

A COUNCIL BILL AMENDING THE CHOCTAW NATION 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 Fish, Game, and Animals Code related to: Furbearer Regulations, and miscellaneous clerical corrections.

WHEREAS, Article IX, Section 4 of the Constitution of the Choctaw Nation of Oklahoma (the “Nation”) provides that 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, the Council has previously adopted the Fish, Game, and Animals Code, which establishes the laws governing the hunting, fishing, gathering, and trapping of fish, game, and animals within the Choctaw Nation of Oklahoma Reservation;

WHEREAS, the Nation, as a sovereign nation, possesses the right to enact laws and regulations governing the hunting, fishing, gathering, and trapping of fish, game, and animals within the Nation’s Reservation; and

WHEREAS, the Council finds it is in the best interest of the Nation to amend the Choctaw Nation Fish, Game, and Animals Code as follows.

THEREFORE BE IT ENACTED, by the Tribal Council of the Choctaw Nation of Oklahoma, that the Choctaw Nation Fish, Game, and Animals Code is amended as follows:

SECTION 1. AMENDATORY. Section 19 of the Choctaw Nation Fish, Game, and Animals Code is amended to read as follows:

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 inclusively, nationwide.

A COUNCIL BILL AMENDING THE CHOCTAW NATION FISH, GAME, AND ANIMALS CODE

b. No person shall hunt, trap, or harvest bobcat, gray/red fox, and river otter without first obtaining a Furbearer permit from the Choctaw Nation Wildlife Department.

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.

4. Bobcat pelts held for sale must have a permanent tag affixed to the pelt by a CNO Wildlife Department associate or designated tagging station. This tag will serve as the export tag.

ii. Gray Fox and Red Fox:

1. The season 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.

3. River Otter pelts held for sale must have a permanent tag affixed to the pelt by a CNO Wildlife Department associate or designated tagging station. This tag will serve as the export tag.

iv. Badger, mink, muskrat, opossum, weasel:

1. There is no limit on the harvest of these furbearers.

c. Beaver, nutria, and coyote season shall be open year-round, nationwide.

1. 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

A COUNCIL BILL AMENDING THE CHOCTAW NATION FISH, GAME, AND ANIMALS CODE

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.

d. 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.

e. 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 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. No person shall hunt or harvest black bear without receiving a permit from the Environmental Protection Service prior to September 30. Permits are available from the Chahta Achvffa member portal.

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

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

iv. Upon harvesting a bear, all hunters must immediately call the Choctaw Nation Environmental Protection Services at 1-800-522-6170.

v. Black bear may be harvested by archery from October 1 through the third Sunday in October.

vi. 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.

A COUNCIL BILL AMENDING THE CHOCTAW NATION FISH, GAME, AND ANIMALS CODE

vii. Black bear may be harvested by muzzleloader from the fourth Saturday in October and run for nine consecutive days, inclusively, continuing nine days through Sunday.

viii. The Choctaw Nation of Oklahoma has set the 2023 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. Quotas for bears will be set by the Choctaw Nation Wildlife Conservation Department and listed on the Choctaw Nation Wildlife Conservation website. When the quota for bears is met, the hunt for the year is closed. Harvest totals must be checked each day either on-line or by phone to make sure the quota has not been met before going hunting.

ix. The status of the harvest quota shall be posted on the Choctaw Nation Wildlife Conservation Department website or shall be available by phone at ~~To check the status of the harvest quota, call~~ 1-800-522-6170.

x. 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.

xi. 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.

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

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

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

i. not more than twenty (20) bobcat per person may be harvested in any one season;

ii. not more than six (6) grey fox and red fox may be harvested in any one season, per person; provided not more than two (2) red fox may be harvested in any one season (see Subsection B, Red Fox Restrictions);

iii. all other species of furbearers that may be taken legally shall not be limited,

A COUNCIL BILL AMENDING THE CHOCTAW NATION FISH, GAME, AND ANIMALS CODE

within their season.

i. 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.

j. 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 two 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.

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.

A COUNCIL BILL AMENDING THE CHOCTAW NATION FISH, GAME, AND ANIMALS CODE

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;

A COUNCIL BILL AMENDING THE CHOCTAW NATION FISH, GAME, AND ANIMALS CODE

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 to the last day of February, inclusively, during daylight hours, nationwide, by any rifle, bow and arrow, or shotgun.

b. Bobcat, 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 only use 4 buck, BB, or number 2 shot;

iii. All centerfire 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.

**A COUNCIL BILL AMENDING THE CHOCTAW NATION FISH, GAME, AND
ANIMALS CODE**

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.

SECTION 2. This Council Bill shall become effective immediately.

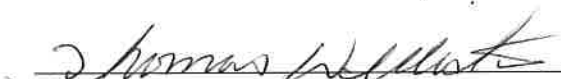
A COUNCIL BILL AMENDING THE CHOCTAW NATION FISH, GAME, AND ANIMALS CODE

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 Regular Session of the Tribal Council in Tuskahoma, Oklahoma on March 9, 2024. I further certify that the foregoing Council Bill CB- 42 -24 was adopted at such meeting by the affirmative vote of twelve (12) members, zero (0) negative votes, and zero (0) abstaining.



Ronald Perry, Secretary
Choctaw Nation Tribal Council



Thomas Williston, Speaker
Choctaw Nation Tribal Council



Gary Patton, Chief
Choctaw Nation of Oklahoma

Date 3-14-24

A COUNCIL BILL AMENDING THE CHOCTAW NATION 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 related to: Furbearer Regulations and miscellaneous clerical corrections.

Title of Council Bill: A COUNCIL BILL AMENDING THE FISH, GAME, AND ANIMALS CODE

Agency: Legal & Compliance

Budget: N/A

Match Required: N/A

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