

CHICKASAW NATION CODE

TITLE 11

"11. FISH, GAME AND ANIMALS"

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SECTION 11-101 TITLE.

Be it enacted by the Tribal Legislature of the Chickasaw Nation here assembled, that this Act be cited the "Chickasaw Nation Hunting, Fishing, Gathering, and Trapping, and Trespass Act, of 1992." (TL10-001, 10/16/92)

SECTION 11-102 FINDINGS.

The Legislature finds that:

1. an aspect of the responsibility for making decisions pertaining to the acquisition, leasing, disposition, and management of real property, said decisions being subject to Federal Law, as provided in Article VII Sections 4 and 7 of the Constitution of the Chickasaw Nation, is the access to and the disposition and management of the flora and fauna of said real property, and
2. a further aspect of said responsibility, the power of exclusion, which is a fundamentally sovereign attribute, intimately tied to the Nation's ability to protect the integrity, welfare, and order of its domain, is the disposition and management of access to said real property, and
3. all wildlife, whether flora or fauna, found within the boundaries of the property subject to the jurisdiction of the Chickasaw Nation is property of said Chickasaw Nation, and
4. the foundational rights that dictate the authority and the implied principles of this Act are:
 - a. that Indian aboriginal claims to hunt, fish, and gather are based on custom, tradition, and practice, and that legal rights derive from them, both to the tribe and to the individual tribal member; (14, 1, 36, 39)
 - b. that aboriginal rights continue to be exercisable unless specifically granted to the United States by treaty, specifically abandoned or sold, or specifically extinguished by Congress under treaties, statutes or agreements, or by a Presidential Executive Order; (4, 5, 9, 10)

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c. that the Chickasaw Nation, as a sovereign nation, possesses the right to regulate its land and resources and the authority to define, to claim, and to exercise said aboriginal rights as pertains to hunting, fishing and gathering on lands over which it retains jurisdiction; (2, 3, 7, 8, 29, 30)

d. that aboriginal rights based on custom, tradition, and practice do not limit the use of modern techniques of obtaining wildlife, do not limit the taking of wildlife only to indigenous wildlife, and do not limit the uses to which said wildlife may be put; (15, 16)

e. that aboriginal rights are limited only if a tribe is taking so much wildlife that it endangers propagation of the species in violation of state or federal conservation laws, or if a tribe is taking wildlife that Congress has expressly prohibited it from taking; (13, 32, 33, 34, 35)

f. that no limits apply except those the tribe imposes on itself, on its members, or on non-members; (27, 29, 30)

g. that a state cannot enforce its laws on Indian land if that enforcement is preempted by federal law or would interfere with the ability of a tribe to govern itself, unless Congress has given its consent; (17, 18, 19, 20, 21, 22)

h. that except for enforcement powers with respect to federal statutes, federal officials have only limited authority on Indian land; (23, 24, 25, 26)

1. they are required to assist tribes in enforcing tribal law; (27, 49, 50, 28, 29, 30)

2. they are authorized to file suit on behalf of Indian tribes to protect the tribe's treaty rights to hunt and fish; and (31, 47, 48, 49, 50)

3. they are authorized to enact conservation measures to preserve a treaty resource when the tribe's conservation measures have proven inadequate. (21, 22, 32, 33)

i. that aboriginal rights may extend beyond the boundaries of the land over which an Indian tribe retains jurisdiction if the existence of traditional hunting and fishing locations can be proved and, if so, tribal members hunting and fishing in those locations can be regulated by the tribe and by tribal law. (6, 11, 12, 36, 37, 38,

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39, 40, 41, 42, 43, 44, 45, 47)

(TL10-001, 10/16/92)

SECTION 11-103 DEFINITIONS.

For the purpose of this Act:

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 Chickasaw Wildlife Commission, the Chickasaw Police, or the BIA Police. Federal Laws and Regulations shall be enforced by special agents of the U.S. Fish and Wildlife Service and special officers of the BIA.

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. "Ceremonial permits" as used herein means authorization from the Chickasaw Wildlife Commission to gather non-game or out-of-season game by tribal members for specific purposes.

7. "Closed season" as used herein means the time and/or days during which wildlife may not be harvested legally.

8. "Contraband" as used herein means any property which is unlawful, by Federal Statute or Chickasaw Statute, to produce or possess.

9. "Chickasaw Wildlife Commission" or "Commission" as used herein means the group of Chickasaw citizens as described elsewhere herein.

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10. "Falconry" as used herein means the taking of quarry by a trained raptor.
11. "Furbearer" as used herein means muskrat, beaver, mink, nutria, badger, bobcat, skunk, fox, raccoon, opossum, coyote.
12. "Harass" as used herein means the action of shooting at, disturbing, worrying, molesting, rallying, concentrating, chasing, driving, herding, or tormenting anything.
13. "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 Chickasaw Nation.
14. "Hunting" as used herein means the legal pursuit or taking of any animal.
15. "Special permit" as used herein means a written document of permission granted by the Commission.
16. "Member" as used herein means any member of the Chickasaw Tribe.
17. "Non-member" as used herein means any person not a member of the Chickasaw tribe.
18. "Migratory game bird" as used herein means any game bird that has dual living areas, including the Mourning Dove.
19. "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.
20. "Non-game animals" as used herein means all wild animals except game animals.
21. "Predatory animal" as used herein means fox, skunk, coyotes, weasel, opossum, raccoon, mink, badger, bobcat.
22. "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.

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23. "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*).

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

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

26. "Trapping" as used herein means the taking of wildlife in any manner except with gun or implement in hand.

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

28. "Weapons" as used herein means centerfire rifles (primer located in center of base of case), rimfire rifle, 22 short, 22 long, 22 longrifle, 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.

29. "Feral animal" as used herein means any domestic animal that has gone wild, such as a dog, a cat, or a hog.

30. "Person" as used herein means any person, Chickasaw or non-Chickasaw.

31. "Antlerless deer" as used herein means any Whitetail or Mule deer without antlers during official hunting season.

32. "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.

33. "Den tree" as used herein means a tree or a log with a hollow cavity, capable of nesting furbearers or small game.

34. "Habitat" as used herein means any immediate area producing food or shelter

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for animals.

35. "Noodling" as used herein means the use of hands to catch fish.
36. "Rodent control" as used herein means the reduction of high numbers of beaver or any other members of the rodent family.
37. "Predator control" as used herein means the reduction of carnivores for the purpose of the support of livestock production or deer population.
38. "Trespassing" as used herein means the unauthorized entry of any person on tribal land.
39. "Bearded turkey" as used herein means any turkey, male or female, having a beard.
40. "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.
41. "Nationwide" as used herein means any land known as Indian land, or water, within the jurisdictional boundaries of the Chickasaw Nation, over which the Chickasaw Nation has, or may have, jurisdiction relevant to this law.
42. "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.
43. "Hound" as used herein means any dog specifically bred or trained to be used in hunting furbearers or feral hogs.
44. "Deerstop" as used herein means a device used in the obstruction of a snare to keep it from completely closing.
45. "Kill stake" as used herein means a stob protruding from the ground to shorten the entanglement area of a snared furbearer.
46. "Nightlight" as used herein means any portable light.
47. "Land Management Agreement" as used herein means any agreement

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between the Chickasaw Nation and any other land owner, or any other government, for purposes of fish and wildlife programs.

48. "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.

49. "Sportsman" as used herein means any legal person in pursuit of legal fish or game.

50. "Aboriginal rights" as used herein means the first recognized rights of the original inhabitants.

51. "CDIB card" as used herein means Certificate of Degree of Indian Blood as issued by the U.S. Department of the Interior, Bureau of Indian Affairs, Chickasaw Agency.

52. "License" as used herein means CDIB card, Chickasaw Voter Registration card, or special permit.

(TL10-001, 10/16/92)

SECTION 11-104 ESTABLISHMENT OF THE WILDLIFE COMMISSION.

I. There is hereby created the Chickasaw Nation Wildlife Commission which shall function under such rules and regulations as they shall from time to time prescribe.

A. The Commission shall consist of three (3) persons who shall be appointed as follows:

1. all three members shall be appointed by the Governor, with the advice and consent of the Legislature; provided that the Commission shall be fully appointed within one hundred twenty (120) days of the passage of this Act;

2. if practicable, no district shall be represented by more than one commissioner;

3. there should be at least one member of the Legislature on the Commission;

4. in accordance with Article VII Section 7 of the Constitution of the Chickasaw Nation wherein it is delegated to the Legislature to make decisions pertaining to the management of real property, the Commission shall have been fully appointed by the Governor, with the advice and consent of the Legislature, within one hundred twenty (120) days of the passage of this Act. The

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Legislature shall make provision that the function of the Commission be carried out by submitting names of Chickasaw citizens to the Governor, including members of the Legislature, for appointment to the Commission;

5. Chickasaw preference shall be practiced in the appointment of Commissioners.

B. The terms of office of the initial appointments to the Commission shall be as follows:

1. the term of office for position number one shall expire on September 30, 1993;

2. the term of office for position number two shall expire on September 30, 1994;

3. the term of office for position number three shall expire on September 30, 1995;

4. thereafter, successors in office shall be appointed for a term of office of three (3) years from the date of the expiration of his respective position;

5. a member of the Commission may serve beyond the expiration date of his term until he is replaced;

6. members shall be eligible to succeed themselves in office.

C. No member of the Commission shall be interested, directly or indirectly, in any contract with the tribe.

D. The members of the Commission may be Legislators.

E. Members of the Commission shall be removable, for cause, and shall be removed from the Commission as provided by existing Tribal Law (Enactment 35 - The General Measures Act of 1989).

F. Members of the Commission shall receive reimbursement from budgeted funds for travel expenses and per diem incurred in the performance of their duties, same being computed by current rates allowed by the Federal Register.

G. A vacancy in the Commission shall be filled for the unexpired term of office in the same manner as the original appointment was made.

CHICKASAW NATION WILDLIFE COMMISSION'S POWERS AND DUTIES

II. The Chickasaw Nation Wildlife Commission shall propose, publish and enforce, in conformance with the established and/or implied principles of this Act, rules and regulations necessary to administer the provisions of this Act:

A. regulate the seasons and harvest of wildlife;

B. enter Land Management Agreements;

C. prepare an annual report to be delivered to the Governor and the Legislature by September 1, concerning the activities and plans of the Commission, together with recommendations for future activities, for use of money derived from both collected fees and the raffling of confiscated equipment, and for plans that the Commission may deem to be in the best interest of the Chickasaw Nation;

D. issue ceremonial permits upon review of all requests on all out of season game or non-game animals and or animal parts for traditional, ceremonial, religious, or medical purposes; provided nothing herein shall give the tribe authority to grant a permit contrary to federal law;

E. prescribe rules and regulations for the sale of all regular or special permits (One Hundred Dollars \$100.00 to Two Hundred Dollars \$200.00) when such are deemed to be relevant;

F. prepare and submit to the Governor, for proper submission to the Legislature, an annual budget to accommodate travel expenses and per diem incurred in the performance of their duties, same being computed by current rates allowed by the Federal Register and existing tribal law. (TL10-001, 10/16/92)

SECTION 11-105 CEREMONIAL PERMITS - GAME AND NON-GAME.

A. All hunting, fishing, gathering, and trapping on lands subject to the jurisdiction of the Chickasaw Nation shall be conducted in conformance with both Federal and Chickasaw laws and regulations. Notwithstanding any other provision of law, it shall be permissible at any time for any Chickasaw citizen to take any species for use by any Chickasaw citizen, for traditional, ceremonial,

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religious, or medical purposes.

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

C. Ceremonial permits are required to take wildlife for traditional, ceremonial, religious, or medical purposes only. Permits may be issued by the Chickasaw Nation Wildlife Commission upon application.

(TL10-001, 10/16/92)

SECTION 11-106 LICENSES, AS DEFINED.

I. Any person hunting, fishing, gathering, or trapping on lands subject to the jurisdiction of the Chickasaw Nation shall have in his possession a Chickasaw voter registration card, a parent's voter registration card (copy), a permit issued by the Chickasaw Nation Wildlife Commission. For future needs, the Chickasaw Nation may recognize reciprocal intertribal hunting, fishing, gathering, or trapping agreements negotiated with other Indian nations between chief executive officers of the nations.

II. Persons not having proper identification or a special permit are subject to penalties as provided under USCA Title 18, Section 1165.

III. 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.

(TL10-001, 10/16/92)

SECTION 11-107 SPORTSMAN'S RESPONSIBILITIES.

Any sportsman has the responsibility to the landowner or to the Chickasaw Nation for any damage, including littering, that may occur as a result of his pursuit of fish or game. Said landowner

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or Chickasaw Nation may take said violator of this provision to tribal court, or another court of competent jurisdiction, for full restitution. (TL10-001, 10/16/92)

SECTION 11-108 PROPER COURTS/PENALTIES.

I. Any person hunting, fishing, gathering, or trapping on land known as Indian land within the jurisdictional boundaries of the Chickasaw 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 Tribal Court, Court of Indian Offenses (the CFR Court), or Federal Court, which shall assess penalties under the Chickasaw Tribal Code, the CFR Code, or the Federal Code, respectively (USCA Title 18, Section 1165: Lacey Act Amendment of 1981: USCA Title 16, Sections 3371 - 3378).

In all cases, the courts decision shall be final.

II. 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 Chickasaw Nation, by Constitution, that belongs to any Indian, or to the Chickasaw 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. (USCA Title 18, Section 1165. Public Law 280 does not affect the applicability of this enforcement provision. U.S. v Pollmann, 364 F. Supp. 995.1002 (D. Mont. 1973)

B. Any Indian who willfully destroys, defaces, or removes any sign on lands known as Indian land, within the jurisdictional boundaries of the Chickasaw Nation, by Constitution, erected by the Chickasaw Nation, or a Government agency, is subject to prosecution as defined by federal law. (USCA Title 18, Section 1164)

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.

III. CONFISCATION

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A. In all cases where weapons, vehicles, and equipment are confiscated, as provided in this Act, and in all cases where contraband such as illegally taken game, fish, or peltries are confiscated, as provided in this Act, 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 Chickasaw BIA 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.

D. The BIA shall be in charge of the safekeeping of all such property so turned over to it under the provisions of this Act, according to federal law.
(TL10-001, 10/16/92)

SECTION 11-109 DESTRUCTION OF HABITAT (OLD CHICKASAW LAW - 1876).

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 camp fire, 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.

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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 (9), 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.
(TL10-001, 10/16/92)

SECTION 11-110 FERAL/STRAY DOGS AND CATS.

Whenever a feral or stray dog or cat becomes a problem for a Chickasaw citizen or a Chickasaw community, the Chickasaw Nation Wildlife Commission or Wildlife Department may designate an officer or trapper to assist in the removal of said animal. (TL10-001, 10/16/92)

SECTION 11-111 CHICKASAW AUTHORITY/JURISDICTION.

A. This Code will be enforced by the Chickasaw Nation Executive Branch of government, designated officers, tribal attorneys, the Chickasaw Agency Bureau of Indian Affairs, tribal police, specially trained agents of the United States Fish and Wildlife Service trained or having understanding of Federal Indian Law and the Chickasaw Nation Hunting, Fishing, Gathering, and Trapping, and Trespass Act, of 1992, and any state or city officer pursuant to a cross deputization agreement entered into with the tribe in accordance with federal and tribal law.

B. The Chickasaw 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 Chickasaw Nation. State hunting, fishing, gathering, and trapping permits, licenses, and certificates, and state fishing regulations, are NOT applicable within the Indian country of the Chickasaw Nation. (29, 30 - SEC.36. Aboriginal Rights, this Act)

C. Violations of any portion of these regulations may subject the violator to loss of tribal permission to hunt, fish, gather, or trap, and/or to civil and/or criminal penalties. (USCA Title 18, Section 1165, Lacey Act Amendments of 1981; USCA Title 16, Sections 3371-3378: The Illegally

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Taken Fish and Wildlife Act)
(TL10-001, 10/16/92)

SECTION 11-112 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 (112), 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.
(TL10-001, 10/16/92)

SECTION 11-113 CROSSBOW EXEMPTION.

A. The Chickasaw Nation Wildlife Commission shall issue a permit for the hunting or taking of wildlife to applicants otherwise qualified who have a permanent disability to the extent that they cannot physically use a conventional longbow, as certified by a medical doctor duly licensed to practice medicine. The permit shall also allow any such person to take deer by crossbow during legal open archery deer season.

B. Any Indian found guilty of a violation of this section shall, upon conviction, be punished by a fine of not less than Five Hundred Dollars (\$500.00), or by imprisonment for up to 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 (113), and may subject same to fines of not less than Five Hundred Dollars (\$500.00) and to confiscation of vehicles, weapons, and equipment.
(TL10-001, 10/16/92)

SECTION 11-114 HUNTER HARASSMENT.

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,

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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.

1. 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 Chickasaw land.

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

3. This section of law shall not prevent an agent of the Chickasaw Nation Wildlife Commission from performing his enforcement duties.

4. 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.

5. It shall also be a civil violation for any person to violate this section (114), 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.

(TL10-001, 10/16/92)

SECTION 11-115 PREDATOR AND RODENT CONTROL.

I. 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 Chickasaw land; provided that prior approval is obtained from the Chickasaw Nation Wildlife Commission as to the specific techniques, materials, and locations of control stations.

II. 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, such being illegal unless approved by the Chickasaw Nation Wildlife Commission for the

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purpose of livestock protection or wildlife host animal protection, except in accordance with the following conditions and procedures:

A. signs of a size and character indicating the presence of cyanide coyote getters or other similar device using cyanide gas or other poisonous gas as the lethal agent, shall be posted on all properties where said coyote getters are set, to the right and left of all entrances from public roads and highways and from adjacent lands;

B. all signs as required by this section shall be in place at least twenty-four (24) hours before said devices are set and shall be properly maintained in place during the permission period herein provided;

C. in applying for a permit, the landowner or lessee shall state the number of devices to be set and the approximate location to the nearest forty (40) acres;

D. written permission permits required by this section shall cover a period not exceeding six (6) months; provided, however, that said permits shall be subject to renewal for a like period of time;

E. no predator control devices shall be on any property without the written permission of the record owner or lessee thereof.

III. 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.

IV. It shall also be a civil violation for any person to violate this section (15), 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.

(TL10-001, 10/16/92)

SECTION 11-116 TURTLES - FROGS - REPTILES.

I. 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

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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.

II. 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).

III. It shall also be a civil violation for any person to violate this section (16), 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.
(TL10-001, 10/16/92)

SECTION 11-117 FALCONRY/RAPTORS.

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

B. The Chickasaw Nation recognizes the Bald and Golden Eagle Protection Act as federal jurisdiction; provided, nothing in this section shall be construed to prohibit any land owner or lessee from protecting his property from any species of hawk or owl in the act of destroying or stalking domestic fowl or livestock.
(TL10-001, 10/16/92)

SECTION 11-118 UPLAND GAME.

I. SQUIRREL REGULATIONS

A. Fox Squirrel and Gray Squirrel may be harvested between May 15 and January 1, 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 ten (10) per person may be taken daily, not more than twenty (20) 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

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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.

II. JACK RABBIT

A. Jack 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. Hunting area: west of IH35 only.

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.

III. 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, hand gun, rifle, 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).

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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.

IV. 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.
(TL10-001, 10/16/92)

SECTION 11-119 NON-MIGRATORY GAME BIRDS.

I. QUAIL SEASON

A. Bobwhite Quail and Scaled Quail may be harvested between November 10 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

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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.

II. TURKEY

A. Turkey - Fall Season - Bow Only

1. Turkey, limit one (1) per hunter, either sex, may be harvested nationwide with a bow and arrow in the Fall between October 1 and November 22, inclusively, and between December 2 and December 31, inclusively, official sunrise to official sunset.

2. Roost shooting is illegal.

3. Live decoys are illegal.

4. Decoys are permitted.

5. Game callers shall be legal.

6. 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).

7. 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 - Fall Season - Rifle - Muzzleloader - Bow - Shotgun

1. Turkey, limit one (1) per hunter, either sex, may be harvested nationwide with a rim fire rifle (22 magnum, or a 5 mm magnum), and muzzleloader of .36 caliber or larger, bow, and shotgun in the Fall between November 1 and November 22, inclusively, official sunrise to official sunset.

2. Roost shooting is prohibited.

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3. Live decoys are prohibited.
4. Decoys shall be permitted.
5. Game callers shall be legal.

6. 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).

7. 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

1. Turkey, limit one per hunter with the exception of the territory known as Love County, Pickens District, which has a limit of two (2) 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 between April 1 and May 10, inclusively, official sunrise to official sunset.

2. Roost shooting and live decoys shall be prohibited.
3. Decoys shall be permitted.
4. Game callers shall be legal.

5. 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).

6. 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.

(TL10-001, 10/16/92)

SECTION 11-120 DEER - TRIBALLY OWNED LAND REQUIRES SPECIAL PERMIT.

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I. DEER - BOW ONLY

A. Deer, limit two of either sex, per person, may be harvested nationwide with a legal bow and legal arrow, in the Fall between October 1 and December 31, inclusively, one half hour before official sunrise to one half hour after official sunset.

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.

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.

II. DEER - MUZZLELOADER - BOW

A. Deer, limit one, per person.

B. An antlered deer, any deer, regardless of sex, with at least three (3) inch antler length above the natural hairline on either side, may be harvested nationwide with muzzleloading primitive arms for 10 days beginning with and including the 4th Saturday in October, one-half hour before official sunrise to one-half hour after official sunset, except that, if a hunter has not harvested an antlered deer by the 10th day of the muzzle loading primitive arms season, he may harvest an antlerless deer on said 10th day only. Muzzleloading fire arms 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.

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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.

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.

III. DEER - RIFLE - MUZZLELOADER - BOW

A. Deer, limit one, per person.

B. An antlered deer, which is any deer, regardless of sex, with at least a three (3) inch antler length above the natural hairline on either side, may be harvested nationwide with rifles, muzzleloader, legal bow and arrow, shotguns, or handguns, beginning on the 4th Friday of November and running through the 1st weekend of December, one-half hour before official sunrise to one-half hour after official sunset, except that, 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.

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.

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

1. 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.

2. Rifles chambered for .224 caliber bullets traveling more than 3100 feet per second are deemed legal.

3. Hollow point bullets are legal.

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

5. Fully automatic firearms are prohibited.

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

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

8. 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.

9. Any firearm not fitting these descriptions shall be confiscated.

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.

IV. FLORESCENT ORANGE - DEER RIFLE SEASON

A. During periods when rifle and primitive fire arms seasons overlap with archery

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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 headcovering and any outer garment covering of florescent orange.

B. Hunters shooting from above the ground stands, while above ground, and waterfowlers, are exempt from wearing orange.
(TL10-001, 10/16/92)

SECTION 11-121 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.
(TL10-001, 10/16/92)

SECTION 11-122 FURBEARER REGULATIONS.

I. FURBEARER REGULATIONS

A. Bobcat, raccoon, badger, grey fox, red fox (see Red Fox Restrictions), mink, muskrat, opossum, skunk, and weasel may be harvested from the day after Thanksgiving to January 31, inclusively, nationwide.

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

C. Black bear, mountain lion, otter, and swift fox may not be harvested at any time, by any means, and if taken in a trap, they must be released immediately.

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

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

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

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

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

3. 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 Red Fox Restrictions);

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

G. 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.

H. 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.

II. RED FOX - RESTRICTIONS

A. On lands known as Indian lands within the jurisdictional boundaries of the Chickasaw 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.

III. MALE BOBCAT: SPECIAL SEASON - RESTRICTIONS

A. A special bobcat trapping season shall be from February 1 to February 15,

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inclusively. Males only may be trapped at this time. If the trapper is unable to determine the sex of the caught animal, said animal must be released. Absolutely no female bobcat may be harvested during this special season. Limit - two (2) males.

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

IV. HOUND CHASE SEASON - FURBEARERS

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.

V. TRAPPING - FURBEARERS - REGULATIONS

A. Legal means of harvesting shall include:

1. box traps;
2. smooth jawed, leg hold, steel traps with a jaw spread of no more than 8 inches;
3. that no trap may be set in paths, roads, or runways commonly used by livestock;
4. 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.

VI. SNARING REGULATIONS

A. SNARING REGULATIONS:

1. 7 x 7 x 3/32 wire only shall be legally recognized to be used for furbearer snares;
2. coyote or land snares must be rigged with swivel in the middle or at ground;
3. said snares shall not be placed on land or pastures containing livestock;
4. the bottom of the snare loop shall not be over 12 inches from the ground;

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5. all land snares shall be rigged with deer stops;
6. beaver snares do not require deer stops;
7. beaver snares are not required to be swiveled. The loop shall be perpendicular to and at the water's edge;
8. kill stakes shall be illegal;
9. snares shall not be attached to, or within reach of, any usable fence.

VII. CONIBEAR REGULATIONS

A. CONIBEAR REGULATIONS

1. Conibear sizes 330 and 280 shall be permissible underwater only;
2. 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.

VIII. PREDATOR CALLING/DAYTIME

A. Furbearers may be harvested beginning the day after Thanksgiving to January 31, inclusively, during daylight hours, nationwide, by any rifle, bow and arrow, or shotgun.

B. Bobcat (see Male Bobcat Special Season), raccoon, 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, otter, and swift fox may not be harvested at any time by any means.

D. Electronic callers are deemed legal.

IX. PREDATOR CALLING - NIGHT

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A. Nighttime predator calling shall include the following restrictions:

1. red or amber lens on a night light shall be legal;
2. a shotgun shall legally use only 4 buck, BB, or number 2 shot;
3. all center fire rifles shall be illegal;
4. rim fire rifles shall be legal, including 22 magnum or 5 mm magnum;
5. a bow and arrow shall be legal;
6. 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;
7. 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.

X. Any Indian found guilty of a violation of this section (SEC.122) 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.

XI. It shall also be a civil violation for any person to violate this section (SEC.122.), 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, peltries, and equipment.
(TL10-001, 10/16/92)

SECTION 11-123 POSSESSION OF FUR AND ANIMAL PARTS.

A. It shall not be illegal for a Chickasaw citizen, or the holder of a special permit, to possess the skinned carcass of any legally harvested animal. 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.

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C. A Chickasaw citizen, or a holder of a special permit, 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.
(TL10-001, 10/16/92)

SECTION 11-124 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.
(TL10-001, 10/16/92)

SECTION 11-125 FISHING REGULATIONS.

A. The Chickasaw Nation Wildlife Commission 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. Chickasaw citizens fishing in the Red River or the Arkansas River must carry a valid voter card or equivalent.

C. The Chickasaw Nation recognizes two classifications of fish: harvestable and non-harvestable.

I. HARVESTABLE are: Large Mouth, Small Mouth and Spotted Black Bass, White and Black Crappie, Sauger, Saugeye, Walleye, White Bass, Gar, Drum, Carp, Buffalo, River Carp, Sucker, Blue Catfish, Channel Catfish, Bullhead Catfish, Yellow Perch, Blue Gill, Red Ear, and related perch families.

A. DAILY CREEL AND SIZE LIMITS PER PERSON:

1. Largemouth, Smallmouth, and Spotted Black Bass. Daily limit, ten (10), aggregatedly.
2. Channel Catfish and Blue Catfish. Daily limit, fifteen (15), aggregatedly.
3. Flathead Catfish. Daily limit, ten (10). Size limit, twenty (20) inches minimum.

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4. Sauger, Saugeye, and Walleye. Daily limit, five (5), aggregatedly.
5. Paddlefish. Daily limit, three (3). Size limit, forty five (45) inches, eye notch to tail fork (barbless hook only).
6. All other species have no daily limit and no size limit.

II. NON-HARVESTABLE are: Paddlefish and Flathead Catfish.

A. Paddlefish in Chickasaw 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.

B. Flathead Catfish (Yellow Catfish and Appaloosa Catfish) in Chickasaw 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.

III. METHODS OF HARVEST, IN ACCORDANCE WITH FEDERAL REGULATIONS

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

1. No person shall use more than five (5) poles and/or rods while fishing.
2. Fishing is restricted to no more than two (2) rods or poles per person, within 1000 feet down stream of any federal or GRDA dam.
3. It is unlawful to keep a foul-hooked fish (any fish hooked other than inside the mouth) caught within 1000 feet downstream of any federal or GRDA dam.

B. Bow and arrow fishing is restricted to a long bow (any bow except a cross-bow) unless participant qualifies under cross-bow exemption as is elsewhere herein addressed. Arrow must have no more than 3 points with no more than two barbs on each point. This method may be used to take all fish except:

1. Paddlefish (all Paddlefish, regardless of length);

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2. Flathead Catfish (Yellow Catfish and Appaloosa) less than 20 inches in total length;
3. in all reservoir tail waters (the first 1000 feet downstream from any federal of GRDA dam).

IV. NOODLING AND SCUBA DIVING

- A. Noodling and SCUBA diving are the harvesting of fish by the use of hands, speargun, spear, or hook.
- B. Noodling and SCUBA diving shall be lawful except in all reservoir tail waters (the first 1000 feet downstream of any federal or GRDA dam).
- C. Fish excluded from this method of harvest are all Paddlefish, regardless of length and Flathead Catfish (Yellow Catfish and Appaloosa) less than 20 inches in total length.

V. NON-COMMERCIAL NETTING

- A. In non-commercial netting, only nets defined as gill nets, trammel nets, hoop nets, or haul seines may be used to harvest fish, provided:
 1. legal hoop nets (river nets) shall be no longer than 10 feet in length with mesh size no smaller than 1 inch square, constructed of non-metallic mesh only, having no more than 7 hoops, 3 feet in diameter or smaller;
 2. mesh size for gill nets shall be 3 inches square minimum, 4 inches square maximum;
 3. trammel nets inside diameter 2 inch minimum, no maximum diameter. Outside webbing has no restrictions;
 4. all nets must be attended at least once every 24 hours, maximum wet time 48 hours;
 5. each citizen or family member is limited to 300 feet of net, or a total of 4 hoop nets, in the water at any one time;

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6. no fish taken under non-commercial netting provision can be sold;
7. netting shall be illegal where federal law supersedes tribal law.

B. With seines, cast nets, trawl nets, and dip nets (non-commercial), any citizen may seine, trap or transport Minnows, Shad, or any other fish commonly used as bait fish, provided that the seine does not exceed 40 feet in length. Cast nets and trawl nets are lawful for the taking of bait fish for personal use only.

VI. SNAGGING

A. When snagging:

1. 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 1000 feet downstream of any federal or GRDA dam);
2. Paddlefish less than 45 inches in length from eye notch to tail fork are illegal;
3. barbless hooks are required for Paddlefish snagging;
4. landing hooks shall be deemed illegal in the landing of all Paddlefish.

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

1. Paddlefish, regardless of length, and Flathead Catfish (Yellow Catfish and Appaloosa) less than 20 inches in total length;
2. all reservoir tail waters (the first 1000 feet downstream of any federal or GRDA dam).

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

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

1. On trotlines, there shall be no more than 100 hooks per line, glass or metallic

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floating devices and metallic posts placed in the water as points of attachment are prohibited. They shall not be set to within 3 feet of the surface at any point beyond 6 feet from either point of attachment except in water where water is less than 3 feet deep. Hooks shall not be less than 12 inches apart. Trotline shall have owner's name attached and shall be attended at least once every 24 hours.

2. On throwlines, there shall be no more than 10 hooks per line, glass or metallic floating devices as points of attachment are prohibited.

3. 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.

4. Yo-yos are legal fishing devices limited to 100 yo-yos per citizen.

5. A legal limblines is a line attached to a limb or other natural object(s) and restricted to no more than 2 hooks per line and 50 limblines per family member.

6. Restrictions on all of the above are:

- a. all reservoir tail waters (the first 1000 feet downstream of any federal or GRDA dam);
- b. all lines must be attended at least once every 24 hours;
- c. all above lines cannot be left in water at the owner's discretion.

VIII. ROPING

As regards roping, the taking of fish by means of loop, metallic or non-metallic, hand held or pole held, shall be legal with the exception of a Flathead Catfish (Yellow Catfish and Appaloosa) with a total length of less than 20 inches, Paddlefish less than 45 inches from eye notch to tail fork, or in all reservoir tail waters (the first 1000 feet downstream of any federal or GRDA dam).

IX. PENALTIES

A. Any Indian found guilty of a violation of this section (SEC.125.) 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.

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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.

(TL10-001, 10/16/92)

SECTION 11-126 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 Chickasaw Nation Wildlife Commission'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**

1. 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.

2. Any Indian found guilty of a violation of this section (SEC.126.) 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.

3. It shall also be a civil violation for any person to violate this section (SEC.126.), 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**

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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 Chickasaw Nation, in addition to said penalties.

(TL10-001, 10/16/92)

SECTION 11-127 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 Chickasaw Nation Wildlife Commission may authorize the stocking of fish in privately owned ponds, provided that said ponds are under a Chickasaw Nation Wildlife Commission Landowner Agreement, for the express purpose of fishing by Chickasaw citizens, 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.
(TL10-001, 10/16/92)

SECTION 11-128 (VACANT).

SECTION 11-129 MIGRATORY BIRD HUNTING AND CONSERVATION STAMP.

A. Federal law requires that each Chickasaw 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 (CFR Title 50, Part 20).
(TL10-001, 10/16/92)

SECTION 11-130 MIGRATORY GAME BIRDS.

Fish, Game and Animals

I. MIGRATORY GAME BIRDS

A. Migratory Game Birds are controlled by federal law and, as federal bag limits and seasons vary occasionally, the Chickasaw 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:

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

2. bow and arrow;

3. legal raptor.

C. Live decoys are deemed illegal.

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.

II. 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.

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D. Electronic callers are permissible.

III. 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 air craft;

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. (CFR Title 50, Part 20)

IV. PENALTIES

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

(TL10-001, 10/16/92)

SECTION 11-131 **(VACANT).**

SECTION 11-132 **(VACANT).**

SECTION 11-133 **POSSESSION OF FEATHERS AND SKIN.**

I. COMMERCIAL USE OF FEATHERS

Any Chickasaw citizen, or special permit holder, 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

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specimens of migratory game birds taken under authority of this section (CFR Title 50, Section 20.91).

II. PERSONAL USE OF SKINS AND FEATHERS

Any Chickasaw citizen, or special permit holder, for his own use, may possess, transport, ship, import, and export, without a permit, the feathers and skins of lawfully taken migratory game birds (CFR Title 50, Section 20.92).

(TL10-001, 10/16/92)

SECTION 11-134 (VACANT).

SECTION 11-135 LIQUOR IN HUNTING AND FISHING CAMPS.

A. The possession or consumption of any intoxicating substance, including but not limited to any beverage containing over 3.2 per cent alcohol, is prohibited in all recreational areas managed by the Chickasaw Nation, 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.

B. It shall be illegal, at any time, on land known as Indian land within the jurisdictional boundaries of the Chickasaw Nation, for any person to be in possession of any beverage containing over 3.2 per cent alcohol while in possession of a fire arm.

(TL10-001, 10/16/92)

ABORIGINAL RIGHTS NOTES

1. U.S. v. Winans, 198 U.S.371, 381 (1905)
2. U.S. v Aanerud, 893 F.2d 956 (8th Cir.) cert. denied, 111 S. Ct. 72 (1990); People v. LeBlanc, 248 N.W.2d 199 (Mich. 1976); State v. Tinno, 497 P.2d 1386 (Idaho 1972) (treaty right to "hunt" also confers right to fish).
3. New Mexico v. Mescalero Apache Tribe, 462 U.S. 324 (1983).
4. Winans, note 1 above, 198 U.S. at 381.
5. Menominee Tribe v. U.S. 391 U.S. 404 (1968); State v. Coffee, 556 P.2d 1185, 1189 (Idaho 1976).
6. Alaska Pacific Fisheries v. U.S., 248 U.S. 78 (1918).
7. Quechan Tribe v Rowe, 531 F.2d 408 (9th Cir. 1976).
8. Menominee Tribe, note 5 above.

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9. Lac Courte Oreilles Band of Lake Superior Chippewa Indians v. Voight, 700 F.2d 341 (7th Cir.), cert. denied, 464 U.S. 805 (1983).
10. See, e.g., Menominee Tribe, note 5 above; U.S. v. Felter, 752 F.2d 1505, 1509 (10th Cir. 1985). See Oregon Dept of Fish & Wildlife v. Klamath Indian Tribe, 473 U.S. 753 (1985).
11. 391 U.S. 404 (1968). Red Lake Band of Chippewa Indians v. Minnesota, 614 F.2d 1161 (8th Cir. 1980), cert. denied, 449 U.S. 905 (1980).
12. Northwest Ordinance of 1787, ratified by Congress in 1789.
13. U.S. v. Antelope, 430 U.S. 641 (1977); 420 U.S. at 645. Morton v. Ruiz, 415 U.S. 199 (1974); Washington v. confederated Bands and Tribes of the Yakima Indian nation, 439 U.S. 463, 500-501 (1979); 417 U.S. 535 (1974), 417 U.S. at 553 n.24; Preston v. Heckler, 734 F.2d 1359 (9th Cir. 1984); Washington v. Passenger Fishing Vessel Ass'n, 443 U.S. 658 (1979)(fishing); Winters v. U.S., 207 U.S. 564 (1908)(water); Alaska Chap., Assoc. Gen'l Contractors v. Pierce, 694 F.2d 1162 (9th Cir. 1982)(commercial). See note 2 above. U.S. v. Michigan, 653 F.2d 277 (6th Cir. 1981).
14. Puyallup Tribe, Inc. v. Dept of Game, 433 U.S. 165 (1977)(suit by tribe)/ Sohappy v. Smith, 302 F. Supp. 899 (D.Or. 1969) (suit by tribal members).
15. U.S. v. Washington, 384 F. Supp. 312 (W.D. Wash. 1974), aff'd 520 F.2d 676 (9th Cir. 1975), cert. denied, 423 U.S. 1086 (1976); 520 F.2d at 689-90. See also U.S. v. Cutler, 37 F. Supp. 724 (D.Idaho 1941).
16. See note 15 above, 384 F. Supp. at 402. See also Peterson v. Christensen, 455 F. Supp. 1095, 1099 (E.D. Wis. 1978).
17. 18 U.S.C. Sec. 1162(b). See Quechan Tribe, note 6 above.
18. See cases cited in notes 1, 5 and 15 above; also see Tulee v. Washington, 315 U.S. 681 (1942).
19. 391 U.S. 392 (1968).
20. 462 U.S. 324 (1983).
21. Lac Courte Oreilles Band of Lake Superior Chippewa Indians v. Wisconsin, 668 F. Supp. 1233, 1241 (W.D. Wis. 1987); U.S. v. Michigan, note 13 above; 653 F.2d at 279.
22. People v. McCovey, 36 Cal., 3d 517 (Cal.), cert. denied, 469 U.S. 1062 (1984); Mattz v. Superior Court, 46 Cal., 3d 355 (Cal. 1988), cert. denied, 489 U.S. 1078 (1989).
23. Strom v. Commissioner, 6 T.C. 621 (1946).
24. Mason v. Sams, 5 F.2d 255 (D. Wash. 1925). Also see Sohappy, Sr. v. Hodel, 911 F.2d 1312 (9th Cir. 1990).
25. Winnebago Tribe, 542 F.2d 1002 (8th Cir. 1976); Confederate Tribes of the Umatilla Indian Reservation v. Alexander, 440 F. Supp. 553 (D. Or. 1977).
26. Yakima Indian Nation v. F.E.R.C. 746 F.2d 466 (9th Cir. 1984).
27. 18 U.S.C. Sec. 1165.
28. 16 U.S.C. Sec 3372 (a)(1).

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29. U.S. v. Sohapp, 770 F.2d 816, 819 (9th Cir. 1985), cert. denied, 477 U.S. 906 (1986).
30. U.S. v. Big Eagle, 881 F.2d 539 (8th Cir. 1989), cert. denied, 110 S.Ct. 1145 (1990).
31. U.S. v. Washington, 384 F. supp. 312 (W.D. Washington 1974), aff'd 520 F.2d 676 (9th Cir. 1975), cert. denied, 423 U.S. 1086 (1976). See cases cited in 13 above.
32. Northern Arapaho Tribe v. Hodel, 842 F.2d 224 (10th Cir. 1988); U.S. v. Eberhardt, 789 F.2d 1354 (9th Cir. 1986).
33. People v. McCovey, 36 Cal. 3d 517 (Cal.), cert. denied, 469 U.S. 1062 (1984); Mattz v. Superior Court, 46 Cal. 3d 355 (Cal. 1988), cert. denied, 489 U.S. 1078 (1989).
34. 16 U.S.C. Sec 668 et seq.
35. U.S. v. Dion, 476 U.S. 734 (1986).
36. Menominee Tribe, note 5 above; Kimball v. Callahan, 590 F.2d 768 (9th Cir. 1979), cert. denied, 444 U.S. 826 (1980).
37. See Ward v. Race Horse, 163 U.S. 504 (1896); Antoine v. Washington, 420 U.S. 194 (1975) ("open and unclaimed land"); Tinno, note 2 above ("the unoccupied lands of the United States"). See also Holcomb v. Confederated Tribes of the Umatilla Indian Reservation, 382 F.2d 1013 (9th Cir. 1967).
38. State v. Arthur, 261 P.2d 135 (Idaho 1953); Antoine, note 37 above; Holcomb, note 37 above. Cf. U.S. v. Hicks, 587 F. Supp. 1162 (W.D. Washington 1984).
39. See Winans, note 1 above; U.S. v. Washington, note 31 above; Lac Courte Oreilles Band, note 9 above.
40. Cited in note 31 above.
41. U.S. v. Washington, note 31 above, 384 F. Supp. at 332.
42. These difficulties are illustrated in State v. Petit, 558 P.2d 796 (Washington 1977), and U.S. v. Lummi Indian Tribe, 841 F.2d 317 (9th Cir. 1988).
43. U.S. v. Washington, note 31 above, 384 F. Supp. at 332, 408.
44. See U.S. v. Washington, 730 F.2d 1314 (9th Cir. 1984).
45. Winans, note 1 above; Seufort Bros. v. U.S., 249 U.S. 194 (1919).
46. Winans, note 1 above.
47. Washington v. Washington State Commercial Passenger Fishing Vessel Ass'n, 443 U.S. 658, 664-67 (1979)(citations omitted).
48. Note 47 above, 443 U.S. at 666.
49. Note 47 above, 443 U.S. at 696.
50. See, e.g. U.S. v. Skokomish Indian Tribe, 764 F.2d 670 (9th Cir. 1985.)
(TL10-001, 10/16/92)

ADDENDUM

I. MIGRATORY WATERFOWL MANAGEMENT PLAN

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A. The Chickasaw Nation acknowledges two factors involved in the loss of waterfowl:

1. loss of wetlands due to drought and intensified land use. The Chickasaw Nation encourages marshlands and wetlands be left in their natural states and the use of biodegradable herbicides and insecticides in the drainage areas; and

2. predatorization of nesting areas. This is due to the reduction of wetland nesting areas, which concentrates the number of nests into a smaller area. This has improved the success rate of predators searching out nesting hens. The increased number of predators is due to low fur prices.

B. Until habitat quality improves and predator numbers decline, reduced waterfowl limits are necessary.

C. The Chickasaw Nation acknowledges seven hunter acts to help increase waterfowl numbers:

- 1.** identify the species of duck before shooting;
- 2.** voluntarily refrain from shooting hen ducks, particularly mallards;
- 3.** purchase Federal waterfowl stamps;
- 4.** support Chickasaw wildlife habitat programs;
- 5.** educate and train young Chickasaw hunters;
- 6.** hunt frequently, and always obey the law;
- 7.** improve duck identification skills, and shoot selectively.

II. THE VALUE OF WETLANDS

A. For centuries, people have drained wetlands because of the misconception that these areas are unsightly, unhealthy, and unproductive. But when a swamp or marsh dries up and dies, we lose one of God's richest and most valuable creations.

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B. Wetlands - whether bottomland hardwood forest, prairie potholes, saltwater marshes or mangrove swamps - provide a wide array of benefits, both economic and aesthetic.

- 1.** Waterfowl, wading birds and hundreds of other wildlife species, including many endangered species, live in wetlands.
- 2.** Commercial and recreational fish and shellfish rely on wetlands during some phase of their lifecycles.
- 3.** Wetland plants improve water quality and can even treat municipal waste water by trapping and removing pollutants.
- 4.** Wetlands absorb floodwaters and reduce the damages caused by flooding.
- 5.** Wetlands can recharge groundwater supplies.
- 6.** Wetlands support numerous outdoor recreational activities.

**CHAPTER 2
FISHING**

See Chapter 1, this Title.

**CHAPTER 3
HUNTING**

See Chapter 1, this Title.

**CHAPTER 4
CONSERVATION AND WILDLIFE**

See Chapter 1, this Title.

See also Title 15, Lands and Natural Resources.