

TO AMEND THE CHOCTAW NATION OF OKLAHOMA FISH, GAME, AND ANIMALS CODE

IN THE TRIBAL COUNCIL OF THE CHOCTAW NATION

RONALD PERRY INTRODUCED THE FOLLOWING COUNCIL BILL

A COUNCIL BILL

TO AMEND the Choctaw Nation of Oklahoma Fish, Game, and Animals Code as enacted in CB-39-20 and amended in CB-29-22, CB-69-22, CB-92-22 and CB-110-22.

WHEREAS, in accordance with Article IX, Section 4 of the Constitution of the Choctaw Nation of Oklahoma, the Tribal Council (the "Council") shall enact legislation, rules and regulations not inconsistent with the Constitution for the general good of the Choctaw Nation and for the administration and regulation of the affairs of the Choctaw Nation;

WHEREAS, in accordance with Article IX, Section 6 of the Constitution of the Choctaw Nation of Oklahoma, the Tribal Council (the "Council") shall make decisions pertaining to the acquisition, leasing, disposition, and management of tribal property;

WHEREAS, in accordance with Article VII, Section 1 of the Constitution of the Choctaw Nation of Oklahoma (the "Nation"), the Chief shall sign official papers on behalf of the Nation and shall take care that the laws be faithfully executed;

WHEREAS, the Nation, as a sovereign nation, possess the right to regulate its land and resources and the authority to define, claim, and exercise rights and privileges to hunt, fish, and gather on lands within the jurisdiction of the Nation, including traditional hunting and fishing lands;

WHEREAS, the Council enacted the Choctaw Nation of Oklahoma Fish, Game, and Animals Code in CB 39-20 and amended in CB-29-22, CB-69-22, CB-92-22, and CB-110-22; and

WHEREAS, the Nation has been in consultation with other tribes, state, and federal agencies. To promote wildlife conservation the Nation finds it is in the best interest to amend the Fish, Game, and Animals Code so that the bag limits and hunting seasons are more consistent with other tribal nations and the State of Oklahoma. There are further updates to the bear regulations as well as sportsman responsibilities to make them more consistent with traditional regulations.

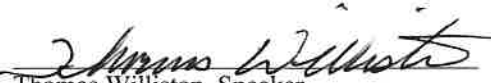
THEREFORE BE IT ENACTED, by the Tribal Council of the Choctaw Nation of Oklahoma that the Choctaw Nation of Oklahoma Fish, Game, and Animals Code, as codified in CB-39-20 and as amended in CB-29-22, CB-69-22, CB-92-22 and CB-110-22 be amended as attached in Exhibit A.

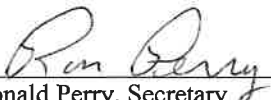
BE IT FURTHER ENACTED, by the Tribal Council of the Choctaw Nation of Oklahoma, that the amendments described herein and in Exhibit A shall be effective immediately.


CERTIFICATION

I, the undersigned, as speaker of the Tribal Council of the Choctaw Nation of Oklahoma, do hereby certify that the Tribal Council is composed of twelve (12) seats. Eight (8) members must be present to constitute a quorum. I further certify that twelve (12) members answered roll call and that a quorum was present at the Special Session of the Tribal Council in Durant, Oklahoma on September 10, 2022. I further certify that the foregoing Council Bill CB- 168 -22 was adopted at such meeting by the affirmative vote of twelve (12) members, zero (0) negative votes, and zero (0) abstaining.

TO AMEND THE CHOCTAW NATION OF OKLAHOMA FISH, GAME, AND ANIMALS CODE


Thomas Williston, Speaker
Choctaw Nation Tribal Council


Ronald Perry, Secretary
Choctaw Nation Tribal Council


Gary Patton, Chief
Choctaw Nation of Oklahoma

Date 9-13-22

TO AMEND THE CHOCTAW NATION OF OKLAHOMA FISH, GAME, AND ANIMALS CODE

Purpose/Need of Council Bill: The purpose of this bill is to amend the Choctaw Nation Fish, Game, and Animals Code. The Council has authority under the Constitution enact legislation, rules and regulations and to manage tribal property, and the Chief has the authority to faithfully execute the laws. The Choctaw Nation of Oklahoma Fish, Game, and Animals Code recognizes and regulates all wildlife found within the Nation. This Code regulates the Nation's land and resources, and defines, claims, and exercises the Nation and the Nation's members' rights to hunt, fish, and gather on lands that are within the jurisdiction of the Nation. This Amendment will update the bag limits, season dates, updates to the bear regulations, and updates sportsman responsibilities. This is an ongoing effort and as circumstances change in the field, the Nation will assess, and changes will be reflected in this code.

Title of Council Bill: TO AMEND THE CHOCTAW NATION OF OKLAHOMA FISH, GAME, AND ANIMALS CODE

Agency: Legal and Compliance

Budget: N/A

Match Required: N/A

Request by Project Director: Brian Danker, SEO, Legal & Compliance

Title 110
FISH, GAME, AND ANIMALS

Choctaw Nation Fish, Game, and Animals Code

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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.

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 or thermal device 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.

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.

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).

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

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

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.

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)

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 and fishermen 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 fishing 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

conveyances with a permit issued by the Choctaw Nation.

b. Nothing in this section shall prevent the use of a motor-driven land or water conveyances for following dogs in the act of hunting, when use is restricted to public roads or waterways. Motor-driven land or water conveyances may be used on private property for following dogs in the act of hunting with the permission of the landowner or occupant.

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

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.

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.

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.

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, handgun, 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

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

vii. 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).

viii. 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. Turkey - Spring Season - Bow - Shotgun

i. One bearded turkey may be harvested nationwide with a bow or shotgun (conventional or muzzle loading) in the Spring between April 16 and May 16, inclusively, one-half hour before official sunrise to official sunset.

ii. Roost shooting is illegal.

iii. Live decoys are illegal.

iv. Decoys shall be permitted.

v. Electronically amplified imitations of bird calls, electronic calls, and cell phones used to make bird calls shall be deemed illegal.

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

A legal bow is any compound bow of thirty (30) pounds or more draw weight; any recurve, longbow or self-bow of forty (40) pounds or more draw weight, any crossbow with a minimum of 100 pounds draw weight and equipped with safety devices, bolts must not be less than 14 inches in length. A legal arrow for turkey 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. Unless otherwise provided by in tribal or federal law, no person shall carry or use any firearm in conjunction with any bow during the archery season while hunting turkey with a bow. Pursuing turkey with dogs is prohibited.

vii. 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).

viii. 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. Youth Turkey Season

i. i. Age Requirements: All youth under 18 years of age. All participants,

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 two (2), no more than one (1) may be antlered per person, may be harvested nationwide with a muzzleloader, in the Fall between October 22 and October 30, 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.

b. Muzzleloading firearms are weapons that fire forty caliber or larger projectiles (muzzleloading muskets are legal), with a single slug or ball. 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 two (2), no more than one (1) may be antlered per person, may be harvested nationwide with a muzzleloader, in the Fall between November 19 and December 4, 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.

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

- 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.

F. HOLIDAY DEER ANTLERLESS SEASON

- a. The dates for the holiday deer antlerless season shall be December 18 – December 31.
- b. Bag Limit. The bag limit shall be two (2) antlerless deer.
- c. 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 holiday deer antlerless season.
- d. Deer taken during the holiday deer antlerless season shall not count towards the season limit of six (6).

Section 18. Feral Hogs

- A. 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.
- B. Except during deer gun seasons, a landowner, agricultural lessee, or their designated agent with written permission from the landowner or agricultural lessee may control nuisance or damage by coyotes or feral swine without a permit during the day or night, and without limitation by season regulations or bag limits, and with the use of any legal means of take, to protect marketable agricultural crops, livestock or processed feed, seed, or other materials used in the production of an agricultural commodity.

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.

prohibited. No den shooting of bears. Pursuing bears with dogs is prohibited. Shooting collared bears is prohibited.

e. No person shall hunt or harvest black bear without receiving a permit from the Environmental Protection Service prior to October 21. Permits are available from the Chahta Achvffa member portal.

f. Archery equipment described as legal for the deer archery season is legal for the bear archery season.

g. Muzzleloading equipment described as legal for the deer muzzleloader season is legal for the bear muzzleloader season.

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 16, 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 22 to October 30, inclusively.

i. 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.

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

a. 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.

i. 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:

c. 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;
 - ii. smooth jawed, leg hold, steel traps with a jaw spread of no more than 8 inches;
 - iii. that no trap may be set in paths, roads, or runways commonly used by livestock;
 - 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.

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.

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 furbearer, 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.

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.

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 and Smallmouth Bass Daily limit, six (6), aggregately, with only one greater than (16) inches.

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

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.

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 non-game 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

- 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.
- vi. 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.

a. GIGS, SPEARS, GRABHOOKS, AND SPEARGUNS

i. 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.

ii. Gigs, spears and spearguns shall:

- 1. not contain more than three points with no more than two barbs on each point;
- 2. 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.

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.

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

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.

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.

more than One Hundred Dollars (\$100.00), and may be subject to confiscation of vehicles, weapons, contraband, and equipment.

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.

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.

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.

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:

Choctaw Statutes
Title 110: Fish, Game, and Animals
Choctaw Nation Fish, Game, and Animals Code

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.

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 tribal member 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