

CHICKASAW NATION WILDLIFE REGULATIONS

(Prepared August 19, 2022; proposed effective August 26, 2022)

DEFINITIONS

As used in these Regulations, the following definitions will control:

1. "Act" means the "Chickasaw Nation Wildlife Conservation Act of 2022."
2. "Animal" means an organism of the animal kingdom, as distinguished from the plant kingdom, including any part, product, egg, or offspring thereof, or the dead body parts thereof, excluding fossils.
3. "Bag Limit" means the number of any kind of Wildlife permitted to be taken in any one Day or one Open Season, as the case may be. Bag Limits may be set forth in a schedule attached to these Regulations, the Wildlife Guide, or otherwise published and updated by the Service as necessary.
4. The "Chickasaw Nation" or "Nation," as appropriate to context, means:
 - (i) the sovereign and self-governing Tribe, with a government duly organized and conducted in accord with the Constitution, ratified August 27, 1983, and as thereafter from time to time amended; or
 - (ii) all lands within the exterior boundaries of the Nation's reservation which boundaries are set forth in the Treaty between the United States, the Choctaws, and the Chickasaws of June 22, 1855; the Treaty between the United States, the Choctaws, and the Chickasaws of April 28, 1866; and the preamble to the Chickasaw Nation Constitution, ratified August 27, 1983, and as thereafter from time to time amended.
5. "Chickasaw Nation Fish & Wildlife Service" or "Service" means, unless otherwise specified, the Chickasaw Nation Fish and Wildlife Service, including, as appropriate in context, its coordination with the Chickasaw Nation Office of Tribal Justice Administration and Chickasaw Nation Lighthouse Police Department.
6. "Chickasaw Nation Lands" means:
 - (i) Tribal trust lands, i.e., real property held by the United States in trust for the benefit of the Chickasaw Nation;
 - (ii) Tribal fee lands, i.e., real property owned by the Chickasaw Nation in fee simple or patent title acquired at any time (whether by private purchase, Treaty with the United States, or otherwise), regardless of whether any federal restriction against alienation applies; and

(iii) Individual trust or restricted lands, i.e., real property located within the Chickasaw Nation and held in trust for individual Indians by the United States or by individual Indians subject to Federal restrictions against on alienation.

7. "Closed Season" means all times other than an Open Season and is the period during which regulated Wildlife may not be hunted or taken.

8. "Day" is a period of time consisting of twenty-four (24) hours from midnight to midnight.

9. "Fishing" means the taking or attempting to take fish or other aquatic dwelling organisms by hook and line, seine, trap, or any other means.

10. "Game," when used alone, means mammals and birds and does not include fish.

11. "Hunt" and "Take," including all forms of such words, means pursuing, killing, capturing, trapping, snaring, or netting Wildlife and includes all lesser acts such as disturbing, harrying, worrying or placing, setting, drawing or using any net, trap, or other device to take Wildlife as well as any and every attempt to do so or to assist another to do so.

12. "License" means a document, issued by the Service authorizing a person to engage in Hunting and Fishing within the Chickasaw Nation or engage in certain activities related to Wildlife for scientific, conservation or ceremonial activities.

13. "Licensee Permit" means a document issued by the Service, granting permission to a person to access specified Chickasaw Nation Lands for purposes authorized under the Act and these Regulations.

14. "Open Season" means that defined season during which designated Wildlife may be hunted or taken in accord with the Act.

15. "Possession" means the retention and control of the thing referred to and may be either actual or constructive possession.

16. "Public Road" means any roadway where ingress and egress by vehicular traffic is not restricted and is open to use by the public.

17. "Regulations" means these regulations promulgated by the Executive Department for purposes of implementing the Act.

18. "Sell" or "Sale" means to exchange for consideration and includes barter, the offer to sell, or Possession with intent to sell.

19. "Tag" means a species-specific certification of a person's legal privilege to take Wildlife and includes a unique confirmation number.

20. "Transport" means the carrying or moving by any means, causing to be carried or moved by any means, or accepting and receiving Wildlife for such carrying or movement.

21. "Trap" or "Trapping" means the use of traps, nets, snares, deadfalls, or other devices used for the purpose of killing, capturing, netting or ensnaring any Wildlife.

22. "Waterfowl" means ducks, mergansers and geese.

23. "Wild" means any Wildlife, whether or not raised in captivity, that normally are found in a state of nature.

24. "Wildlife" means all Wild birds, mammals, fish, reptiles, amphibians and other Wild aquatic forms, and all other Animals which normally can be found in the wild state of being, regardless of classification, whether resident, migratory or imported, protected or unprotected, dead or alive, and will extend to and include any and every part of any individual species of Wildlife, whether or not bred, hatched, or born in captivity, and including any part, product, egg, or offspring thereof.

CHAPTER 1

GENERAL PROVISIONS

SECTION 1.00

SCOPE

1. These Regulations implement the Act and apply to all:
 - (i) Hunting and Fishing within the Chickasaw Nation; and
 - (ii) access to Chickasaws Nation Lands for purposes of such activities.
2. These regulations will be administered by the Service and enforced in accord with the Chickasaw Nation Code by the Service in coordination with the Chickasaw Nation Lighthouse Police Department and the Office of Tribal Justice Administration.
3. The Service's implementation of these regulations will be subject to oversight by the Office of the Governor.
4. These Regulations shall be deemed effective commencing August 26, 2022, and will remain in effect until either rescinded or superseded in accord with Chickasaw Nation law.

SECTION 1.01

AUTHORIZATIONS

1. The Service is authorized to declare Open Seasons on designated Wildlife within the Chickasaw Nation.
 - (i) To ensure proper Wildlife management, the Service will determine Open Seasons based on what is appropriate for the support of a healthy or sustainable population of the designated species as compatible with and not damaging to agricultural use of land. In declaring an Open Season, the Service will specify species-specific Bag Limits, catch

limits, time or territorial restrictions, and other season factors necessary to provide appropriate guidance to Persons wishing to engage in Hunting or Fishing activities in the Chickasaw Nation.

(ii) The Service will declare Open Seasons not less than ten (10) days before the season is opened.

(iii) Open Seasons will be set out in a Schedule published on the Service's website, in the Service's Wildlife Guide and/or other publications made publicly available.

(iv) For purposes of proper Wildlife management, the Service may at any time, if it finds that a population of Wildlife is not healthy or sustainable or is not compatible with the agricultural use of the lands, make changes to a declared Open Season by extending, shortening, or closing such season, changing relevant Bag Limits, catch limits, possession limits, changing the specified methods or devices for taking, killing, or capturing the Wildlife species, or otherwise as sound Wildlife management practices may direct.

2. The Service is further authorized to prescribe policies necessary to the proper conduct and policing of an Open Season. Such policies will be published on the Service's website, in the Service's Wildlife Guide and/or other publications made publicly available.

3. The Service is further authorized to require any Person who wishes to Hunt or Fish in the Chickasaw Nation to obtain a License. As provided in Section 2.00, the Service may accept an authorization, permit, or license to hunt or fish issued by another jurisdiction, but notwithstanding the possession of any such License, authorization, permit, or license, all Persons wishing to Hunt or Fish in the Chickasaw Nation will remain subject to the Service's regulation and control of the activity and will, further, retain an independent obligation to obtain landowner permission to access lands for purposes of Hunting and Fishing.

4. The Service is further authorized to require any Person who wishes to Hunt or Fish on Chickasaw Nation Lands to procure a Licensee Permit.

5. The Service is further authorized to institute and charge fees as set forth by these Regulations, which schedule will be published on the Service's website, in the Wildlife Guide and/or other publications made publicly available.

6. The Service is further authorized to declare a species to be a nuisance and to permit persons to eradicate such species from their own lands without obtaining or needing a License.

CHAPTER 2

APPLICATIONS, LICENSES, LICENSEE PERMITS, AND CERTIFICATES

SECTION 2.00

APPLICATIONS

To acquire a License or a Licensee Permit, a person must complete and submit an application on a form provided by the Service for such purposes, which form must include or be accompanied by the following:

- (i) Valid form of Tribal, State, or Federal identification;
- (ii) Valid Tribal or State Hunting or Fishing License(s), if any;
- (iii) Valid Hunter safety certification, if any;
- (iv) Valid Chickasaw Nation citizenship card or proof of citizenship or membership in another Federally Recognized Tribe, if any; and
- (v) Disclosure of any prior wildlife offense in any jurisdiction or other offense in any jurisdiction that prohibits or would prohibit the applicant from lawfully having a firearm in their possession.

SECTION 2.01

DENIAL, SUSPENSION, REVOCATION

The Service, in its discretion, may deny, suspend, or revoke an application, License, or Licensee Permit if it determines the applicant, licensee, or permittee has violated the Act, Executive Department policies (including these Regulations), any term or provision of their License or Licensee Permit, Chickasaw Nation law, or otherwise presents a threat to others or the Chickasaw Nation or Chickasaw Nation Lands.

SECTION 2.02

EXCEPTIONS

1. Persons who Hunt or Fish on their own lands will be subject to the Service's regulation of Hunting and Fishing, including Open and Closed Seasons and the policing thereof, but will not be required to obtain a License for such activities on those lands.

2. A Tribal member or citizen who Hunts or Fishes on their own trust or restricted status lands located within the Chickasaw Nation will not be required to obtain a Licensee Permit. Such exemptions do not apply to any activities on or access to any other lands.

3. Service employees will not be required to obtain a License or Licensee Permit while carrying out duties within the scope of their work.

4. Persons who have an honorable discharge from the United States Armed Forces, who are currently on active duty in the United States Armed Forces, or who are a member of the National Guard will be exempt from hunter safety certification requirements under these Regulations.

SECTION 2.03 **LICENSES GENERALLY**

1. Licenses for Hunting and Fishing, for Scientific Purposes, and Special and Ceremonial Purposes may be issued by the Service for use within the Chickasaw Nation as set out herein.

2. In addition to what the Service may provide, the Service may recognize the following as a License for purposes of these Regulations:

a. A license issued by the Oklahoma Department of Wildlife Conservation for purposes of Hunting or Fishing or Scientific Purposes, subject to such license's own terms and as provided in Section 11-402 of the Act; and/or

b. A license, permit, or other authorization issued by another Tribal Nation in Oklahoma authorizing Hunting or Fishing within that Nation's jurisdiction, subject to the terms of any agreement pertaining thereto and as provided in Section 11-402 of the Act.

Notwithstanding the Service's recognition of another jurisdiction's license, permit, or other authorization under this rule, any person engaged in Hunting or Fishing in the Chickasaw Nation will remain subject to the Chickasaw Nation's jurisdiction and the Service's rules, regulations, and determinations pertaining to the management of such activities and of Wildlife within the Chickasaw Nation. Further, recognition of another jurisdiction's license, permit, or other authorization does not relieve any person of their obligation to obtain the landowner's permission to access land for purposes of Hunting or Fishing.

3. The Licensee will carry the License, whether issued by the Service or otherwise recognized pursuant hereto, and valid personal identification at all times while Hunting or Fishing within the Chickasaw Nation.

4. All Licenses are nontransferable. No person will alter, change, lend or transfer any License. No person will use or borrow a License that has not been issued to that person.

5. The Service will publish on its website, in its Wildlife Guide and/or otherwise make publicly available a schedule of fees charged for each form of License.

SECTION 2.04 **HUNTING LICENSE**

The Service may issue Licenses for a person to Hunt, attempt to Take, use, Possess, Sell, or Transport all or any portion of any Wildlife.

SECTION 2.05 **FISHING LICENSE**

1. The Service may issue Licenses specific to the authorization for a person to fish, pursue, harass, catch, kill, Take, use, Possess, Sell, or Transport all or any portion of fish.
2. The Service may designate up to four (4) days per year in which persons may Fish without first procuring a fishing License.

SECTION 2.06 **SPECIAL AND CEREMONIAL LICENSES**

The Service may issue Special and Ceremonial Licenses for designated species, locations, and/or purposes. Special and ceremonial Licenses may be issued at the Service's discretion, subject to consideration of sound Wildlife management practices.

SECTION 2.07 **SCIENTIFIC PURPOSES LICENSES**

1. The Service may issue Scientific Purpose Licenses to anyone sixteen (16) years of age or older when the Service is presented with a written testimonial from one well-known scientist or from any well-known scientific institution, the testimonial attesting to the good character and fitness of the applicant and is accompanied by a signed application identifying:
 - (i) the species sought;
 - (ii) the means to be used to take such species; and
 - (iii) the reason for collection.
2. The License term may not exceed one (1) year.
3. Each Scientific Purpose License will list the species that the License holder is permitted to take, the means of taking and the period during which such may be taken.
4. Each Scientific Purpose License holder will timely report to the Service the number and species of Wildlife taken and any other data the Service may require.

SECTION 2.08 **SAFETY CERTIFICATION**

1. No person thirty (30) years of age or younger may receive or obtain any License authorizing the Hunting or Taking of Wildlife unless the person possesses a certificate of competency and safety in the use and handling of firearms. Persons under ten (10) years of age may take a hunter education course but are not eligible to be tested for and receive hunter safety certification. A hunter safety certificate issued by a Tribal, Federal or State that is approved by the Service will be deemed to meet the requirements of this section.
2. A youth Hunter under sixteen (16) years of age will be exempt from these certification requirements if they are accompanied by a Licensed Hunter eighteen (18) years of

age or older who possesses or is exempt from such certification requirements; provided, that at all times in the field the older Hunter must remain in sight of the youth Hunter and be able to communicate with the youth Hunter in a normal voice without the aid of any communication device. A youth Hunter who possesses a certificate of hunter safety may hunt small Game without an accompanying Hunter as long as the youth Hunter carries the certification document on their person.

3. Persons under thirty (30) years of age who do not possess a certificate of hunter safety may receive any Hunting License or Licensee Permit with the designation "apprentice" listed on the hunter education line of the License or Licensee Permit. A person holding a License or Permit with the apprentice designation will be allowed to hunt only if they are accompanied at all times in the field by a licensed Hunter eighteen (18) years of age or older who possesses or is exempt from such certification requirements. All persons under ten (10) years of age with a License designated "apprentice" must, when hunting big Game and regardless of hunter safety certification, be accompanied at all times in the field by a licensed Hunter eighteen (18) years of age or older who possesses or is exempt from hunter safety certification requirements. When hunting big Game, the older Hunter must be within arm's length of the apprentice Hunter or close enough so that the accompanying Hunter can immediately take control of the firearm or archery equipment of the apprentice Hunter. When hunting small Game, the older Hunter will be in sight of the apprentice Hunter and will be able to communicate with the apprentice Hunter in a normal voice without the aid of any communication device.

4. The Service will establish criteria necessary for the certification of programs for hunter safety offered by other Tribal, public, or private organizations.

SECTION 2.09

LICENSEE PERMITS

1. In addition to holding a License, any person wishing to access Chickasaw Nation Lands for activities subject to these Regulations must obtain a Licensee Permit. To obtain a Licensee Permit the person will submit a request to the Service on the Licensee Permit Form provided. If granted, the Licensee must carry their License, Licensee Permit, and valid personal identification at all times while on Chickasaw Nation Lands for the purpose of engaging in Hunting or Fishing or any other purpose granted by the Licensee Permit.

2. All Licensee Permits are nontransferable. No person will alter, change, lend or transfer any Licensee Permit. No person will use or borrow a Licensee Permit that has not been issued to that person.

3. Licensee Permits will be distributed in the manner designated by the Service depending on the purpose for the Licensee Permit, the circumstances of the species for which access to Chickasaw Nation Lands is being granted, and the conservation goals of the Chickasaw Nation. Licensee Permits may be issued by the Service for the following purposes, including but not limited to, special draw hunts, ceremonial purposes, or scientific or conservation related purposes. The Service may collect fees as appropriate.

4. The Service may grant any applicant a Licensee Permit, but a strict preference for Chickasaw citizens will be implemented wherever access or event participation may be limited.

CHAPTER 3

PROCEDURES FOR HUNTING AND FISHING

SECTION 3.00

REQUIRED CLOTHING FOR HUNTING

No person may hunt unless such person is wearing a head covering and an outer garment above the waistline, both totaling five hundred (500) square inches or more of clothing, both consisting of daylight fluorescent orange color totaling not less than four hundred (400) square inches, and both to be worn conspicuously on the person.

SECTION 3.01

CHECK IN

All deer, elk, antelope, and turkey must be checked in prior to processing the carcass and no later than twenty-four (24) hours of the hunter's leaving the hunt area. Check-Stations may be in-person, call-in or online as determined by the Service. The locations and/or means of Chickasaw Nation check-ins will be set forth on the Service's website, in the Wildlife Guide, and other Service publications made publicly available. Once checked, the Animal will be issued a carcass tag or confirmation number. This tag or confirmation number must remain with the carcass to its final destination or through processing and/or storage at commercial processing or storage facilities. Deer, elk and antelope carcasses may be checked in quartered with sex organs naturally attached and head accompanying the carcass.

SECTION 3.02

TAGGING

All hunters who harvest a deer, elk, antelope, or turkey must immediately attach their name, license number, date and time of harvest, and unique confirmation number generated by the Service securely to the carcass, also known as a "tag" or "tagging". A field tag can be any item, so long as the tag contains the required information.

CHAPTER 4

ENFORCEMENT; PROHIBITED ACTS

SECTION 4.00

IN GENERAL

1. The Chickasaw Nation Executive Department, acting within its jurisdiction and through the Service working in coordination with the Chickasaw Nation Office of Tribal Justice Administration and Chickasaw Nation Lighthouse Police Department, will ensure implementation and appropriate enforcement of the Act and these Regulations.

2. Violations of the Act or these Regulations are prohibited as contrary to Chickasaw Nation law and may result in an enforcement action taken pursuant to Section 11-302 of the Chickasaw Nation Code.

3. Further, unless otherwise prohibited by or inconsistent with the Chickasaw Nation Constitution or Code, violations of Title 29 of the Oklahoma Statutes may:

(i) be treated as contrary to Chickasaw Nation law pursuant to Section 17-101.2 of the Chickasaw Nation Code; and

(ii) result in an enforcement action pursuant to Section 11-302 of the Chickasaw Nation Code.

SECTION 4.01 **HUNTING AND FISHING WITHOUT LICENSE**

Except as otherwise provided in the Act or these Regulations, no person may Hunt or Fish within the Chickasaw Nation without a License.

SECTION 4.02 **TRESPASS ON CHICKASAW NATION LANDS**

Except as otherwise provided in the Act or these Regulations, no person may Hunt or Fish on Chickasaw Nation Lands without a Licensee Permit.

SECTION 4.03 **TRESSPASS IN GENERAL**

No person may engage in Hunting or Fishing activities in the Chickasaw Nation on the land of another without the written consent of the owner or the owner's delegate.

SECTION 4.04 **MIGRATORY BIRDS**

In addition to having a Chickasaw Nation License and, if applicable, Licensee Permit, no person may hunt, take, or attempt to take any migratory bird (including Sandhill Cranes) unless they have a federal permit or authorization to do so and proof of participation in the Migratory Bird Harvest Information Program (HIP).

SECTION 4.05 **WATERFOWL**

In addition to having a Chickasaw Nation License and, if applicable, Licensee Permit and unless otherwise exempt under federal law, no person may hunt, take, or attempt to take any Waterfowl unless they have first obtained a federal Waterfowl permit or stamp.

SECTION 4.06 **ENFORCEMENT**

Upon evidence of a person's commission of any prohibited act (as defined in the Act, these Regulations, or integrated to Chickasaw Nation law pursuant to Section 17-101.2 of the Chickasaw Nation Code), the Service, a Lighthorse Police officer, or any cross-deputized or commissioned

officer of another law enforcement agency empowered to enforce Chickasaw Nation law within the Chickasaw Nation may:

- (i) provide for summary disposition of the matter by offering and processing a citation the offender may pay in the field, pursuant to a fine schedule published by the Service and made payable to the Chickasaw Nation District Court; or
- (ii) issue a citation that sets a date for proceedings in the Chickasaw Nation District Court.

Such enforcement powers do not replace the powers a law enforcement officer may have under Chickasaw Nation law.