PROPOSED STANDING COMMITTEE RESOLUTION

23rd NAVAJO NATION COUNCIL -- First Year, 2015

INTRODUCED BY:

____________________________
(Prime Sponsor)

TRACKING NO. ________________

AN ACT

RELATING TO LAW AND ORDER, RESOURCES AND DEVELOPMENT, NAABIK'ÍYÁTI' AND THE NAVAJO NATION COUNCIL; AMENDING AND REDESIGNATING FISH AND WILDLIFE PROVISIONS OF THE NAVAJO CIVIL CODE AS SUBCHAPTER ___, TITLE 23

BE IT ENACTED:

Section 1. Findings and Purpose

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Section 2. Amending Title 23 of the Navajo Nation Code
The Navajo Nation hereby approves the following amendments to Title 23 of the Navajo Nation Code:

NAVAJO NATION CODE ANNOTATED
TITLE 23. CONSERVATION AND WILDLIFE
FISH AND WILDLIFE CIVIL CODE
CHAPTER 57. REGULATIONS GENERAL

Current through legislation approved up to December 31, 2006.

§ 501700. Application of federal law
All hunting and fishing on lands subject to the jurisdiction of the Navajo Nation shall be conducted in conformity with applicable Navajo Nation and federal laws and regulations. Notwithstanding any other provision of law, it shall be permissible at any time for any Navajo tribal member to take any species in a ceremonial manner for use by a Navajo medicine man, in accordance with applicable Navajo Nation and federal law. This Section is not intended to apply to bald eagles, or to authorize hunting in violation of federal law.

§ 502701. Navajo Nation permit requirements
All persons hunting, fishing or trapping on lands subject to the jurisdiction of the Navajo Nation shall have in their possession a proper Navajo Nation permit as set forth in the Navajo Nation Hunting and Trapping Regulations and Navajo Nation Fishing and Boating Regulations established by the Resources and Development Committee of the Navajo Nation Council. For purposes of this section, person shall mean either Indian or non-Indian.

§ 503702. [Reserved]


A. Establishment.
There is hereby established the Wildlife Conservation Fund (WCF) as a subsidiary fund of the Navajo Nation Department of Fish and Wildlife Enterprise Fund.

B. Purpose and Need.
1. The Navajo Nation WCF provides monetary support for a site or sites where habitat is restored, created, enhanced, or preserved expressly for the purpose of providing compensatory conservation efforts. These efforts may be undertaken in advance of authorized project impacts to wildlife, terrestrial, or aquatic habitat resources, or be made as the result of non-compliance with wildlife laws under
Titles 17 and 23. Alternatively, the Navajo Nation Department of Fish and Wildlife (the Department) may utilize an alternative account, on a case-by-case basis, for assessing compensation and placing funds to be used for a particular project. Funds from the WCF (or an alternative account as described above) may also provide funding for, but shall not be limited to, the following purposes: conservation area designations, survey and monitoring, habitat restoration, and land withdrawals/purchases.

2. It is the intent of the Department that wildlife resources that are affected by the construction, operation, or maintenance of any action through development activities should be mitigated to the extent, and in a manner, that is economically reasonable and maintains a balance between the development of economic resources and the protection of plants, wildlife and their habitats on the Navajo Nation.

3. It is also the intent of the Department to collect fines and restitution payments for both criminal and civil violations of wildlife laws under Titles 17 and 23 and other applicable Navajo Nation law or regulations.

4. The WCF is not a substitute for the Navajo Nation’s or the federal government’s responsibility to conserve wildlife, wildlife habitat, or environmental quality through annual appropriations.

5. Nothing herein shall affect or reduce the liability of any party, or prevent any other action for damages, brought pursuant to common law or applicable Navajo or federal statutory law, including but not limited to the Navajo Nation Comprehensive Environmental Response, Compensation and Liability Act, 4 N.N.C. §§ 2101–2805, Navajo Nation Clean Water Act, 4 N.N.C. 1301 et seq.; Navajo Nation Safe Drinking Water Act, 22 N.N.C. 2503 et seq. the federal Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. § 9601 et seq.; the federal Oil Pollution Act, 33 U.S.C. §§ 2701-2753; and the federal Clean Water Act, 33 U.S.C. §§ 1251 et seq.

6. The Department shall develop rules, regulations and procedures, to be approved by the Resources and Development Committee of the Navajo Nation Council, for monitoring of eligible persons’ and entities’ compliance with relevant rules, regulations, statutes, and procedures regarding enforcement of penalties for noncompliance, and guidance regarding allowable expenditures of WCF revenues.

C. Definitions.

1. “Capital improvements”: The acquisition or improvement of fixed assets.

2. “Contractor”: An individual, corporation or other legally recognized entity that enters into a WCF Contract with the Department.


4. “Environmental quality”: The natural state of the air, water, soil, ecosystem services, quality of experience and/or aesthetic value.
5. “Fixed assets”: Includes, but not limited to the following: wildlife, land, lakes, wetlands, forestland, range, flowing water, ecosystems, ecosystem services and habitat improvements. Allowable expenditures may include, but are not limited to, costs of designating and managing conservation areas, habitat rehabilitation, enforcement and compliance, survey and monitoring of sensitive ecosystems or endangered, candidate, sensitive, or culturally significant species.

6. “Interests in wildlife, terrestrial, and aquatic habitats,”: Any and all rights and interests in wildlife or terrestrial or aquatic habitats or any combination of these, including fee interests, future interests, developmental rights, easements, covenants, and contractual rights. Every interest in wildlife, terrestrial, or aquatic habitats may be in perpetuity or for a fixed term.

7. “Maintenance”: Keeping Conservation Fund-eligible assets in an original or existing state of environmental quality or preserving them from decline or negative impacts from future actions.

8. “New conservation sites”: Interests in wildlife, terrestrial, or aquatic habitats, acquired after establishment of the WCF pursuant to this section, for wildlife conservation purposes, for all types of open space, including but not limited to floodplains, wetlands, forest lands, desert scrub, canyons, greenbelts, agricultural lands, or scenic areas, or for any scientific, historic, scenic, recreational, aesthetic, or similar purpose.

9. “Wildlife”: All wild species of animals and native plants, and parts thereof, including, but not limited to, mammals, birds, reptiles, amphibians, fish, invertebrates (including mollusks, crustaceans), including active nests, eggs, and seeds; which are undomesticated and occur naturally in the wild. These species may include those hunted and collected and which are subject to protection or otherwise regulated by Navajo, federal or state statutes, laws, and regulations and administrative rules.

10. “WCF Contract”: An agreement between the Department and a Contractor to implement habitat enhancement, preservation, mitigation, and monitoring projects.

11. “Wildlife Conservation Fund” or “WCF”: A subsidiary fund of the Navajo Nation Department of Fish and Wildlife Enterprise Fund, established in § 703 of this Subchapter.

D. Sources of Revenue.

1. Fines and Restitution.

The WCF shall be capitalized with monies received pursuant to the wildlife laws under Titles 17 and 23, or as otherwise provided for under Navajo Nation law.
2. Fees.

a. Development Activities. Where wildlife resources are affected by the construction, operation, or maintenance of any action through development activities, or where there are potential impacts to environmental quality, fees shall be assessed based on statute or a fee schedule to be approved by the Resources and Development Committee and/or the Budget and Finance Committee of the Navajo Nation Council, as required by law. Exemptions may be granted on a case by case basis for certain small-scale facility development projects that are specifically related to the health and welfare of the Navajo Nation people, including but not limited to, home site leases, short utility extensions for home sites, and telecommunication improvements, and as otherwise in accordance with applicable Navajo Nation and federal laws and regulations. The Department will evaluate each small-scale project regarding the probable impact of the proposed facilities on wildlife resources and their habitat and make its recommendation to the Resources and Development Committee, or its delegate, regarding such reasonable conservation actions as may be needed. Fees shall be assessed accordingly.

b. Resource Extraction Fees. Extraction of non-renewable natural resources is an important economic activity on the Navajo Nation. These activities include the mining of ores, minerals, fill material, and fossil fuels like oil, natural gas, and coal. Extracting these resources inevitably causes environmental damage. Resource extraction fees are to be mandatory levies on extractive industries (or may be taken voluntarily through contributions by extractive industries), based on schedules to be approved by the Budget and Finance Committee and/or the Resources and Development Committee of the Navajo Nation Council, as may be required by law, to be used to mitigate environmental damages and will be a source of complementary funding dedicated to conservation of threatened, endangered, and culturally significant species on Navajo Nation Trust and Allotted lands.

3. Corporate and Private Donations.

a. Corporate and private donations intended for the purposes of the WCF shall be deposited into the WCF.

b. Part, or all of corporate and private donations, if specified by the donating party, may be deposited into the Wildlife Theft Prevention Fund (WTPF).

E. Reporting and monitoring.
1. The Department or its agents are authorized to monitor any project where wildlife resources are affected by the construction, operation, or maintenance of any action through development activities, or where there are potential impacts to environmental quality, and to monitor any actor or entity involved in such projects. This shall include compliance with any and all requirements of any lease, right-of-way or other agreement with the Navajo Nation, or as otherwise arises under Navajo Nation or federal law, and which shall include, but not be limited to, annual reporting and entry and inspection of records regarding accounting for and expenditures of revenues from the WCF.

2. Department staff or its agents shall develop a system to monitor accounting and expenditure of revenues from the WCF. Such a monitoring system shall include review and verification of environmental data in annual reports submitted by a Contractor. The review shall provide assurance that the information reported by a Contractor is accurate and complete, and identify unallowable or questionable expenditures for follow-up. When concerns are noted during the review process, documentation to verify the eligible entities’ expenditures or accounting practices shall be provided upon demand.

§ 505704. Restocking and management; federal and state cooperation
The restocking and proper management of fish and wildlife and full cooperation with the United States Fish and Wildlife Service and the respective state fish and game departments shall be encouraged.

§ 506. 705. Revolving fund; Enterprise Fund; establishment. expenditure; report
A. All permit fees and fines assessed by the Navajo Nation Courts for violation of these regulations and other similar collections shall be set up as a special revolving fund for use in management, protection and regulation of fish and wildlife resources. These funds may be expended by the Controller of the Navajo Nation upon the recommendations of the Resources and the Budget and Finance Committees of the Navajo Nation Council.

B. The Controller shall report annually on the status of the special revolving fund to the Navajo Nation Council during consideration of the Navajo Nation Budget and the ensuing fiscal year.

There is hereby established the Enterprise Fund of the Navajo Nation Department of Fish and Wildlife, and its subsidiary fund the Wildlife Theft Prevention Fund (WTPF). All permit fees, and any fines or penalties assessed pursuant to the wildlife laws under Titles 17 and 23 shall be deposited into the Enterprise Fund or its subsidiary funds, the WCF, established at § 703 of this Title, or the WTPF, based on the Department Fund Management Plan approved by the Budget and Finance Committee of the Navajo Nation Council.

§ 507707. Predator control--Generally
The control and eradication of predatory animals shall be in accordance with regulations promulgated by the Department and approved by the Resources and Development Committee of the Navajo Nation Council.

§ 508. United States Fish and Wildlife Service

A. The United States Fish and Wildlife Service is authorized to utilize all of the modern techniques and restricted materials normally used by them in conducting rodent and predator control work on Navajo Nation Range areas; provided that prior approval is obtained from each District Grazing Committee as to the specific locations of control stations.

B. With the prior approval of District Grazing Committees, studies may be conducted to develop new and better predator and rodent control techniques.

§ 509. Violations

Any person hunting or fishing on lands subject to the jurisdiction of the Navajo Nation in violation of Navajo Nation or federal hunting and fishing laws or regulations shall be subject to applicable civil fines and restitution under this Title. Notwithstanding the application of any civil fine, restitution, or other fee assessed under this Title, a person may also be subject to criminal prosecution and additional criminal penalties in accordance with Title 17 for the same conduct. For purposes of this Title, person shall mean either Indian or non-Indian.
NAVAJO NATION CODE ANNOTATED

TITLE 23. CONSERVATION AND WILDLIFE

FISH AND WILDLIFE CIVIL CODE

CHAPTER 11. VIOLATIONS

§ 720. Definitions.

A. The “Fish and Wildlife Civil Code” shall mean all provisions within Chapters 10 and 11 of this Title.

B. The following definitions are applicable to the Fish and Wildlife Civil Code:

1. **Accomplice**: A person who intentionally or knowingly solicits, counsels, commands, facilitates, aids, agrees to aid or attempts to aid in the commission of any offense of this subchapter, although he or she did not directly commit the crime and although the principal who directly committed such offense has not been prosecuted or convicted, or has been convicted of a different offense.

2. **Aggregate**: When applied to daily bag or possession limits, means the total number of species, which are covered by such limits. Any combination of the species may be possessed to the total number established as the aggregate daily bag or possession limits.

3. **Aircraft**: Any contrivance used for flight in the air.

4. **Allotted Lands**: Land allotted to individual Indians with legal title being held in trust by the United States for the benefit of the individual Indian allottees.

5. **All-Terrain Vehicle**: A two, three, four, six-wheeled, or tracked vehicle intended for off highway use.

6. **Authorized Holder of Permit**: The person to whom a valid permit has been issued.

7. **Angling**: The take of fish by one line and not to exceed two hooks, by one line and one artificial lure, which may have attached more than one hook, or by one line and not to exceed two artificial flies or lures.

8. **Aquatic Wildlife**: All fish, amphibians and invertebrates (including mollusks and crustaceans).

9. **Bag Limit**: The maximum limit, in number or amount, of wildlife which may lawfully be taken by any one person per day (e.g. fish, etc.) or per season (e.g. deer, etc.) during a specified period of time.
10. **Bait:** Anything used to lure or attract wildlife to a particular location, including through sight, odor, and/or sound.

11. **Big Game Animals:** Are the following:
   
a. Javelina (Tayassuidae) or Collared Peccary (Pecari tajacu);
b. Pronghorn (Antilocapra americana);
c. Elk (Cervus canadensis);
d. Mule Deer (Odocoileus hemionus);
e. Moose (Alces alces);
f. American Black Bear (Ursus americana);
g. Mountain Lion, Puma or Cougar (Puma concolor);
h. Bighorn Sheep (Ovis canadensis); and
i. Wild Turkey (Meleagris gallopavo).

12. **Closed Season:** The time during which wildlife may not be lawfully taken.

13. **Citation:** Any summons, complaint, summons and complaint, ticket, penalty assessment or other official document issued to a person by a wildlife officer or other peace officer for a wildlife violation which contains an order requiring the person to respond.

14. **Collateral:** Any cash or other security deposited to secure an appearance for trial in connection with the issuance of a citation by a wildlife officer or other peace officer for a wildlife violation.

15. **Compliance:** With respect to a citation, means the act of answering a citation through an appearance in a court or tribunal, or through the payment of fines, costs and surcharges, if any.

16. **Conviction:** A conviction, including any court conviction, for any offense related to the preservation, protection, management or restoration of wildlife which is prohibited by tribal, federal, or state statute, law, regulation, ordinance or administrative rule, including the forfeiture of any bail, bond or other security deposited to secure appearance by a person charged with having committed any such offense, the payment of a penalty assessment, a plea of nolo contendere and the imposition of a deferred or suspended sentence by the court.

17. **Court:** A court of law, including the Navajo Nation courts, state or municipal courts, Federal court or peacemaker court.

18. **Reserved.**

19. **Decoy Operation:** A law enforcement function designed to capture hunters in the act of an illegal take of wildlife by using a device intended to mimic a form of wildlife.
20. **Department:** The Navajo Nation Department of Fish and Wildlife

21. **Device:** Any net, trap, snare, salt lick, scaffold, deadfall, pit, explosive, poison or stupefying substance, crossbow, firearm, bow and arrow, or other implement used for the take of wildlife. Device does not include a raptor or any equipment used in the sport of falconry.

22. **Endangered Species:** Any species of fish, wildlife, or plant on the federal Endangered Species List or on the Navajo Nation Endangered Species List.

23. **Exotic Wildlife:** A wildlife species that is not native to the Navajo Nation.

24. **Falconry:** The sport of hunting or taking quarry with a trained raptor.

25. **Feral:** Any un-owned or free ranging animal, livestock or equine not under the control of an owner, excluding wildlife.

26. **Firearm:** Any loaded or unloaded pistol, revolver, rifle, shotgun, muzzleloader, or other weapon which is designed to or may readily be converted to expel a projectile by the action of an explosion.

27. **Fur Dealer:** Any person engaged in the business of buying for resale the raw pelts or furs of wild mammals.

28. **Fur-bearing Animals:** The following are fur-bearing animals:

   a. Bobcat (Lynx rufus);
   b. American Beaver (Castor canadensis);
   c. Northern Raccoon (Procyon lotor);
   d. Ringtail (Bassariscus astutus);
   e. Gray Fox (Urocyon cinereoargenteus);
   f. Red Fox (Vulpes vulpes);
   g. Muskrat (Ondatra zibethica);
   h. Long-tail Weasel (Mustela frenata);
   i. Striped Skunk (Mephitis mephitis);
   j. Western Spotted Skunk (Spilogale gracilis);
   k. American Badger (Taxidea taxus);
   l. Opossums (Didelphis virginiana); and
   m. Coyote (Canis latrans).

29. **Game Birds:** The following are game birds:

   a. Waterfowl (All of the family Anatidae);
   b. Grouse and ptarmigans (All of the family Tetraonidae);
   c. Quail, partridges and pheasants (All of the family Phasianidae);
   d. Shorebirds, snipe, sandpipers and curlews (All of the family Scolopacidae); and
30. **Game Fish**: The following are game fish:
   a. Trout and salmon (All of the family Salmonidae);
   b. Pike (All of the family Esocidae);
   c. Catfish (All of the family Ictaluridae);
   d. Sunfish, crappie and bass (All of the family Centrarchidae);
   e. Walleye, pike and perch (All of the family Percidae);
   f. Sargo (All introduced species of the family Pomadasyidae); and
   g. Corvina, barirdiella and redfish (All introduced species of the family Sciaenidae).

31. **Guide**: A Navajo tribal member who, for pay or gain, aids or assists any person in the take of wildlife.

32. **Habitat**: The location where a particular species of plant or animal lives and its surroundings (both living and nonliving) and includes the presence of a group of particular environmental conditions surrounding an organism including air, water, soil, mineral elements, moisture, temperature, and topography.

33. **Hunter Orange**: A minimum of 300 square inches of daylight fluorescent orange garment worn as an outer garment.

34. **Importation**: The act of receiving, bringing, shipping into, or otherwise causing to be brought into the Navajo Nation any exotic and non-native fish, wildlife, or plant(s), or parts thereof, from a location outside the Navajo Nation.

35. **Intoxicated**: Having a blood alcohol content (BAC) of .08 or higher; or, for a minor, any blood alcohol content; or otherwise impaired by alcohol or any other intoxicating substance or narcotic as determined by failing a standard field sobriety test.

36. **Introduction**: The release, or attempt to release, wildlife from outside the Navajo Nation into an undomesticated habitat (*i.e.* the wild) within the Navajo Nation without the approval of the Department.

37. **Invasive Species**: Shall have the same meaning as Exotic Wildlife.

38. **Legal Hunting Hours**: Half an hour before sunrise to half an hour after sunset, unless otherwise specified.

39. **License**: Any license, permit or other public document that conveys to the person to whom it was issued the privilege of pursuing, possessing or taking any fish or wildlife regulated by statute, law, or regulation.
40. **License Year** (small game and fishing): The twelve-month period between January 1 and December 31.

41. **Licensing Authority**: The Navajo Nation Department of Fish and Wildlife or other entity authorized by applicable law to issue or approve licenses or permits to hunt, fish, trap or possess wildlife on Navajo Nation land.

42. **Loaded Firearm**: A firearm with an unexpended cartridge or shell in the firing chamber.

43. **Management Hunt**: A hunt planned or organized by the Department for a specific purpose: to thin out populations of specific species; to expose youth to hunting; or any other purpose deemed necessary by the Department.

44. **Migratory Bird**: A migratory bird is any species or family of birds that live, reproduce or migrate within the United States or across international borders at some point during their annual life cycle.

45. **Motor Vehicle**: Any motorized vehicle including all-terrain vehicles, off road vehicles, boats, jet skis, buses, tractors, snowmobiles, motorcycles, trucks, cars, and vans.

46. **Native Wildlife**: A species or subspecies of wildlife that historically inhabited, existed on or naturally migrated onto the Navajo Nation.

47. **Navajo Nation**: All lands within the jurisdiction of the Navajo Nation including lands held in fee or trust or allotted lands, and dependent Navajo Indian communities.

48. **Navajo Nation Endangered Species List**: A list of species and subspecies of wildlife indigenous to the Navajo Nation which are determined to be endangered within the Navajo Nation, as recommended by the Navajo Nation Department of Fish and Wildlife and approved by the Resources and Development Committee of the Navajo Nation Council.

49. **Navajo Tribal Member**: A Navajo Indian who possesses a Navajo Nation Census number.

50. **Navajo Nation Waters**: All waters that are within the Navajo Nation, or are owned and controlled by the Navajo Nation, including, but not limited to, any rivers, streams, lakes, ponds, or wetlands.

51. **Non-game Birds**: All birds except game birds as defined in this section.

52. **Non-game Fish**: All species of native fish and any other fish which are on the federal or Navajo Nation protected or endangered species list.
53. **Non-game Animals**: All native or non-native species of animals that are not classified as either a game animal, game bird, and/or a furbearer.

54. **Non-Navajo**: A person that is not a Navajo Tribal Member.

55. **Peace Officer**: The Wildlife Law Enforcement Manager of the Department of Fish and Wildlife, all lawfully commissioned Wildlife Conservation Officers, Navajo Nation Rangers, Forestry Officers and Division of Public Safety officers.

56. **Person**: An individual—Indian or non-Indian; a partnership, sole proprietorship, or corporation, whether public or private, for-profit or non-profit, wherever organized, and any employee, director or officer of same; any governmental entity, unit or agency, whether tribal, local, state or federal, or any employee or official of the same.

57. **Plants**: Living organisms belonging in the kingdom plantae that includes trees, herbs, bushes, grasses, vines, ferns, mosses and algae; including nuts, seeds, berries, flowers or any other reproductive seed of any plant.

58. **Possession Limit**: The maximum limit, in number or amount of wildlife, which may be possessed at one time by any one person.

59. **Raptors**: A bird of prey belonging to the following groups:
   a. Hawks and eagles (All of the family Accipitridae);
   b. Vultures and condors (All of the family Cathartidae);
   c. Falcons (All of the family Falconidae);
   d. Shrikes (All of the family Laniidae); and
   e. Owls (All of the family Tytonidae and Strigidae).

60. **Reserved**

61. **Residence**: Any structure, occupied or unoccupied, in which one resides, either permanently or temporarily.

62. **Road or roadway**: Any maintained or unmaintained road regularly used by the public for travel, ingress or egress.

63. **Small Game Animals**: The following are small game animals:
   a. Squirrels, Chipmunks, and Prairie Dogs;
   b. Rabbits and Jackrabbits;
   c. Feral dogs and cats; and
   d. European Starlings and House Sparrows.

64. **Songbirds**: Any bird whose principal food consists of insects, comprising all the species and varieties of such birds, represented by the several families of
bluebirds, including but not limited to the western and mountain bluebirds, bobolinks, catbirds, chickadees, cuckoos, roadrunner, flickers, flycatchers, grosbeaks, hummingbirds, kinglets, martins, meadowlarks, nighthawks, nuthatches, orioles, robins, shrikes, swallows, swifts, tanagers, titmice, thrushes, vireos, warblers, waxwings, whippoorwills, woodpeckers, wrens, and all other perching birds which feed entirely or chiefly on insects.

65. **Suspension or revocation**: A cancellation, annulment, denial or withdrawal of any or all license privileges, for any period of time, including the privilege to apply for, purchase or exercise the benefits conferred by any license.

66. **Take taking or taken**: To intentionally, knowingly, recklessly, negligently or accidentally harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, collect or possess wildlife, including plants, or parts thereof or to attempt to engage in any such conduct, including scouting for the purpose of a take; may include significant habitat modification or degradation if it kills or injures wildlife by significantly impairing essential behavioral patterns including reproduction, feeding, or sheltering. To be a lawful take, a permit is necessary.

67. **Taxidermist**: Any person who engages for hire in the mounting, refurbishing, maintaining, restoring or preserving of any display specimen.

68. **Transplant or translocate**: The moving or release of, or attempting to introduce, intentional or otherwise, plants and wildlife onto the Navajo Nation without the approval of the Department.

69. **Transporting**: To convey, move, carry, or ship, or cause same, from one location to another, either by vehicle, horse, wagon, plane boats or other means of conveyance used in transporting such item.

70. **Traps or trapping**: To take wildlife in any manner except with a gun or other hand-held implement, to include padded-jaw leg-hold, steel-jawed leg-hold, leg-hold, snare, live trap and conibear traps, snares, dead-falls, cage traps or other devices designed to confine, hold, grasp, grip, clamp or crush an animal’s body or body part(s).

71. **Trophy**: Includes the following:
   a. A mule deer with a score of 154 and above on the Safari Club International scoring system;
   b. An elk with a score of 252 and above on the Safari Club International scoring system;
   c. A pronghorn (antelope) with a score of 63 and above on the Safari Club International scoring system;
   d. Any bighorn sheep;
   e. Any mountain lion, puma, or cougar with a skull length above 12 inches on the SCI scoring system;
f. Any black bear with a skull length above 16 inches on the SCI scoring system; and

g. Any wild turkey with a beard length of at least six inches.

72. **Valid Small Game/Fishing Permit**: A permit for small game animals or fish that has been issued by the Department or its authorized vendors, has been made out to the bearer, has not been changed or otherwise tampered with, has not expired or been revoked, and is signed by the authorized permittee or his or her parent or guardian.

73. **Valid Big Game Permit**: A permit for big game animals that has been issued by the Department and has been made out to the bearer, and has not been changed or otherwise tampered with, has not expired or been revoked during Big Game Hunts, is signed by the authorized permittee prior to hunting, and which is not valid after a harvest is made if the bearer fails to sign and affix the date and time of the take on the back of the permit.

74. **Watercraft**: Any boat, sailboard or other floating device of rigid or inflatable construction designed to carry people on the water and that is propelled by machinery, oars, paddles, or wind action on a sail, EXCEPT makeshift contrivances constructed by inner tubes or other floatable materials.

75. **Waterfowl**: Means the following:
   a. Coots and Common Moorhens;
   b. Ducks and Geese (all of the family Anatidae), except Swans; and
   c. Sandhill cranes (Grus Canadensis).

76. **Wild**: Those species that are normally found in a state of nature.

77. **Wildlife**: All wild species of animals and native plants, and parts thereof, including, but not limited to, mammals, birds, reptiles, amphibians, fish, invertebrates (including mollusks and crustaceans); including active nests, eggs, and seeds; which are undomesticated and occur naturally in the wild. These species may include those hunted and collected and which are subject to protection or otherwise regulated by Navajo, federal or state statutes, laws, regulations and administrative rules.

78. **Wildlife Laws**: Any statute, law, regulation, ordinance or administrative rule developed and enacted for the management of wildlife resources and the uses thereof.

79. **Wildlife Conservation Officer**: A peace officer in the Fish and Wildlife Department commissioned by the President of the Navajo Nation to enforce Wildlife Laws.
80. **Wildlife Conservation Fund (WCF):** A Navajo Nation Fund that is a subsidiary fund of the Navajo Nation Department of Fish and Wildlife Enterprise Fund. Funds deposited into this account are primarily generated from fines for violations against endangered species, as the Department sees fit.

81. **Wildlife Theft Prevention Fund (WTPF):** Also referred to as Operation Game Thief, a Navajo Nation account with funds available for reward payments for information leading to the arrest or citations of individuals for violations of Navajo Nation wildlife laws and regulations. Funds deposited into this account are primarily generated from fines for violations of criminal and civil activities not concerning endangered species, as the Department sees fit.

82. **Wildlife Violation:** Any cited violation or contravention of a statute, law, regulation, ordinance or administrative rule developed and enacted for the management of wildlife resources and the uses thereof.

83. **Zoo:** A commercial facility open to the public where the principal business is holding wildlife in captivity for exhibition purposes.

§ 721. **Scope and Enforcement.**

A. The Fish and Wildlife Civil Code shall apply within the territorial jurisdiction of the Navajo Nation and to every person within the jurisdiction of the Navajo Nation, except it shall not apply to peace officers or employees of the Department who are engaged in official duties authorized by the Department, this Code or its regulations, or other applicable law.

B. All peace officers, as defined herein, are authorized to enforce the provisions of the Fish and Wildlife Civil Code and any regulations promulgated thereto, and:

1. May stop any person who is taking, attempting to take, has taken or is in possession of any wildlife and/or is conveying, shipping or transporting such wildlife; to validate that such wildlife was lawfully taken in accordance with Federal, State and/or Navajo Nation laws, statutes and regulations.

2. Shall seize any wildlife held in violation of this Chapter:

3. Upon valid authority, may open, enter and examine all camps, wagons, any vehicles, cars, tents, packs, boxes, barrels and packages where he or she has reason to believe any wildlife, including plants, game or fish taken or held in violation of this Chapter is to be found, and where unlawfully taken or held shall seize it.
4. Shall seize any weapons, ammunition, traps, equipment, property, vehicles, off road vehicles, boats, aircraft and any other property used to violate Navajo Nation’s wildlife laws, statutes, or regulations.

C. Wildlife Conservation Officers:

1. Shall have the power of law enforcement officers and carry a Department issued weapon while enforcing wildlife laws under Titles 17 and 23. Officers may investigate and enforce other criminal and civil laws only where the violation is related to violation of the wildlife laws where the Officer has a reasonable suspicion that such a law has been violated; or where an emergency exists.

2. May issue citations, investigate suspected violations of Navajo Nation or federal law, request for warrant and serve such warrant, request for summons and serve such summons, and stop persons for the purpose of issuing a civil citation to any person who violates Navajo Nation or federal wildlife laws, statutes or regulations. Upon federal commission, officers shall exercise the authorities to enforce federal laws, statutes, or regulations consistent with the Commission.

3. May establish and operate decoy operations in order to detect and deter the illegal take of wildlife.

4. May establish road blocks or wildlife check stations at points along established roads for the purpose of ensuring compliance with Navajo Nation and federal wildlife laws, and for the collection of wildlife management data.

§ 722. Accomplice Liability.

A. A person may be charged with and convicted of any offense in this Subchapter as an Accomplice.

B. The sentence for Accomplice liability shall be the same as the sentence for the underlying offense.

§ 723. Take of wildlife without a valid permit.

A. Offense. A person commits the civil offense of an unlawful take of wildlife without a valid permit if he or she takes any wildlife without a valid permit.

B. Fine. Any person engaged in the take of wildlife without a valid permit shall be fined as followed:
1. For the unlawful take of game fish, a minimum fine of One Hundred Dollars ($100) but not to exceed one thousand dollars ($1,000) per fish.

2. For the unlawful take of game birds, a minimum fine of two hundred dollars ($200), but not to exceed two thousand dollars ($2,000).

3. For the unlawful take of big game animals, a minimum fine of five hundred dollars ($500), but not to exceed five thousand dollars ($5,000) per big game animal.

4. For the unlawful take of Raptors, a minimum fine of five hundred dollars ($500), but not to exceed five thousand dollars ($5,000) per raptor.

§ 724. Take of wildlife out of season.

A. Offense. A person commits the civil offense of the unlawful take of wildlife out of season if he or she takes any wildlife outside the designated season for that species.

B. Fine. Any person engaged in take wildlife out of season shall pay a minimum fine of two hundred dollars ($200), but not to exceed five thousand dollars ($5,000).

§ 725. Take of wildlife during non-hunting hours or a time of day not permitted by law.

A. Offense. A person commits the civil offense of the unlawful take of wildlife during non-hunting hours if he or she takes any wildlife during a time not permitted by law or regulation.

B. Fine. Any person engaged in the unlawful take of wildlife during a time of day not permitted by law shall pay a minimum fine of two hundred dollars ($200), but not to exceed five thousand dollars ($5,000).

§ 726. Exceeding the number of wildlife permitted by law or regulation.

A. Offense. A person commits the civil offense of exceeding the number of wildlife permitted by law or regulation if he or she exceeds any bag or possession limit.

B. Fine. Any person exceeding the number of wildlife permitted by law or regulation shall pay a minimum fine of two hundred dollars ($200), but not to exceed five thousand dollars ($5,000).

§ 727. Take of wildlife in a location not permitted by law or regulation.
A. Offense. A person commits the civil offense of the unlawful take of wildlife in a location not permitted by law or regulation if he or she takes wildlife in an area not authorized by permit, a closed area, or in another area not designated for take of wildlife.

B. Fine. Any person engaged in the unlawful take of wildlife in a location not permitted by law or regulation shall pay a minimum fine of one hundred dollars ($100) but not to exceed one thousand dollars ($1,000).

§ 728. Take of wildlife in a manner not permitted by law or regulation.

A. Offense. A person commits the civil offense of the unlawful take of wildlife in a manner not permitted by law or regulation; by committing take according to the definition within this Chapter without a valid permit from the Department or United States Fish and Wildlife Service; if he or she hunts in a manner inconsistent with law or regulation; or any other action prohibited by any law or regulation.

B. Fine. Any person engaged in the unlawful take of wildlife in a manner not permitted by law or regulation shall pay a minimum fine of two hundred dollars ($200), but not to exceed five thousand dollars ($5,000).

§ 729. Unlawful possession of wildlife.

A. Offense. A person commits the civil offense of the unlawful possession of wildlife if without lawful authority he or she possesses, trades or barters, offers for sale, sells, offers to purchase or purchases all or any part of any wildlife, or attempts any of the above.

B. Fine. Any person in unlawful possession of wildlife shall pay a fine as follows:

1. For the unlawful possession of game fish a minimum fine of one hundred dollars ($100) per fish, but not to exceed five thousand dollars ($5,000) per fish.

2. For the unlawful possession of game birds or song birds, a minimum fine of two hundred dollars ($200) per bird, but not to exceed five thousand dollars ($5,000) per bird.

3. For the unlawful possession of game animals and other wildlife not addressed in this section, a minimum fine as follows, but not to exceed five thousand dollars ($5,000) per animal:
   a. Antelope, One Thousand Dollars ($1,000);
   b. Bighorn Sheep, Two Thousand Dollars ($2,000);
   c. Black Bear, One Thousand Dollars ($1,000);
   d. Deer, One Thousand Two Hundred Dollars ($1,200);
e. Elk, One Thousand Two Hundred Dollars ($1,200);
f. Mountain Lion, Cougar, or Puma One Thousand Dollars ($1,000);
g. Turkey, Six Hundred Dollars ($600);
h. Small Game Animal, One Hundred Dollars ($100);
i. Red Fox, Three Hundred Dollars ($300);
j. Gray Fox, Three Hundred Dollars ($300);
k. Kit Fox, Five Hundred Dollars ($500);
l. Bobcat, Nine Hundred Dollars ($900);
m. Badger, Two Hundred Dollars ($200);
n. Beaver, Two Hundred Dollars ($200);
o. Coyote, Two Hundred Dollars ($200);
p. Other wildlife, Two Hundred Dollars ($200).

4. For the unlawful possession of raptors, fined a minimum for each raptor as follows, but not to exceed five thousand dollars ($5,000) per raptor:
a. Eagle, Four Thousand Dollars ($4,000);
b. Raptor other than Eagle, Two Thousand Dollars ($2,000).

§ 730. Unlawful take of songbird.

A. Offense. A person commits the civil offense of the unlawful take of songbird if without lawful authority he or she takes any songbird.

B. Fine. Any person who unlawfully takes a songbird shall pay a minimum fine of one hundred dollars ($100), but not to exceed one thousand dollars ($1,000).

§ 731. Unlawful take of fur-bearing animal.

A. Offense. A person commits the civil offense of the unlawful take of a fur-bearing animal if without lawful authority he or she takes any fur-bearing animal.

B. Fine. Any person who unlawfully takes a fur-bearing animal shall pay a minimum fine of two hundred dollars ($200), but not to exceed two thousand dollars ($2,000).

§ 732. Unlawful take of Bald or Golden Eagle.

A. Offense. A person commits the civil offense of unlawful take of Bald or Golden Eagles if without lawful authority he or she takes any Bald or Golden Eagles.

B. Fine. Any person engaged in the unlawful take Bald or Golden Eagles shall pay a minimum fine of four thousand dollars ($4,000), but not to exceed five thousand dollars ($5,000).

§ 733. Unlawful take of raptor other than an eagle.
A. Offense. A person commits the civil offense of the unlawful take of a raptor other than an eagle if without lawful authority he or she takes any raptor other than an eagle.

B. Fine. Any person who unlawfully takes a raptor other than an eagle shall pay a minimum fine of four hundred dollars ($400), but not to exceed five thousand dollars ($5,000).

§ 734. Unlawful take, possession, or transporting of endangered species.

A. On the basis of investigations concerning wildlife, and other available scientific and commercial data, the Resources and Development Committee of the Navajo Nation Council shall by regulation develop a list of those species and subspecies of wildlife indigenous to the Navajo Nation which are determined to be endangered within the Navajo Nation giving their common and scientific names by species and subspecies.

B. The Director of the Department shall conduct a review of the Navajo Nation list of endangered species biennially, and may present to the Resources and Development Committee of the Navajo Nation Council recommendations for appropriate additions to or deletions from the list.

C. Any species or subspecies of wildlife appearing on any of the foregoing lists, transported into the Navajo Nation from a state of the United States and destined for a point beyond the Navajo Nation may be transported across the Navajo Nation without restriction in accordance with the terms of any Tribal, state, or federal permit.

D. Except as otherwise provided by law, it is a civil offense for any person to take, possess, transport, export, process, sell, or offer for sale, or ship any species or subspecies, or parts thereof, of wildlife appearing on any of the following lists:

1. The Navajo Nation Endangered Species List, as set forth by resolution of the Resources and Development Committee of the Navajo Nation Council.

2. The United States lists of endangered fish and other wildlife, as set forth in Section 4 of the Endangered Species Act of 1973, as may be amended from time to time.

E. Fine. Any person engaged in unlawful take, possessing, or transporting an endangered species shall pay a minimum fine of two thousand five hundred dollars ($2,500) for each individual plant or animal, but not to exceed five thousand dollars ($5,000) for each individual plant or animal.

§ 735. Unlawful take of small game animal.
A. Offense. A person commits the civil offense of the unlawful take of small game animal if without lawful authority he or she takes any small game animal.

B. Fine. Any person who unlawfully takes a small game animal shall pay a minimum fine of two hundred dollars ($200), but not to exceed five thousand dollars ($5,000).

C. Civil Restitution: In addition to or in lieu of any civil fine assessed hereunder, the Department may require the violating party to pay the Department for the value of the wildlife taken and have such funds deposited into the WTPF.

D. The Director of the Department may issue permits to allow any person to take or possess any small game animal protected by this section. Permits shall be granted upon application and without charge for the following purposes:

1. Indian religious and ceremonial purposes;
2. Scientific purposes in accordance with the rules and regulations of the Resources Committee of the Navajo Nation Council.

§ 736. Destruction of sign or structure.

A. Offense. It is a civil offense for any person to mutilate destroy, attempt to destroy, or deface any sign, marker, or any other structure, whether permanent or temporary, designed for the purpose of regulating and managing any wildlife protected by this title.

B. Fine. Any person committing a civil offense under this section shall pay a minimum fine of two hundred dollars ($200), but not to exceed two thousand dollars ($2,000) per violation.

C. Civil Restitution. In lieu of fines, the Department may order the violating party to pay restitution for the cost of repairing or replacing the damaged property, including but not limited to materials, labor, and transportation costs.

§ 737. Unlawful driving of wildlife.

A. Offense. It is a civil offense for any person to drive or attempt to drive wildlife from any area where that person is not authorized to take said wildlife, whether from, onto or across Navajo Nation land.

B. Fine. Any person who violates this section shall pay a minimum fine of one hundred dollars ($100), but not to exceed two thousand dollars ($2,000).

§ 738. Unlawful camping.
A. Offense. It is a civil offense for a person to camp within one-half mile of any water hole containing water, excluding any lake, stream or river, or to camp in areas designated and posted as “no camping” or to camp in a designated fee area without paying.

B. Fines. Any person unlawfully camping pursuant to this section shall pay a minimum fine of one hundred dollars ($100), but not to exceed two thousand dollars ($2,000).

§ 739. Use of weapon while intoxicated.

A. Offense. It is a civil offense for any person while taking or attempting to take wildlife, or while in any hunting area, to handle or discharge any weapon while intoxicated or while under the influence of an intoxicating substance or narcotic drugs.

B. Fine. Any person who uses a weapon while intoxicated shall pay a minimum fine of five hundred dollars ($500), but not to exceed five thousand dollars ($5,000).

C. A person committing a civil offense pursuant to this section shall be subject to suspension/revocation of his/her hunting, guiding, trapping and fishing privileges for a period of:
   1. First Offense: one year suspension;
   2. Second Offense: five years suspension;
   3. Third Offense: permanent suspension.

D. A final Department determination under this section shall be appealable to the Office of Hearing and Appeals.

§ 740 Interference with rights of hunters, trappers or fishermen; classification; civil action; exceptions.

A. Offense. It is a civil offense for a person while in a hunting, trapping or fishing area to intentionally interfere with, prevent or disrupt the lawful take of wildlife by:

1. Harassing, driving or disturbing any wildlife.
2. Blocking, obstructing or impeding, or attempting to block, obstruct or impede, a person lawfully taking wildlife.
3. Erecting a barrier, or locking a gate, without the consent of the Navajo Nation with the intent to deny ingress to or egress from areas where wildlife may be lawfully taken.
4. Making or attempting to make a threat, assault or battery on a person lawfully taking wildlife.
5. Engaging in, or attempting to engage in, theft, vandalism or destruction of real or personal property, except where that person has a reasonable belief that the property has been abandoned or lost.

6. Disturbing or altering, or attempting to disturb or alter, the condition or authorized placement of real or personal property intended for use in the lawful take of wildlife.

7. Making or attempting to make loud noises or gestures, set out or attempt to set out animal baits, scents or lures or human scent, use any other natural or artificial visual, aural, olfactory or physical stimuli, or engage in or attempt to engage in any other similar action or activity, in order to disturb, alarm, drive, attract or affect the behavior of wildlife or disturb, alarm, disrupt or annoy a person lawfully taking wildlife.

8. Interjecting oneself into the line of fire of a person lawfully taking wildlife.

B. Fine. Any person unlawfully interfering with the rights of hunters, trappers or fishermen shall pay a minimum fine of five hundred dollars ($500), but not to exceed five thousand dollars ($5,000).

C. Exception. The conduct declared unlawful in this section does not include or apply to:
   1. Any incidental interference arising from lawful activity by public land users, including ranchers, miners or recreationists.
   2. Landowners, permittees, lessees or their agents or contractors engaged in animal husbandry practices or agricultural operations.

§ 741. Big game killed by motor vehicle; salvage permit; civil violation; classification.

A. Notwithstanding any other provision of this title, the carcass of a big game animal that has been killed as a result of an accidental collision with a motor vehicle on a maintained road may be possessed and transported by any individual who first obtains a big game salvage permit issued by a peace officer. A person may possess or transport the carcass or any part of the carcass of a big game animal killed as a result of an accidental collision with a motor vehicle only as provided by this section.

B. A permit issued under this section carries no representation or implication that any part of the carcass is edible. Neither the peace officer, the agency employing the peace officer nor the Department shall be liable with respect to any use made of the carcass.

C. Offense. A violation of this section constitutes unlawful possession of wildlife.

§ 742. Applying for or obtaining license or permit by fraud or misrepresentation; classification.
A. Offense. It is a civil offense for a person to knowingly apply for, obtain, or assist another in applying for or obtaining, by fraud or misrepresentation, a license or permit to take wildlife.

B. Fine. Any person who commits the civil offense of applying for or obtaining a license or permit by fraud or misrepresentation shall pay a minimum fine of five hundred dollars ($500), but not to exceed five thousand dollars ($5,000).

§ 743. Reckless operation of an off road vehicle, all-terrain vehicle or snowmobile.

A. Offense: It is a civil offense for any person to drive an off-road vehicle with reckless disregard for the safety of persons, property or wildlife.

B. It is a civil offense for any person to use an all-terrain vehicle or snowmobile on Navajo Nation lands during an authorized or unauthorized big game hunt, except as expressly authorized by a permit issued by the Department. The conduct declared unlawful in this section does not apply to permittees, lessees or their agents or contractors engaged in animal husbandry practices, agricultural operations or ranching.

C. Fine. Any person committing a civil offense under this section shall pay a minimum fine of one hundred dollars ($100), but not to exceed one thousand dollars ($1,000).

§ 744. Shooting upon or across roadway.

A. Offense. It is a civil offense for any person to discharge any firearm or release any arrow upon or across any roadway or within fifty feet of any roadway including an unmaintained road if the hunter knows or should have known that it is used for accessing an occupied residence.

B. Fine. Any person who violates this section shall pay a minimum fine of one hundred dollars ($100), but not to exceed one thousand dollars ($1,000).

§ 745. Discharge of firearm within 500 feet of an occupied dwelling without written permission of the owner or occupant.

A. Offense. It is a civil offense to discharge a firearm within five hundred feet of any occupied dwelling or structure without written consent of the owner or occupant.

B. Fine. Any person who violates this section shall pay a minimum fine of one hundred dollars ($100), but not to exceed one thousand dollars ($1,000).

§ 746. Taking wildlife with aid of motor vehicle.
A. Offense. It is a civil offense for any person to take wildlife by the aid or use of any motor vehicle, unless such vehicle is a boat or floating device that is beached, resting at anchor, or fastened within or tied immediately alongside of any type of fixed hunting blind, or unless expressly authorized by a permit issued by the Department.

B. Fine. Any person who violates this section shall pay a minimum fine of two hundred and fifty dollars ($250) per violation, but not to exceed five thousand dollars ($5,000).

§ 747. Taking wildlife with artificial light.

A. Offense. It is a civil offense for a person to take wildlife with the aid or use of artificial light.

B. Fine. Any person who violates this section shall pay a minimum fine of two hundred and fifty dollars ($250) per violation, but not to exceed five thousand dollars ($5,000).

C. Exception. This section does not apply to Department employees conducting predator control.

§ 748. Hunting without hunter orange.

A. Offense. It is a civil offense for a person to hunt without hunter orange where required by regulation.

B. Fine. Any person who violates this section shall pay a minimum fine of fifty dollars ($50) per violation, but not to exceed one thousand dollars ($1,000).

§ 749. Failure to identify owner of leg-hold trap.

A. Offense. It is a civil offense for any person to place or set any leg-hold trap for the take of wildlife unless he or she has identified each trap with either the name and address of the owner or a registration number that is registered with the Department.

B. Fine. Any person who violates this section shall pay a minimum fine of fifty dollars ($50) per violation, but not to exceed two hundred and fifty dollars ($250).

§ 750. Waste of game fish or big game animal.

A. Offense. It is a civil offense to:

1. Take any game fish or big game animal and fail to transport the edible portions of the meat obtained to his/her home for human consumption or
to provide for the human consumption thereof except as authorized by
regulations established by the Department; or

2. Wound or suspect to have wounded any wildlife and fail to go to the place
where the animal sustained or may have sustained the wound and make a
reasonable attempt to track the animal and reduce it to possession.

B. Fine. Any person violating this section shall pay a minimum fine of two hundred
dollars ($200), but not to exceed one thousand dollars ($1,000).

§ 751. Hunting, guiding, fishing or boating while intoxicated.

A. Offense. It is a civil offense for any person to hunt, guide, fish or boat while
intoxicated.

B. Fine. Any person violating this section shall pay a minimum fine of five hundred
dollars ($500), but not to exceed five thousand dollars ($5,000).

§ 752. Restrictions on watercraft.

A. It is a civil offense for any person to operate or use a watercraft on the waters of the
Navajo Nation, unless such watercraft is six (6) feet or greater in length and capable of
safely supporting two (2) or more persons in the normally dry condition.

B. It is a civil offense to operate any makeshift contrivances constructed of inner tubes or
other floatable materials on waters of the Navajo Nation.

C. Fine: A person violating this section shall pay a minimum fine of one hundred dollars
($100), not to exceed five hundred dollars ($500) per violation.

D. Exception. This section does not apply to kayaks, fishing or float tubes.

§ 753. Guiding without a permit.

A. Offense. It is a civil offense to provide hunting or fishing guide services without a
valid guide permit issued by the Department.

B. Fine. Any person who violates this section shall pay a minimum fine of one
hundred dollars ($100), but not to exceed one thousand dollars ($1,000).

§ 754. Failure to comply with Guide requirements.

A. Offense. It is a civil offense for any person who is providing hunting or fishing
guide services to fail to comply with guide requirements and applicable
regulations established by the Department.
B. Fine. Any person who violates this section shall pay a minimum fine of one hundred dollars ($100) per violation, but not to exceed one thousand dollars ($1,000) per violation.

§ 755. Use of aircraft for take.

A. Offense. It is a civil offense to take wildlife from an airplane or other airborne vehicle or device.

B. Fine. Any person who violates this section shall pay a minimum fine of one thousand dollars ($1,000) per violation, but not to exceed five thousand dollars ($5,000) per violation.

C. Exception. Tribal and federal agencies may use aircraft to manage wildlife resources in the performance of their duties.

§ 756. Interference with a peace officer.

A. Offense. It is a civil offense for any person to interfere with, obstruct, intimidate or harass a peace officer in the lawful performance of his/her duty.

B. Fine. Any person who violates this section shall pay a minimum fine of two thousand five hundred dollars ($2,500) per violation, but not to exceed five thousand dollars ($5,000) per violation.

§ 757. Failure to stop at road blocks or game check station.

A. Offense. It is a civil offense for any person returning from hunting, fishing or trapping to fail to stop at a Department road block or game check station where a stop sign or check station sign or red or blue light is displayed.

B. Fine. Any person who violates this section shall pay a minimum fine of one hundred dollars ($100), but not to exceed five hundred dollars ($500).

§ 758. Failure to tag game animal properly.

A. Offense. It is a civil offense to fail to properly tag a big game animal with a carcass tag prior to moving or transporting the carcass in accordance with applicable regulations.

B. Fine. Any person violating this section shall pay a minimum fine of one hundred dollars ($100), but not to exceed one thousand dollars ($1,000).

§ 759. Carrying a loaded firearm in or on a motor vehicle.
A. Offense. It is a civil offense to carry a loaded firearm in or on any motor vehicle while hunting, except as specifically permitted by the Department or as permitted pursuant to this Title.

B. Fine. Any person who violates this section shall pay a minimum fine of two hundred dollars ($200), but not to exceed two thousand dollars ($2,000).

§ 760. Failure to stop vehicle when ordered.

A. Offense. It is a civil offense for any driver to fail to stop after receiving a visual or audible stop signal from a peace officer.

B. Fine. Any person who violates this section shall pay a minimum fine of two hundred dollars ($200), but not to exceed two thousand dollars ($2,000).

§ 761. Reckless operation of motor vehicle.

A. Offense. It is a civil offense to recklessly operate a motor vehicle while taking wildlife, or to operate a motor vehicle so as to endanger or harm a peace officer in the conduct of his or her duties, or so as to endanger or harm any other person while that person is taking wildlife.

B. Fine. Any person who violates this section shall pay a minimum fine of three hundred dollars ($300), but not to exceed three thousand dollars ($3,000).

§ 762. Interfere with operation of vehicle, or to flee or elude a peace officer.

A. Offense. It is a civil offense to interfere, or attempt to interfere with the operation of a peace officer’s vehicle, or any other vehicle, or to increase his speed and attempt to flee or elude a peace officer in the performance of his/her duties.

B. Fine. Any person violating this section shall pay a minimum fine of five hundred dollars ($500), but not to exceed five thousand dollars ($5,000).

§ 763. Littering.

A. Offense. It is a civil offense to throw, place, drop, abandon or dispose of any litter or waste in an area designated for the taking of wildlife, unless such area is designated as a lawful waste disposal site, or unless otherwise authorized by applicable laws, regulations or permit.

B. Fine. Any person who violates this section shall pay a minimum fine of three hundred dollars ($300), not to exceed fifteen hundred dollars ($1,500), except that in lieu of said fine, the offender may serve not less than 40 hours picking up litter from a recreation area, lake or park on the Navajo Nation.
§ 764. Transport of wildlife.

A. Offense. It is a civil offense to intentionally, knowingly, recklessly or negligently transport any wildlife or parts thereof without a permit or other written permission from the Department.

B. Fine. Any person violating this section shall pay a minimum fine of three hundred dollars ($300), but not to exceed fifteen hundred dollars ($1,500).

§ 765. Possession of live wildlife.

A. Offense. It is a civil offense to intentionally, knowingly, recklessly or negligently possess live wildlife without a federal permit or a permit issued by the Department.

B. Fine. Any person who violates this section shall pay a minimum fine of one hundred dollars ($100), not to exceed five hundred dollars ($500).

§ 766. Importation of live wildlife into the Navajo Nation.

A. Offense. It is a civil offense for any person to knowingly, intentionally or recklessly import, possess, sell, exhibit, abandon or release any live wildlife, native or non-native, or the eggs, seeds or progeny thereof onto the Navajo Nation, without first obtaining written approval from the Department.

B. Fine. Any person who violates this section shall pay a minimum fine of one thousand dollars ($1,000), not to exceed five thousand dollars ($5,000).

§ 767. Baiting.

A. Offense. It is a civil offense for any person to take any wildlife with bait except as specifically authorized pursuant to regulations established by the Department.

B. Fine. Any person who violates this section shall pay a minimum fine of one hundred dollars ($100), not to exceed five hundred dollars ($500).

C. Exceptions. This section does not apply to federal or Navajo Nation personnel acting within the scope of their official duties.

§ 768. Destroying, disturbing, or removing traps or trapped animals of another.

A. Offense. It is a civil offense for any person to intentionally, knowingly, recklessly, or negligently destroy, disturb, or remove any trap or snare belonging to another person or remove wildlife from a trap or snare belonging to another person without consent of the owner of the trap or snare.
§ 769. Take of a Trophy game animal during a management hunt.

A. Offense. It is a civil offense to intentionally, recklessly, knowingly, or negligently take a Trophy game animal during a management hunt.

B. Fine. Any person who violates this section shall pay a minimum fine of one hundred dollars ($100), not to exceed five hundred dollars ($500).

§ 770. Reckless operation of watercraft.

A. Offense. It is a civil offense to operate watercraft in reckless disregard of the rights and safety of others, and at a speed or in a manner so as to endanger or be likely to endanger any person or property.

B. Fine. Any person who violates this section shall pay a minimum fine of two hundred fifty dollars ($250), but not to exceed five thousand dollars ($5,000), and shall attend a boat safety education training course authorized by the Department.

§ 771. Personal flotation device required.

A. Offense. It is a civil offense to operate or be a passenger in a watercraft without the use of a personal flotation device (PFD) fastened to the body at all times, except as authorized by regulations established by the Department.

B. Fine. A person who violates this section shall pay a minimum fine of fifty dollars ($50), not to exceed one hundred fifty dollars ($150) per violation.

§ 772. Failure to secure infant/child passenger with personal flotation device.

A. Offense. It is a civil offense for any parent, guardian, or custodian of an infant or child, twelve years of age or younger, to fail to properly secure the child in a personal flotation device (PFD) when in a watercraft on Navajo Nation waters. The PFD shall comply with United States Coast Guard Standards.

B. Fine. A person who violates this section shall pay a minimum fine of one hundred dollars ($100), not to exceed five hundred dollars ($500) per violation.

§ 773. Operating a watercraft not equipped as required.

A. Offense. It is a civil offense to operate a watercraft without the equipment required to meet United States Coast Guard Standards.
§ 774. Operating a watercraft with more persons or weight on board than the craft is rated or designed to safely carry.

A. Offense. It is a civil offense to operate a watercraft with more persons or weight on board than the watercraft is rated or designed to safely carry.

B. Fine. A person who violates this section shall pay a minimum fine of one hundred dollars ($100), not to exceed five hundred dollars ($500) per violation.

§ 775. Depositing, discarding, dumping, or leaving fuel or oil or their containers in or near Navajo Nation waters.

A. Offense: It is a civil offense to intentionally, knowingly, recklessly or negligently deposit, discard, dump or otherwise leave fuel, oil or waste in or near Navajo Nation waters.

B. Fine. A person who violates this section shall pay a minimum fine of five

§ 776. Restrictions on motors.

A. Offense. It is a civil offense for any person to operate a gas powered motor on any waters of the Navajo Nation in violation of regulations established by the Department.

B. Fine. A person who violates this section shall pay a minimum fine of fifty dollars ($50), not to exceed five hundred dollars ($500) per violation.

§ 777. Biological investigation/scientific collecting without permission.

A. Offense. It is a civil offense to engage in a biological investigation or scientific collecting of wildlife without a valid Navajo Nation permit issued by the Department.

B. Fine. Any person who violates this section shall pay a minimum fine of two hundred dollars ($200) per investigation or per specimen, but not to exceed fifteen hundred dollars ($1,500) per investigation or per specimen.

§ 778. Civil forfeiture.

A person committing a civil offense pursuant to this Chapter shall be subject to civil forfeiture of any wildlife found in his or her possession, and of any weapons, ammunition, traps, equipment, property, vehicles, off road vehicles, boats, aircraft and any other property used to violate this Chapter, or any other wildlife statute or regulation. The items are forfeited to the Department,
and any such items may be kept, sold, or destroyed at the discretion of the Department, subject to applicable law. A civil forfeiture made pursuant to this Chapter is reviewable by the Window Rock District Court of the Navajo Nation.

§ 779. Failure to pay fine or restitution; penalty for failure to pay.

A. Restitution. The court, in addition to or in lieu of the sentences, may require the offender to pay the Department for the value of the wildlife taken and have such funds deposited into the WTPF or WCF. The court may also require restitution to include materials and labor. For wildlife that were taken or wounded without a permit, the court may also order restitution to compensate the Department for rehabilitating, permanently housing and/or releasing such wildlife. Restitution can also include cost of removal or destruction of any unwanted wildlife species, native or non-native, imported into the Navajo Nation. These funds will be deposited into the Wildlife Conservation Fund or the Wildlife Theft Prevention Fund.

B. Failure to pay a fine or restitution, and/or complete other requirements assessed by the Court pursuant to this Subchapter may subject a person to suspension or permanent revocation of that person’s hunting, trapping and/or fishing privileges on the Navajo Nation, as determined by the Department. A final Department determination shall be appealable to the Office of Hearing and Appeals.

§ 780. Assistance with permits for take and possession of birds, raptors endangered species for specific purposes.

A. The Director of the Department may assist any person in securing permits from the Secretary of the Interior for take and possession of songbirds. Applications will be processed without charge to any person for the following purposes:
1. Indian religious and ceremonial purposes;
2. Scientific purposes in accordance with the rules and regulations of the Resources Committee of the Navajo Nation Council.

§ 780. Civil liability/restitution for unlawful taking or wounding wildlife: recovery of damages.

A. The Department with the assistance of the Navajo Nation Department of Justice may bring a civil action on behalf of the Navajo Nation against any person unlawfully taking, wounding or killing, or unlawfully in possession of, any of the
following wildlife, or parts thereof, and seek recovery of the following minimum sums as civil damages, in addition to attorney’s fees and costs:

1. For each trophy or individual plant or animal of an endangered species...............................................………..$8,000.00

2. For each elk, or eagle, antelope other than trophy or endangered species............................................$2,500.00

3. For each bear, mountain lion, or deer other than trophy.................................................................$1,500.00

4. For each turkey or javelina...........................................$1000.00

5. For each predatory, fur bearing or non-game animal...............................................................$500.00

6. For each small game or aquatic wildlife animal..........................................................$200.00

B. No verdict or judgment recovered by the Navajo Nation in such action shall be less than the sum fixed in this section. The minimum sum that the Navajo Nation may seek to recover as damages from a person pursuant to this section may be doubled for a second verdict or judgment and tripled for a third verdict or judgment. The action for damages may be joined with an action for possession, and recovery had for the possession as well as the damages.

C. The pendency or determination of an action for damages or payment of a judgment, or the pendency or determination of a criminal prosecution for the same taking, wounding, killing or possession, is not a bar to any other legal proceeding authorized by law, and does not affect any right of seizure or forfeiture under other applicable law.

D. All monies recovered pursuant to this section shall be placed in the Department’s WTPF or WCF.

§ 781. Department authorized to adopt regulations for approval by the Resources and Development Committee or its successor.

The Department is authorized to adopt regulations with approval of the Resources and Development Committee of the Navajo Nation Council, or its successor, for the purpose of implementing this Chapter, including, but not limited to:

A. Rules for revocation, suspension or denial of a license, permit, or other privilege to take wildlife on the Navajo Nation, based on one or more convictions or violations under the wildlife laws of Titles 17 and 23, conviction of a felony in
any jurisdiction, ineligibility for the take of wildlife in one or more state
jurisdictions or by the federal government, or ineligibility as otherwise
determined by the Navajo Nation Council. Revocations, suspensions or denials
by the Department shall be appealable to the Office of Hearings and Appeals in
accordance with 2 N.N.C. §§ 1051-1059.

B. A schedule amending the fines as set hereunder for violations of wildlife laws
under Titles 17 and 23, upon approval by the Resources and Development
Committee or its successor.

C. A schedule for restitution.

D. Reasonable requirements for eligibility for a license or permit or other privilege to
take wildlife including but not limited to proof of successful completion of a
hunter education course.

E. Permits for hunting or fishing guides or for any activity carried out for the
purpose of assisting another in the taking of wildlife.

F. Exceptions to certain requirements of this Chapter in order to accommodate
persons with special needs.

G. Rules for disposition of forfeited items.