent Control

A. Nothing herein shall be construed to prohibit the United States Fish and Wildlife Service from utilizing all acceptable techniques and materials normally used by them in conducting rodent and predator control work on Choctaw land; provided that prior approval is obtained from the Choctaw Nation as to the specific techniques, materials, and locations of control stations.

B. No person shall set or use, at any time, any cyanide coyote getter, or other similar device, using cyanide gas or other poisonous gas as the lethal agent, for the purpose of killing predators for the purpose of livestock protection or wildlife host animal protection.

C. Any Indian found guilty of a violation of this section shall, upon conviction, be punished by a fine of not less than Fifty Dollars (\$50.00), nor more than One Hundred Dollars (\$100.00), or by imprisonment for up to thirty (30) days, or by both such fine and imprisonment.

D. It shall also be a civil violation for any person to violate this section, and may subject same to fines of not less than Fifty Dollars (\$50.00), nor more than One Hundred Dollars (\$100.00) and to confiscation of vehicles, weapons, and equipment.

History

CB-39-20, eff. December 23, 2019.

Section 13. Turtles - Frogs - Reptiles

A. TURTLES - FROGS – REPTILES

a. Bullfrogs may be harvested between June 1 and September 30, inclusively, by bow and arrow, spear, gig, rim fire rifle, pellet gun/air rifle, dip net, blow gun, and pole with line and hook. Not more than fifteen (15) per person per day may be harvested. Nothing shall stop the use of a light for hunting by night.

b. Reptiles, more specifically snakes and turtles, may be harvested between March 1 and September 30, inclusively. Nothing in this code shall prohibit the control of reptiles by the landowner year-round.

B. Any Indian found guilty of a violation of this section shall, upon conviction, be punished by a fine of not less than Ten Dollars (\$10.00), nor more than Fifty Dollars (\$50.00).

C. It shall also be a civil violation for any person to violate this section, and may subject same to fines of not less than Ten Dollars (\$10.00), nor more than Fifty Dollars (\$50.00) and to confiscation of vehicles, weapons, and equipment.

History

CB-39-20, eff. December 23, 2019.

Section 14. Falconry/Raptors

A. Falconry is a legal method for hunting and taking resident game. The Choctaw Nation recognizes any Choctaw falconer federally licensed. Illegal falconry is subject to federal penalties.

B. The Choctaw Nation recognizes the Bald and Golden Eagle Protection Act as federal jurisdiction.

History

CB-39-20, eff. December 23, 2019; CB-92-22, eff. January 8, 2022.

Section 15. Upland Game

A. SQUIRREL

a. Fox Squirrel and Gray Squirrel may be harvested between May 15 and January 31, inclusively, one-half hour before official sunrise to official sunset, by shot gun (conventional or muzzle loading), bow and arrow, hand propelled missile, air propelled missile, sling shot, hand gun, rifle, or legal raptor. Not more than twenty-five (25) fox and gray squirrels combined per person may be taken daily, not more than fifty (50) per person may be in possession after the first day. No person may capture or kill squirrels at any other time.

b. Any Indian found guilty of a violation of this provision shall, upon conviction, be punished by a fine of not less than Twenty-Five Dollars (\$25.00), nor more than Fifty Dollars (\$50.00).

c. It shall also be a civil violation for any person to violate this section, and may subject same to fines of not less than Twenty-Five Dollars (\$25.00), nor more than Fifty Dollars (\$50.00) and to confiscation of vehicles, weapons, and equipment.

B. JACK RABBIT

a. Jack Rabbit may not be harvested within the Choctaw Nation reservation.

b. Any Indian found guilty of a violation of this section shall, upon conviction, be punished by a fine of not less than Fifty Dollars (\$50.00), nor more than One Hundred Dollars (\$100.00).

c. It shall also be a civil violation for any person to violate this section, and may subject same to fines of not less than Fifty Dollars (\$50.00), nor more than One Hundred Dollars (\$100.00) and to confiscation of vehicles, weapons, and equipment.

C. COTTONTAIL RABBIT

a. Cottontail Rabbit may be harvested between October 1 and March 15, inclusively, one-half hour before official sunrise to official sunset, by shot gun (conventional or muzzle loading), bow and arrow, hand propelled missile, air propelled missile, sling shot, handgun, rifle, rabbit stick, or legal raptor.

b. Not more than ten (10) per person may be taken daily, not more than twenty (20) per person may be in possession after the first day.

c. Any Indian found guilty of a violation of this section shall, upon conviction, be punished by a fine of not less than Fifty Dollars (\$50.00), nor more than One Hundred Dollars (\$100.00).

d. It shall also be a civil violation for any person to violate this section, and may subject same to fines of not less than Fifty Dollars (\$50.00), nor more than One Hundred Dollars (\$100.00) and to confiscation of vehicles, weapons, and equipment.

D. SWAMP RABBIT

a. Swamp Rabbit may be harvested between October 1 and March 15, inclusively, one-half hour before official sunrise to official sunset, by shot gun (conventional or muzzle loading), bow and arrow, hand propelled missile, air propelled missile, sling shot, hand gun, rifle, or legal raptor.

b. Not more than three (3) per person may be taken daily, not more than six (6) per person may be in possession after the first day.

c. Any Indian found guilty of a violation of this section shall, upon conviction, be punished by a fine of not less than Fifty Dollars (\$50.00), nor more than One Hundred Dollars (\$100.00).

d. It shall also be a civil violation for any person to violate this section, and may subject same to fines of not less than Fifty Dollars (\$50.00), nor more than One Hundred Dollars (\$100.00) and to confiscation of vehicles, weapons, and equipment.

History

CB-39-20, eff. December 23, 2019; CB-92-22, eff. January 8, 2022.

Section 16. Non-Migratory Game Birds

A. QUAIL SEASON

a. Bobwhite Quail and Scaled Quail may be harvested between November 13 and February 15, inclusively, official sunrise to official sunset, by shot gun (conventional or muzzle loading), bow and arrow, blow gun, or legal raptor.

b. Not more than ten (10) per person may be taken daily, not more than twenty (20) per person may be in possession after the first day.

c. At no time shall any covey or quail be shot while resting on the ground, a practice commonly referred to as "pot shooting."

d. Any Indian found guilty of a violation of this section shall, upon conviction, be punished by a fine of not less than Fifty Dollars (\$50.00), nor more than One Hundred Dollars (\$100.00).

e. It shall also be a civil violation for any person to violate this section, and may subject same to fines of not less than Fifty Dollars (\$50.00), nor more than One Hundred Dollars (\$100.00) and to confiscation of vehicles, weapons, and equipment.

B. TURKEY

a. Turkey - Fall Season - Bow Only

i. One tom turkey may be harvested nationwide with a bow and arrow in the Fall between October 1 and January 15, inclusively, official sunrise to official sunset. Season limit is one tom turkey statewide regardless of method of take.

ii. Roost shooting is illegal.

iii. Live decoys are illegal.

iv. Decoys are permitted.

v. Game callers shall be legal.

vi. Electronically amplified imitations of bird calls shall be deemed illegal.

vii. It is illegal to hunt turkeys within 100 yards of bait.

viii. Any Indian found guilty of a violation of this section shall, upon conviction, be punished by a fine of not less than Fifty Dollars (\$50.00), nor more than One Hundred Dollars (\$100.00).

ix. It shall also be a civil violation for any person to violate this section, and may subject same to fines of not less than Fifty Dollars (\$50.00), nor more than One Hundred Dollars (\$100.00) and to confiscation of vehicles, weapons, and equipment.

b. Turkey - Spring Season - Bow - Shotgun

i. Turkey, limit one per hunter, Tom Turkey only (to be defined as any bearded turkey, regardless of sex), may be harvested nationwide with a shot gun (conventional or muzzle loading) or by bow and arrow ONLY, in the Spring

ii. between April 16 and May 16, inclusively, official sunrise to official sunset.

iii. Roost shooting and live decoys shall be prohibited.

iv. Decoys shall be permitted.

v. Game callers shall be legal.

vi. Electronically amplified imitations of bird calls shall be deemed illegal.

vii. It is illegal to hunt turkeys within 100 yards of bait.

viii. Any Indian found guilty of a violation of this section shall, upon conviction, be punished by a fine of not less than Fifty Dollars (\$50.00), nor more than One Hundred Dollars (\$100.00).

ix. It shall also be a civil violation for any person to violate this section, and may subject same to fines of not less than Fifty Dollars (\$50.00), nor more than One Hundred Dollars (\$100.00) and to confiscation of vehicles, weapons, and equipment.

History

CB-39-20, eff. December 23, 2019; CB-69-22, eff. January 1, 2022; CB-92-22, eff. January 8, 2022.

Section 17. Deer

A. COMBINED SEASON NATIONWIDE BAG LIMIT

a. Each person with a tribal membership may only legally harvest six (6) deer, no more than two (2) being antlered, nationwide, no matter the legal means of take, whether with a legal bow and legal arrow, muzzleloader, or rifle, from the period beginning October 1, and ending January 15, inclusively, one half hour before official sunrise to one half hour after official sunset.

b. Any Indian found guilty of a violation of this provision shall, upon conviction, be punished by a fine of not less than One Hundred Dollars (\$100.00), nor more than Five Hundred Dollars (\$500.00), or by imprisonment for up to thirty (30) days, or by both such imprisonment and fine.

c. It shall also be a civil violation for any person to violate this provision, and may subject same to fines of not less than One Hundred Dollars (\$100.00), nor more than Five Hundred Dollars (\$500.00) and to confiscation of vehicles, weapons, and equipment.

B. DEER - BOW ONLY

a. Deer, limit six (6), no more than two (2) may be antlered per person, may be harvested nationwide with a legal bow and legal arrow, in the Fall between October 1 and January 15, inclusively, one half hour before official sunrise to one half hour after official sunset. All deer taken during the deer archery season count toward the hunter's combined season limit of six (6) deer.

b. A legal bow is any bow, except the crossbow, of forty (40) pounds or more draw weight, having no more than 65 percent let-off. A legal arrow for deer shall be fitted with a broadhead hunting type point not less than 7/8 inches wide and not less than 1 1/2 inches long. Any device that permits a bow to be held mechanically at full or partial draw is prohibited. Hand-held releases are permitted. No person shall carry or use any firearm in conjunction with any bow and arrow during the archery season while hunting deer with a bow and arrow. Pursuing deer with dogs is prohibited.

c. Any Indian found guilty of a violation of this provision shall, upon conviction, be punished by a fine of not less than One Hundred Dollars (\$100.00), nor more than Five Hundred Dollars (\$500.00), or by imprisonment for up to thirty (30) days, or by both such imprisonment and fine.

d. It shall also be a civil violation for any person to violate this provision, and may subject same to fines of not less than One Hundred Dollars (\$100.00), nor more than Five Hundred Dollars (\$500.00) and to confiscation of vehicles, weapons, and equipment.

C. DEER - MUZZLELOADER - BOW

a. Deer, limit four (4), no more than one (1) may be antlered per person, may be harvested nationwide with a muzzleloader, in the Fall between October 23 and October 31, inclusively, one half hour before official sunrise to one half hour after official sunset. Harvest of

antlerless mule deer is prohibited. All deer taken during the deer muzzleloader season count toward the hunter's combined season limit of six (6) deer.

- i. Antlerless deer may not be harvested East of Highway 69/75 and South of Highways 2, 31, 271, 112, and 120 between December 18 and December 31.
- b. Muzzleloading firearms are weapons that fire forty caliber or larger projectiles (muzzleloading muskets are legal), fired by flintlock or primitive percussion cap, with a single slug or ball. Metallic sights only may be used. Black powder or equivalent only may be used. Black powder firearms loaded from the breech, and smoothbore muzzleloading shotguns, are illegal.
- c. Muzzleloading pistols (single shot or revolver) with characteristics as described for muzzleloading rifles are permissible as a secondary firearm, but may be used only for killing a downed animal.
- d. Archery equipment described as legal for the deer archery season may be used during the primitive firearms season. The hunter shall have the option of hunting with a primitive gun or with legal archery equipment. If hunting with a primitive gun, the harvest limit is one antlered deer, except on last day of muzzleloader season, wherein a muzzleloader hunter or bow hunter may harvest an antlerless deer on said last day. Pursuing deer with dogs is prohibited.
- e. Any Indian found guilty of a violation of this provision shall, upon conviction, be punished by a fine of not less than One Hundred Dollars (\$100.00), nor more than Five Hundred Dollars (\$500.00), or by imprisonment for up to thirty (30) days, or by both such imprisonment and fine.
- f. It shall also be a civil violation for any person to violate this provision, and may subject same to fines of not less than One Hundred Dollars (\$100.00), nor more than Five Hundred Dollars (\$500.00) and to confiscation of vehicles, weapons, and equipment.

D. DEER - RIFLE - MUZZLELOADER - BOW

- a. Deer, limit four (4), no more than one (1) may be antlered per person, may be harvested nationwide with a muzzleloader, in the Fall between November 20 and December 5, inclusively, one half hour before official sunrise to one half hour after official sunset. Harvest of antlerless mule deer is prohibited. All deer taken during the deer rifle season count toward the hunter's combined season limit of six (6) deer.
 - i. Antlerless deer may not be harvested East of Highway 69/75 and South of Highways 2, 31, 271, 112, and 120 between December 18 and December 31.
 - ii. If a hunter has not harvested an antlered deer by the last day of the season, he may harvest an antlerless deer on said last day only.

b. Any Indian found guilty of a violation of this provision shall, upon conviction, be punished by a fine of not less than One Hundred Dollars (\$100.00), nor more than Five Hundred Dollars (\$500.00), or by imprisonment for up to thirty (30) days, or by both such imprisonment and fine.

c. It shall also be a civil violation for any person to violate this provision, and may subject same to fines of not less than One Hundred Dollars (\$100.00), nor more than Five Hundred Dollars (\$500.00) and to confiscation of vehicles, weapons, and equipment.

d. Legal weapons for deer hunting rifle season shall be:

i. Centerfire rifles only, and firing ammunition with a soft-nosed bullet of at least 75 grains weight, except .222, .223, 220 Swift, and .22-250 caliber rifles, are legal.

ii. Rifles chambered for .224 caliber bullets traveling more than 3,100 feet per second are deemed legal.

iii. Hollow point bullets are legal.

iv. Clips or magazines shall be capable of holding a maximum of seven (7) rounds of ammunition.

v. Muzzleloading rifles that are legal for the muzzleloading season shall also be legal in all areas open to rifles.

vi. Twenty gauge shotguns or larger, firing a single rifled slug, are legal rifles.

vii. Centerfire handguns must be chambered for a .224 caliber or larger, or 100 grain or heavier, soft-nosed bullet having an overall cartridge case length of 1 1/4 inches or longer. Minimum barrel length is four inches.

e. Any firearm not fitting these descriptions shall be confiscated. Fully automatic firearms are prohibited. Pursuing deer with dogs is prohibited.

f. Any Indian found guilty of a violation of this provision shall, upon conviction, be punished by a fine of not less than Twenty Five Dollars (\$25.00), nor more than One Hundred Dollars (\$100.00).

g. It shall also be a civil violation for any person to violate this provision, and may subject same to fines of not less than Twenty Five Dollars (\$25.00), nor more than One Hundred Dollars (\$100.00) and to confiscation of vehicles, weapons, and equipment.

E. FLUORESCENT ORANGE - DEER RIFLE SEASON

a. During periods when rifle and primitive firearms seasons overlap with archery seasons (deer only), all hunters, while hunting on the ground or in transit to and from hunting stands during daylight hours, during deer muzzleloading season and during deer gun season, shall wear a head covering and any outer garment covering, both totaling five hundred (500) square inches or more of clothing, both consisting of daylight fluorescent orange color totaling not less than four hundred (400) square inches, and both to be worn conspicuously on the person..

b. Hunters shooting from above the ground stands, while above ground, and waterfowlers, are exempt from wearing orange.

F. YOUTH HUNT DEER

a. Age Requirements. All Choctaw youth under 18 years of age with a valid Choctaw Nation Membership card are eligible to participate in a youth hunt in accordance with this subsection 17.F. All participants, while hunting, are required to be accompanied by an adult, 18 years or older. The adult shall not hunt, except that the adult may archery hunt in accordance with this Code while accompanying the youth hunter. The adult hunter accompanying the youth hunter shall not possess any rifle, shotgun, or pistol.

b. Dates. The dates for the youth season shall be a Friday, Saturday, and Sunday preceding muzzleloader season.

c. Open Areas. The season is open nationwide.

d. Bag Limit. Two (2) deer, which may include no more than one (1) antlered deer. The deer harvested by the youth during the youth hunt count towards the combined season limit of six (6) deer.

e. Legal means of taking. All rifles (conventional or muzzleloader), handguns, shotguns or bows legal during the deer gun season shall also be legal during the youth deer season.

History

CB-39-20, eff. December 23, 2019; CB-69-22, eff. January 1, 2022; CB-92-22, eff. January 8, 2022.

Section 18. Feral Hogs

Area and season for harvesting feral hogs shall be open nationwide, year-round. Feral hogs may be harvested with any centerfire rifle, bow, muzzle loader, or containment trap. There shall be no bag limit. Feral hogs may be harvested during daylight hours only. Feral hogs may also be pursued with hounds, for sport or for harvest.

History

CB-39-20, eff. December 23, 2019.

Section 19. Furbearer Regulations

A. FURBEARER REGULATIONS

- a. Bobcat, raccoon, badger, grey fox, red fox (see Red Fox Restrictions), mink, muskrat, opossum, skunk, otter, and weasel may be harvested from December 1, 2021, to

February 28, 2022, inclusively, nationwide.

- i. Bobcat:
 1. There is no daily limit for the harvest of bobcats.
 2. The season limit is twenty (20) bobcats.
 3. The possession limit is twenty (20) per person.
 - ii. Gray Fox and Red fox:
 1. There is a daily combined limit of two (2), with no more than one (1) red fox.
 2. The season combined limit is six (6), with no more than two (2) red foxes.
 - iii. River otter:
 1. There is no daily limit for the harvest of river otters.
 2. The season limit is four (4) river otters.
 - iv. Badger, mink, muskrat, opossum, weasel:
 1. There is no limit on the harvest of these furbearers.
- b. Beaver, nutria, and coyote season shall be open year-round, nationwide.
- c. Mountain lion, and swift fox may not be harvested at any time, by any means, and if taken in a trap, they must be released immediately with the following exception:
- i. Taking of mountain lion is allowed when the mountain lion is committing or about to commit depredation on any domesticated animal, or when acting in a manner as to constitute an immediate safety hazard. In the event a mountain lion is taken, a Choctaw Nation Environmental Protection Services employee must be notified immediately and the intact carcass including the hide must be presented to Choctaw Nation Environmental Protection Services within 24 hours for collection of biological information.
 - ii. Any person in violation of this section shall be guilty of a misdemeanor and upon conviction shall be punished by imprisonment not exceeding one (1) year or by a fine not exceeding Five Hundred Dollars (\$500.00), or both such fine and imprisonment.
- d. Black bear may be harvested with a combined season limit of one bear of either sex. This includes bear archery and bear muzzleloader seasons. No baiting is allowed on wildlife management areas, areas owned or managed by the Choctaw Nation, or any public land. Shooting of cubs or females with cubs is prohibited. No den shooting of bears. Pursuing bears with dogs is prohibited. Shooting collared bears is prohibited.
- i. Upon harvesting a bear, all hunters must immediately call the Choctaw Nation Environmental Protection Services at 1-800-522-6170.
 1. Black bear may be harvested by archery from October 1 to October 17, inclusively.
 - a. Black bear may only be harvested in Choctaw, Haskell, Latimer, LeFlore, McCurtain, and Pushmataha counties; and that portion of Atoka, Bryan, and Pittsburg counties east of U.S. Highway 69. There is no harvest quota for bear

archery season.

2. Black bear may be harvested by muzzleloader from October 23 to October 31, inclusively.

a. The Choctaw Nation of Oklahoma has set the 2022 muzzleloader harvest quota at twenty (20) bears. The muzzleloader season will be open until twenty (20) bears have been harvested or the season ends. Hunters must check via telephone whether the quota has been reached before going hunting each day. Once the quota has been reached, the season will close.

i. To check the status of the harvest quota, call 1-800-522-6170.

b. Unless the season quota is met earlier, black bear may only be harvested in Choctaw, Haskell, Latimer, LeFlore, McCurtain, and Pushmataha counties; and that portion of Atoka, Bryan, and Pittsburg counties east of U.S. Highway 69.

ii. Any person in violation of this section shall be guilty of a misdemeanor and upon conviction shall be punished by imprisonment not exceeding one (1) year or by a fine not exceeding Five Hundred Dollars (\$500.00), or both such fine and imprisonment.

e. Oral permission from an owner, lessee, manager, or occupant of land is required to harvest furbearers.

f. Nothing in this Code shall prevent or prohibit the killing of furbearers found destroying or stalking livestock or poultry.

g. Harvesting of furbearers shall be subject to the following limits:

i. not more than ten (10) bobcat per person may be harvested in any one season;

ii. not more than forty (40) raccoons per person may be harvested in any one season;

iii. not more than ten (10) grey fox and red fox may be harvested in any one season, per person; provided not more than one (1) red fox may be harvested in any one season (see Subsection B, Red Fox Restrictions);

iv. all other species of furbearers that may be taken legally shall not be limited, within their season.

h. Any Indian found guilty of a violation of this section shall, upon conviction, be punished by a fine of not less than Twenty-Five Dollars (\$25.00), nor more than

Five Hundred Dollars (\$500.00), or by imprisonment for up to thirty (30) days, or by both such imprisonment and fine.

i. It shall also be a civil violation for any person to violate this provision, and may subject same to fines of not less than Twenty-Five Dollars (\$25.00), nor more than Five Hundred Dollars (\$500.00) and to confiscation of vehicles, weapons, and equipment.

B. RED FOX - RESTRICTIONS

a. On lands known as Indian lands within the jurisdictional boundaries of the Choctaw Nation, the Red Fox shall not be considered a chase animal, may only be pursued or harvested from the day after Thanksgiving to January 31, inclusively, and is classified as a furbearer by special permit only.

b. Red Fox pelts cannot be sold commercially.

c. Red Fox pelts are intended to be used for display or personal use only.

d. The special permit limit is one Red Fox per permit per year.

e. Violation of this provision shall be deemed a violation of furbearer regulations.

f. Foot hold traps only shall be used during this special season.

C. HOUND CHASE SEASON - FURBEARERS

a. The season for chase or sport running of furbearers shall be the day after Thanksgiving to January 31, nationwide. All other months are closed season.

b. Dogs may be used in taking all game species in these rules except bear, deer, elk, antelope, and turkey. Exceptions to this rule would be the use of a leashed dog to track downed game after notification to the game warden of location and having no means of take on person while tracking.

(j) Except as otherwise provided for by law, nothing shall prohibit the year-round pursuit of game, which may be lawfully hunted with the use of hunting dogs, for dog training or sport only. However, unless otherwise provided, no person in pursuit of game with hunting dogs outside of the regular harvest season shall have in their possession the means to harvest such game.

D. TRAPPING - FURBEARERS - REGULATIONS

a. Legal means of harvesting shall include:

i. box traps;

- than 8 inches;
- ii. smooth jawed, leg hold, steel traps with a jaw spread of no more
- by livestock;
- iii. that no trap may be set in paths, roads, or runways commonly used
- iv. that traps must be tended at least once during each 24 hour period, and that all traps must bear the name of the trapper, or identification attached thereto, except for any person trapping on his own property.

E. SNARING REGULATIONS

a. SNARING REGULATIONS:

- i. 7 x 7 x 3/32 wire only shall be legally recognized to be used for furbearer snares;
- ii. coyote or land snares must be rigged with swivel in the middle or at ground;
- iii. said snares shall not be placed on land or pastures containing livestock;
- iv. the bottom of the snare loop shall not be over 12 inches from the ground;
- v. all land snares shall be rigged with deer stops;
- vi. beaver snares do not require deer stops;
- vii. beaver snares are not required to be swiveled. The loop shall be perpendicular to and at the water's edge;
- viii. kill stakes shall be illegal;
- ix. snares shall not be attached to, or within reach of, any usable fence.

F. CONIBEAR REGULATIONS

- a. Conibear sizes 330 and 280 shall be permissible underwater only;
- b. the only conibear sizes that shall be permissible on the ground shall be 110/120 4 inch and 150/160 6 inch. Only jaw sizes of 6 inches or less shall be permissible on the ground.

G. PREDATOR CALLING/DAYTIME

a. Furbearers may be harvested beginning December 1, 2021, to February 28, 2022, inclusively, during daylight hours, nationwide, by any rifle, bow and arrow, or shotgun.

b. Bobcat (see Male Bobcat Special Season), raccoon, otter, badger, grey fox, red fox (see Red Fox Restrictions), mink, muskrat, coyote, opossum, skunk, and weasel may be harvested at this time.

c. Black bear, mountain lion, and swift fox may not be harvested at any time by any means except as otherwise provided by this Code.

d. Electronic callers are deemed legal.

H. PREDATOR CALLING - NIGHT

a. Nighttime predator calling shall include the following restrictions:

i. red or amber lens on a night light shall be legal;

ii. a shotgun shall legally use only 4 buck, BB, or number 2 shot;

iii. all center fire rifles shall be illegal;

iv. rim fire rifles shall be legal, including 22 magnum or 5 mm magnum;

v. a bow and arrow shall be legal;

vi. it shall be legal to hunt from a boat, provided said boat is not motor driven and/or in motion while the hunter is shooting;

vii. it shall be legal to hunt from a vehicle, provided said vehicle is not in motion or the motor running while the hunter is shooting, and said vehicle shall not be on a public road nor shall the hunter shoot across a public road.

I. Any Indian found guilty of a violation of this section relevant to legal means of harvesting furbearers by means of trapping, snaring, or predator calling shall, upon conviction, be punished by a fine of not less than Twenty-Five Dollars (\$25.00), nor more than Five Hundred Dollars (\$500.00), or by imprisonment for up to thirty (30) days, or by both such imprisonment and fine.

J. It shall also be a civil violation for any person to violate this section, and may subject same to fines of not less than Twenty-Five Dollars (\$25.00), nor more than Five Thousand Dollars (\$5,000.00) and to confiscation of vehicles, weapons, peltries, and equipment.

History

CB-39-20, eff. December 23, 2019; CB-69-22, eff. January 1, 2022; CB-92-22, eff. January 8, 2022.

Section 20. Possession of Fur and Animal Parts

A. It shall be legal for a Choctaw tribal member to possess the skinned carcass of any legally harvested animal, subject to federal and tribal laws. Said carcass may be sold, bartered, or kept an unlimited period of time. The sale of scent glands from animals shall be legal.

B. Possession of whole carcasses, raw or tanned pelts, or other body parts of legally harvested game or non-game animals, not in violation of federal law, shall be legal.

C. A Choctaw tribal member may or may not elect to sell his legally harvested furs, carcasses, or body parts so that, at no time, shall a legally harvested pelt, carcass, or body part be said to be held illegally.

History

CB-39-20, eff. December 23, 2019; CB-92-22, eff. January 8, 2022.

Section 21. Posting Signs

When trapping devices are used, signs may be posted to the right and to the left of the entrance from public roads. The word "traps" may be included in the signs. Persons trapping on their own property are not subject to this request.

History

CB-39-20, eff. December 23, 2019.

Section 22. Fishing Regulations

A. The Choctaw Nation has the authority to adjust fishing regulations from year to year, as the need arises.

B. License requirement is as elsewhere herein addressed, and must be carried while fishing.

C. The Choctaw Nation recognizes two classifications of fish: game fish and non-game fish.

a. "Game fish" is a fish normally sought after by sportsmen, and includes only largemouth bass, smallmouth bass, white bass, spotted bass, black crappie, white crappie, northern pike, trout, sauger, saugeye, striped bass, walleye, blue catfish and channel catfish. Blue catfish and channel catfish are herein defined to mean "forked tail" catfish.

b. "Non-game fish" are all other fish not game fish.

i. DAILY CREEL AND SIZE LIMITS PER PERSON:

1. Largemouth, Smallmouth, and Spotted Black Bass. Daily limit, six (6), aggregately, minimum of fourteen (14) inches.

2. Channel Catfish and Blue Catfish. Daily limit, fifteen (15), aggregately. Size limit, only one (1) Blue Catfish over thirty (30) inches.

3. Flathead Catfish. Daily limit, five (5).

4. Sauger, Saugeye, and Walleye. Daily limit, six (6), aggregately. Size limit, fourteen (14) inches minimum.

5. Paddlefish. Annual limit, two (2).

ii. Harvest of paddlefish must be reported to the Choctaw Nation Environmental Protection Services at 1-800-522-6170 within 24 hours of harvest.

iii. Persons may have one paddlefish in their possession in the field.

iv. Catch and release of paddlefish by use of rod and reel, trotlines and throwlines is allowed, year-round. Paddlefish must be released immediately after being caught, unless kept for the daily limit. Anglers fishing trotlines or throwlines must release all paddlefish before leaving their lines (unless keeping one for a daily limit).

v. Paddlefish taken by bowfishing, gigs, spears and spearguns cannot be released.

vi. Each cleaned paddlefish and its parts (carcass, meat or eggs) must be kept separate from all other cleaned paddlefish or paddlefish parts. Each person must keep their paddlefish distinctly separate from paddlefish taken by others.

vii. No person can possess eggs (attached to the egg membrane) of more than one paddlefish. No person can possess more than 3 pounds of processed paddlefish eggs or fresh paddlefish eggs removed from the membrane. Processed eggs are any eggs taken from a paddlefish that have gone through a process that turns the eggs into caviar or into a caviar-like product.

viii. No person can ship into or out of, transport into or out of, have in possession with the intent to so transport, or cause to be removed from the Choctaw Nation, raw unprocessed, processed or frozen paddlefish eggs.

ix. All paddlefish must have all internal organs removed before leaving the Choctaw Nation.

1. All other species have no daily limit and no size limit.

b. Paddlefish and Flathead Catfish.

i. Paddlefish in Choctaw waters are not harvestable except for those in excess of 45 inches from eye notch to tail fork. All others must be returned to the water immediately. A barbless hook is required for Paddlefish snagging.

ii. Flathead Catfish (Yellow Catfish and Appaloosa Catfish) in Choctaw waters are not harvestable except those 20 inches or in excess of 20 inches total length. Those less than 20 inches must be returned to the water immediately.

b. Alligator Gar

ii. The daily bag limit for alligator gar is one (1) per day, except during the period of May 1 through May 31 when angling for alligator gar by all angling methods and possession are prohibited. The catch and release of alligator gar is permitted year-round, except during the closure referenced above, by use of rod and reel only. Anglers must cease snagging for the day when they have taken their daily limit of alligator gar into possession. Harvest of alligator gar must be reported to the Choctaw Nation Environmental Protection Services at 1-800-522-6170 within 24 hours of harvest.

iii. Alligator gar may be caught by use of rod and reel, trotline, and throwline. Alligator gar taken by bow and arrow, gigs, spears, or spearguns cannot be released. The attempt to take or harvest alligator gar is prohibited statewide May 1-31.

D. METHODS OF HARVEST, IN ACCORDANCE WITH
FEDERAL REGULATIONS

a. All waters on land known as Indian country within the jurisdictional boundaries of the Choctaw Nation are open to taking fish by hook and line attached to rod and reel or pole.

i. No person shall use more than seven (7) poles and/or rods while fishing.

ii. Fishing is restricted to no more than two (2) rods or poles per person, within 1,000 feet down stream of any federal or GRDA dam.

iii. It is unlawful to keep a foul-hooked fish (any fish hooked other than inside the mouth) caught within 1,000 feet downstream of any federal or GRDA dam.

b. Bowfishing may be used to take nongame fish only, throughout the year in all waters unless restricted by applicable law. Fish taken by this method count towards the daily bag limit, and any carcasses or remains shall be properly disposed of. Legal bowfishing is restricted to:

i. any bow (including a crossbow);
devices that permit a bow to be held mechanically at full or partial draw are permitted.

c. Flathead Catfish

d. in all reservoir tail waters (the first 1,000 feet downstream from any federal or GRDA dam).

E. NOODLING AND SCUBA DIVING

a. Noodling and SCUBA diving are the harvesting of fish by the use of hands, speargun, spear, or hook.

b. Only catfish and nongame fish are permitted to be harvested by noodling.

c. It is unlawful to place into any lake or reservoir any container that will attract, entice or lure fish into an open cavity within that container. Containers include, but are not limited to, drums, cans, tubs, boxes and barrels. It is also illegal to noodle within such containers.

d. Hooks, gaffs, spears, poles with hooks attached, ropes with hooks attached are not legal to possess when noodling.

e. Noodling is lawful year-round in all waters only during daylight hours unless restricted under applicable law. The daily limit for flathead catfish is five (5), no size restrictions. The daily limit for blue and/or channel catfish is fifteen (15) (combined), only one of which may be 30 inches or longer.

f. Noodling and SCUBA diving shall be lawful except in all reservoir tail waters (the first 1,000 feet downstream of any federal or GRDA dam).

F. NON-COMMERCIAL NETTING

a. Seining, cast netting, trawling and dip netting bait for personal use is lawful in all waters year-round. The use or possession of cast nets is prohibited on all other Oklahoma Scenic Rivers.

b. Any person may seine, trap or transport nongame fish commonly used for personal bait, provided the seine does not exceed 20 feet in length and 1/2 inch mesh; unless seining for minnows, then the mesh shall not exceed 1/4 inch.

a. Minnow traps shall have a mesh size no greater than 1/2 inch, shall not be longer than three feet, shall not exceed 18 inches in diameter on round traps or 18 inches on a side on square or rectangular traps. The trap entrance (throat) cannot exceed two inches across the opening. No person shall fish with more than three minnow traps.

b. All minnow traps must have the owner's name and address attached and the traps must be attended once every 24 hours. All game fish and nongame fish not commonly used for bait must be released immediately.

c. It is unlawful to take or possess more than 25 nongame bait fish in rivers or streams, except for shad, of which 200 may be taken or possessed.

d. No person may possess with intent to transport or transport via land-based transportation more than 200 nongame fish, including shad, for personal use as bait.

- i. No person shall transport shad from the Kiamichi River below Hugo Lake to the Red River. If shad are collected from this listed water for use as bait, they may only be used in the water body from which they were collected.
 - ii. The sale, offer for sale, transport from the Choctaw Nation with intent to sell or offer to sell shad taken from Choctaw Nation waters is prohibited. Minnow traps cannot be made with glass. Cast nets shall have a mesh size no greater than 3/8 inch square. Trawl nets pulled by motor-driven boats may not exceed three feet in diameter and 3/8 inch square mesh. Cast nets, trawls and handheld dip nets are lawful for taking nongame fish only as bait for personal use.
- e.

G. SNAGGING

a. Snagging, the dragging of one single hook or one treble hook attached to a fishing line through the water to impale fish, shall be lawful in all waters year-round for nongame fish only unless restricted under applicable law. Only one rod or pole per angler is allowed while snagging. Snagging prohibited from 10 p.m. to 6 a.m. in the Choctaw Nation.

When snagging:

- i. the dragging of a hook attached to a fishing line shall be lawful in all waters of the nation throughout the year except in all reservoir tail waters (the first 1,000 feet downstream of any federal or GRDA dam);
- ii. Paddlefish less than 45 inches in length from eye notch to tail fork are illegal;
- iii. Barbless hooks are required for Paddlefish snagging;
- iv. Landing hooks shall be deemed illegal in the landing of all Paddlefish.
- v. When snagging for paddlefish, anglers are allowed only one single hook or one treble hook. All hooks must have barbs removed or completely closed. When landing a paddlefish, it is illegal to use gaff hooks or any technique or device that injures the fish, unless the angler is bowfishing.

b. The use of gigs, grabhooks, spears and spearguns are permissible for the legal harvest of fish by tribal members except for:

- i. Paddlefish, regardless of length, and Flathead Catfish less than 20 inches in total length;
- ii. all reservoir tail waters (the first 1,000 feet downstream of any federal or GRDA dam).

H. TROTLINES, THROWLINES, JUGLINES, YO-YOS, AND LIMBLINES

a. TROTLINES, THROWLINES, JUGLINES, YO-YOS, AND LIMBLINES:

- i. On trotlines, there shall be no more than three (3) lines and one hundred (100) hooks per person. Persons fishing trotlines or throwlines must release all fish on their lines except those held in possession for their daily limit, before leaving the trotline or throwline.
- ii. A legal trotline/throwline has:
 1. no glass or metallic floating device on the line;
 2. no metallic posts in water for attachment;
 3. lines made of nonmetallic material only;
 4. hooks at least 24 inches apart;
 5. owner's name and address attached;
 6. been attended at least once every 24 hours;
 7. not been set within three feet of surface of water at any point beyond six feet from either point of attachment.
- iii. On limblines, there shall be no more than two(2) hooks per line and twenty (2) limblines per person. A legal limbline is a line attached to a limb, branch, other natural object, or non-metallic manmade material and has:
 1. owner's name and address attached;
 2. Been attended at least once every 24 hours.
- iii. On juglines, there shall be no more than 5 hooks per line, glass or metallic floating devices as points of attachment are prohibited. Vertical line shall be anchored or drifting free.
- iv. Yo-yos are legal fishing devices limited to twenty (2) yo-yos per person and shall:
 1. have the owner's name and address attached;
 2. not be left unattended for more than six (6) hours;
 3. not be strung or suspended from any horizontal line across any channel or navigable waterway;
 4. have no more than ten (10) yo-yos attached from any one line or support;
 5. not have metallic material in lines used for attachment;
 6. have lines no greater than fifty (50) feet in length and must be placed or suspended without restricting or impeding boat traffic. Lines must be visible to boats at all times, day or night.
- v. Restrictions on all of the above are:

1. all reservoir tail waters (the first 1,000 feet downstream of any federal or GRDA dam);
2. all lines must be attended at least once every 24 hours;
3. all above lines cannot be left in water at the owner's discretion.

I. GIGS, SPEARS, GRABHOOKS, AND SPEARGUNS

- a. Gigs and spears are legal for taking nongame fish and white bass only. Grabhooks (handheld hook, handheld pole of natural or man-made material, or rope with a single hook attached used in the initial taking of a fish) are prohibited in all waters. Spearguns used by scuba divers are legal for taking nongame fish, blue and channel catfish. Fish taken by this method count towards the daily bag limit, and any carcasses or remains shall be properly disposed of.
- b. Gigs, spears and spearguns shall:
 - i. not contain more than three points with no more than two barbs on each point;
 - ii. be lawful in all rivers and streams from Dec. 1 through March 31, and year-round in all reservoirs, unless restricted under applicable law.

J. PENALTIES

a. Any Indian found guilty of a violation of this section shall, upon conviction, be punished by a fine of no less than Twenty-Five Dollars (\$25.00), nor more than One Hundred Fifty Dollars (\$150.00), assessed as to the severity of the infraction.

b. It shall also be a civil violation for any person to violate this section, and may subject same to fines of no less than Twenty-Five Dollars (\$25.00), nor more than One Hundred Fifty Dollars (\$150.00), assessed as to the severity of the infraction, and to confiscation of vehicles, fish, and equipment.

History

CB-39-20, eff. December 23, 2019; CB-92-22, eff. January 8, 2022.

Section 23. Illegal Devices

A. Any device using, altering, or creating electricity, used to stun or to kill fish to be harvested, shall be illegal.

B. Any substance deemed to be toxic or noxious, or deleterious substances used as an aid to kill or retrieve fish to be harvested, shall be illegal.

C. Any dynamite or any other explosive substances used to stun or kill fish to be harvested shall be illegal.

D. Exemptions: Those persons exempt from the above restrictions shall be the Choctaw Nation's authorized agents and/or employees when they shall use drugs, chemicals, and other substances or devices in connection with any fish count, scientific test, or fish improvement program.

E. PENALTIES

a. Possession of any poison, explosive device, or equipment capable of being used in violation of these provisions, on the bank or in the immediate vicinity of any river, creek, stream, lake, or pond, shall be prima facie violation of these provisions.

b. Any Indian found guilty of a violation of this section shall, upon conviction, be punished by a fine of no less than Five Hundred Dollars (\$500.00), and/or by imprisonment for six (6) months, or by both such imprisonment and fine.

c. It shall also be a civil violation for any person to violate this section, and may subject same to fines of no less than Five Hundred Dollars (\$500.00) and to confiscation of vehicles and equipment.

F. HABITUAL VIOLATOR

Any person, upon conviction of a second violation of this provision regarding illegal devices within two (2) years, shall lose all hunting, fishing, trapping, and gathering rights for one year on land known as Indian country within the jurisdictional boundaries of the Choctaw Nation, in addition to said penalties.

History

CB-39-20, eff. December 23, 2019.

Section 24. Stocking of Private Ponds

The stocking, restocking, and proper management of indigenous and adapted fish and wildlife, and full cooperation with the United States Fish and Wildlife Service, shall be encouraged.

A. The Choctaw Nation may authorize the stocking of fish in privately owned ponds, provided that said ponds are under a Choctaw Nation Landowner Agreement, for the express purpose of fishing by Choctaw Members, including youth programs, and provided said fish are not removed and/or marketed by the landowner; provided that nothing herein shall prevent or prohibit said landowner from fishing in said privately owned ponds.

B. All owners of private ponds, their agents or employees who are violating the provisions of this section, may be fined no less than One Hundred Dollars (\$100.00), nor more than Two Hundred Fifty Dollars (\$250.00).

- C. Owners of privately stocked ponds maintain permission-granting rights.

History

CB-39-20, eff. December 23, 2019.

Section 25. Migratory Bird Hunting and Conservation Stamp

A. Federal law requires that each Choctaw water fowl hunter 16 years of age and over must carry on his person a valid Migratory Bird Hunting and Conservation Stamp (Duck Stamp), available at any post office, signed in ink across the face.

B. Hunters under 16 years of age may voluntarily purchase same to help preserve wetlands for water fowl.

History

CB-39-20, eff. December 23, 2019.

Section 26. Migratory Game Birds

A. MIGRATORY GAME BIRDS

a. Migratory Game Birds are controlled by federal law and, as federal bag limits and seasons vary occasionally, the Choctaw Nation recognizes federal law as pertains to dove, rail, gallinule, woodcock, and common snipe.

b. Except for crow, hours for harvesting migratory game birds shall be one-half hour before official sunrise to official sunset by:

i. shot gun (conventional or muzzleloading), conventional total capacity shall not exceed three (3) shells;

ii. bow and arrow;

iii. legal raptor.

c. Live decoys are deemed illegal. Decoys are deemed legal.

d. Electronically amplified imitations of bird calls shall be deemed illegal.

e. Aid of baiting shall be illegal.

f. Possession of live birds shall be illegal.

g. A wounded bird reduced to possession shall be immediately killed and included in the daily bag limit.

B. CROW

- a. Crow may be harvested between October 1 and January 31, inclusively, nationwide, one-half hour before official sunrise to official sunset.
- b. There shall be no limit to the number of crow that may be harvested per day during the season.
- c. Decoys may be used legally.
- d. Electronic callers are permissible.

C. FEDERAL RESTRICTIONS:

- a. crow season may not exceed 124 days per calendar year (calendar year being July 1 through June 30);
- b. crow cannot be hunted from aircraft;
- c. hunting shall not be permitted during the peak nesting season within the Nation, said season being April, May, and June;
- d. crow may only be taken by bow and arrow, firearms, and legal raptors.

D. PENALTIES

Violation of Migratory Game Bird Regulations are addressed by federal code, and punishment shall be assessed as provided by federal law.

History

CB-39-20, eff. December 23, 2019.

Section 27. Possession of Feathers and Skin

A. COMMERCIAL USE OF FEATHERS

Any Choctaw tribal member may possess, purchase, sell, barter, or transport, for the making of fishing flies, bed pillows, and mattresses, and for similar commercial uses, the feathers of migratory water fowl (ducks, geese, brant, and swans) killed by hunting pursuant to this part, or seized and condemned by Federal or State game authorities, except that:

- a. no person shall purchase, sell, barter, or offer to purchase, sell or barter for millinery or ornamental use the feathers of migratory game birds taken under authority of this section;

b. no person shall purchase, sell, barter, or offer to purchase, sell, or barter, mounted specimens of migratory game birds taken under authority of this section.

B. PERSONAL USE OF SKINS AND FEATHERS

Any Choctaw tribal member, for his own use, may possess, transport, ship, import, and export, without a permit, the feathers and skins of lawfully taken migratory game birds.

History

CB-39-20, eff. December 23, 2019.

Section 28. Liquor in Hunting and Fishing Camps

A. The possession or consumption of any intoxicating substance is prohibited in all recreational areas owned or managed by the Choctaw Nation or the Oklahoma Department of Wildlife Conservation, and shall be subject to a fine of not less than Fifty Dollars (\$50.00), nor more than One Hundred Dollars (\$100.00), and may be subject to confiscation of vehicles, weapons, contraband, and equipment.

History

CB-39-20, eff. December 23, 2019; CB-92-22, eff. January 8, 2022.

Section 29. Severability

If any provision of this Code shall be found to be unenforceable by a court of competent jurisdiction or to conflict with any provision of the Hunting and Fishing Compact Between the State of Oklahoma and the Choctaw Nation, such provision shall be deemed stricken and the rest of this Code shall remain in full force and effect.

History

CB-39-20, eff. December 23, 2019.

Section 30. Other Fish, Game and Animal Laws of the State of Oklahoma Adopted within the Choctaw Nation of Oklahoma Reservation

Whosoever within the jurisdiction of the Choctaw Nation of Oklahoma is guilty of any act or omission which, although not made punishable by any enactment of the Tribal Council, would be punishable if committed or omitted within the jurisdiction of the State of Oklahoma, by the laws listed in Title 29 and Title 800 of the Oklahoma Administrative Code in force at the time of the act or omission, which does not conflict with the customs or traditions of the Nation, shall be guilty of a like offense and subject to like punishment.

History

CB-29-22, eff. October 15, 2021.

Section 31. Reciprocity for Licensing.

A. A valid permit to hunt and fish issued by the State of Oklahoma or another federally recognized tribe be recognized, for purposes of satisfying the Licensee Permit requirements of Section 31 of this Code.

B. Clarity of rules across jurisdictions and cooperation with compacting jurisdictions in accord with the long-term sustainability of Choctaw Nation of Oklahoma resources should be considered in the implementation of this section.

C. Nothing in this Code waives the jurisdiction of the Choctaw Nation.

History

CB-69-22, eff. January 1, 2022.

Section 32. Choctaw Nation Wildlife Conservation Enforcement And Administration.

A. Pursuant to the powers vested in it by Article X, § 1 of the Choctaw Nation Constitution, the Executive Department will carry out all administrative functions necessary and proper for the implementation of this Code, including policies the Executive Department promulgates pursuant hereto. Such actions may include the filing of appropriate civil actions in the District Court or the United States District Court. Such actions may also include, in coordination with the Choctaw Nation Tribal Police Department, the filing of criminal actions in the District Court. If the Nation lacks criminal law enforcement jurisdiction, the Executive Department shall endeavor to exercise its civil regulatory jurisdiction to the greatest extent necessary to enforce compliance with the Code and may coordinate with the law enforcement agencies of other governments as necessary to pursue appropriate criminal prosecutions.

B. For purposes of managing and conserving Wildlife in the interest of the long-term sustainability of Nation resources, the Executive Department exercises its constitutional authority by:

1. implementing and enforcing all provisions of this Code and likewise promulgating, implementing, and enforcing those policies it deems necessary to carry out fully the purposes of this Code;

2. overseeing all Executive Department employees and administrative functions necessary for the implementation of this Code and all Executive Department policies promulgated pursuant hereto;

3. establishing a system for the regulation of access to the Reservation lands for any and all hunting or fishing by any person;

4. establishing a system for the issuance and forfeiture of valid permits authorizing persons to engage in Hunting or Fishing on the Reservation in accord with this Code and any Executive Department policies promulgated pursuant hereto;

5. promoting and managing wildlife on Reservation lands, including by means of resource stewardship, propagation, purchase, importation, exportation, stocking, or any other means;

6. regulating hunting and fishing seasons and bag Limits with respect to wildlife taken from Reservation lands;

7. promoting the safety of those engaging in hunting and fishing on Reservation lands; and

8. any and all other administrative actions necessary to fully implement this Code and all Executive Department policies promulgated pursuant hereto, provided such actions are otherwise consistent with applicable law.

C. All interpretations of the Fish, Game, and Animals Code established by this section will be consistent with Tribal government organization and structure. The Judicial Department shall be the proper body to interpret and hear all disputes or cases pursuant to this Code and is not bound by sanctions stated in Title 29 of the Oklahoma Statutes and Oklahoma Administrative Code Title 800. The Tribal Court shall have full discretion regarding any sanctions and fines imposed for violations of the Fish, Game, and Animals Code established by this section.

D. The Judicial Department is not bound by the civil and criminal fines, fees and sentencing guidelines, and any other relief, sanctions, or punishments from Title 800 of the Oklahoma Administrative Code.

E. Violations

1. Criminal sanctions.

a. Any person convicted in District Court of violating this Code shall be punished by a fine of not less than Twenty-Five Dollars (\$25.00) per violation nor more than Five Thousand Dollars (\$5,000.00).

b. Criminal Trespass shall be punishable by a fine not exceeding one thousand dollars (\$1,000.00), by imprisonment for a term not exceeding one (1) year, or both.

c. The Nation may pursue any other criminal charges authorized by the Criminal Code or other applicable law.

2. Civil sanctions.

Hunting or fishing permits may be suspended, revoked, or denied if it is determined that the licensee has violated this Code, Executive Department policies, any term or provision of his or her license, applicable law, or otherwise presents a threat to others or to Reservation lands or property

privileges. Anyone who has violated any portion of this Code may be subject to a civil penalty not to exceed five thousand dollars (\$5,000.00). The District Court may hear such civil action as may be necessary to prohibit such person's access to Reservation lands for hunting, fishing, to impose a civil penalty or any other purpose.

History

CB-69-22, eff. January 1, 2022.

Section 33. Check-In Regulations

A. Upon harvesting any whitetail deer, mule deer, turkey, paddlefish, alligator gar, bear, or any other wildlife where the hunter, according to this Code, is required to check the wildlife in, the taker of the wildlife shall:

1. Securely attach the name of the taker, time of harvest, date of harvest and enrollment number to the carcass of the wildlife;
2. Check in the carcass of the wildlife electronically using the online check station provided on the Harvest Reporting section of the Chahta Achvffa Member Portal within twenty-four (24) hours of leaving the hunt area and in all cases prior to processing the carcass; and
3. Not remove evidence of the sex of the animal until after the carcass of the animal has been checked in.

B. It shall be unlawful for any person to knowingly make a false statement or give false information when complying with the provisions of subsection A of this section. Information which may be collected shall include but not be limited to the name, address, license or permit number and signature of the taker, the date, time, county, method or weapon of the kill, sex and weight of carcass, whether or not the animal was taken on public hunting land and if so in what area, or any other information which may be required by the Choctaw Nation.

C. Any person convicted of violating the provisions of this section or of making a false statement or giving any false information, pursuant to the provisions of this section, shall be punishable by a fine of not less than One Hundred Dollars (\$100.00) nor more than Two Hundred Fifty Dollars (\$250.00), or by imprisonment for a period not to exceed ten (10) days, or by both such fine and imprisonment. Any person convicted of a second or subsequent violation of the provisions of this section or of making a false statement or giving any false information, pursuant to the provisions of this section, shall be punishable by a fine of not less than Two Hundred Fifty Dollars (\$250.00) nor more than Seven Hundred Fifty Dollars (\$750.00), or by imprisonment for a period not to exceed ten (10) days, or by both such fine and imprisonment.

History

CB-92-22, eff. January 8, 2022.