

1 PROPOSED STANDING COMMITTEE RESOLUTION  
2 23rd NAVAJO NATION COUNCIL -- First Year, 2015

3 INTRODUCED BY:  
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7 (Prime Sponsor)  
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10 TRACKING NO. \_\_\_\_\_  
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12 AN ACT

13 RELATING TO LAW AND ORDER, RESOURCES AND DEVELOPMENT,  
14 NAABIK'ÍYÁTI' AND THE NAVAJO NATION COUNCIL; AMENDING AND  
15 REDESIGNATING FISH AND WILDLIFE PROVISIONS OF THE NAVAJO CIVIL  
16 CODE AS SUBCHAPTER\_\_\_\_, TITLE 23  
17

18 **BE IT ENACTED:**  
19

20 **Section 1. Findings and Purpose**

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

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

10 ~~Current through legislation approved up to December 31, 2006.~~

11 **§ ~~501700~~. Application of federal law**

12  
13 All hunting and fishing on lands subject to the jurisdiction of the Navajo Nation shall be  
14 conducted in conformity with applicable Navajo Nation and federal laws and regulations.  
15 Notwithstanding any other provision of law, it shall be permissible at any time for any Navajo  
16 tribal member to take any species in a ceremonial manner for use by a Navajo medicine man, in  
17 accordance with applicable Navajo Nation and federal law. ~~This Section is not intended to apply~~  
18 ~~to bald eagles, or to authorize hunting in violation of federal law.~~

19 **§ 502701. Navajo Nation permit requirements**

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

25 **§ ~~503702~~. [Reserved]**

26 **§ 504703. [Reserved] Wildlife Conservation Fund.**

27 A. Establishment.

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

30 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

1 Titles 17 and 23. Alternatively, the Navajo Nation Department of Fish and  
2 Wildlife (the Department) may utilize an alternative account, on a case-by-case  
3 basis, for assessing compensation and placing funds to be used for a particular  
4 project. Funds from the WCF (or an alternative account as described above) may  
5 also provide funding for, but shall not be limited to, the following purposes:  
6 conservation area designations, survey and monitoring, habitat restoration, and  
7 land withdrawals/purchases.

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

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

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

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

29 6. The Department shall develop rules, regulations and procedures, to be approved  
30 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.

3. “Department”: The Navajo Nation Department of Fish and Wildlife.

4. “Environmental quality”: The natural state of the air, water, soil, ecosystem services, quality of experience and/or aesthetic value.

- 1           5. “Fixed assets”: Includes, but not limited to the following: wildlife, land, lakes,  
2           wetlands, forestland, range, flowing water, ecosystems, ecosystem services and  
3           habitat improvements. Allowable expenditures may include, but are not limited  
4           to, costs of designating and managing conservation areas, habitat rehabilitation,  
5           enforcement and compliance, survey and monitoring of sensitive ecosystems or  
6           endangered, candidate, sensitive, or culturally significant species.
- 7           6. “Interests in wildlife, terrestrial, and aquatic habitats,”: Any and all rights and  
8           interests in wildlife or terrestrial or aquatic habitats or any combination of these,  
9           including fee interests, future interests, developmental rights, easements,  
10           covenants, and contractual rights. Every interest in wildlife, terrestrial, or aquatic  
11           habitats may be in perpetuity or for a fixed term.
- 12           7. “Maintenance”: Keeping Conservation Fund-eligible assets in an original or  
13           existing state of environmental quality or preserving them from decline or  
14           negative impacts from future actions.
- 15           8. “New conservation sites”: Interests in wildlife, terrestrial, or aquatic habitats,  
16           acquired after establishment of the WCF pursuant to this section, for wildlife  
17           conservation purposes, for all types of open space, including but not limited to  
18           floodplains, wetlands, forest lands, desert scrub, canyons, greenbelts, agricultural  
19           lands, or scenic areas, or for any scientific, historic, scenic, recreational, aesthetic,  
20           or similar purpose.
- 21           9. “Wildlife”: All wild species of animals and native plants, and parts thereof,  
22           including, but not limited to, mammals, birds, reptiles, amphibians, fish,  
23           invertebrates (including mollusks, crustaceans), including active nests, eggs, and  
24           seeds; which are undomesticated and occur naturally in the wild. These species  
25           may include those hunted and collected and which are subject to protection or  
26           otherwise regulated by Navajo, federal or state statutes, laws, and regulations and  
27           administrative rules.
- 28           10. “WCF Contract”: An agreement between the Department and a Contractor to  
29           implement habitat enhancement, preservation, mitigation, and monitoring  
30           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.

1           2. Fees.

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

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

3           3. Corporate and Private Donations.

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

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

8           E. Reporting and monitoring.

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

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

18 **§ 505704. Restocking and management; federal and state cooperation**

19 The restocking and proper management of fish and wildlife and full cooperation with the United  
20 States Fish and Wildlife Service and the respective state fish and game departments shall be  
21 encouraged.

22 **§ 506. 705. Revolving fund; Enterprise Fund; establishment. expenditure; report**

23 ~~A. All permit fees and fines assessed by the Navajo Nation Courts for violation of these~~  
24 ~~regulations and other similar collections shall be set up as a special revolving fund for use in~~  
25 ~~management, protection and regulation of fish and wildlife resources. These funds may be~~  
26 ~~expended by the Controller of the Navajo Nation upon the recommendations of the Resources~~  
27 ~~and the Budget and Finance Committees of the Navajo Nation Council.~~

28 ~~B. The Controller shall report annually on the status of the special revolving fund to the~~  
29 ~~Navajo Nation Council during consideration of the Navajo Nation Budget and the ensuing fiscal~~  
30 ~~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**

1 The control and eradication of predatory animals shall be in accordance with regulations  
2 promulgated by the Department and approved by the Resources and Development Committee of  
the Navajo Nation Council.

3 **~~§ 508. United States Fish and Wildlife Service~~**

4  
5 A. ~~The United States Fish and Wildlife Service is authorized to utilize all of the modern~~  
6 ~~techniques and restricted materials normally used by them in conducting rodent and~~  
7 ~~predator control work on Navajo Nation Range areas; provided that prior approval is~~  
8 ~~obtained from each District Grazing Committee as to the specific locations of control~~  
9 ~~stations.~~

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

12 **§ 509708. Violations**

13 Any person hunting or fishing on lands subject to the jurisdiction of the Navajo Nation in  
14 violation of Navajo Nation or federal hunting and fishing laws or regulations shall be subject to  
15 applicable civil fines and restitution under this Title. Notwithstanding the application of any  
16 civil fine, restitution, or other fee assessed under this Title, a person may also be subject to  
17 criminal prosecution and additional criminal penalties in accordance with Title 17 for the same  
18 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.



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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.

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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

1 e. Wild pigeons and doves (All of the family Columbidae).

2 30. **Game Fish:** The following are game fish:

3 a. Trout and salmon (All of the family Salmonidae);

4 b. Pike (All of the family Esocidae);

5 c. Catfish (All of the family Ictaluridae);

6 d. Sunfish, crappie and bass (All of the family Centrarchidae);

7 e. Walleye, pike and perch (All of the family Percidae);

8 f. Sargo (All introduced species of the family Pomadasyidae); and

9 g. Corvina, barirdiella and redfish (All introduced species of the family Sciaenidae).

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

11 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.

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

13 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.

14 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.

15 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.

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

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

18 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.

- 1 40. **License Year** (small game and fishing): The twelve-month period between  
2 January 1 and December 31.
- 3 41. **Licensing Authority:** The Navajo Nation Department of Fish and Wildlife or  
4 other entity authorized by applicable law to issue or approve licenses or permits to  
5 hunt, fish, trap or possess wildlife on Navajo Nation land.
- 6 42. **Loaded Firearm:** A firearm with an unexpended cartridge or shell in the firing  
7 chamber.
- 8 43. **Management Hunt:** A hunt planned or organized by the Department for a  
9 specific purpose: to thin out populations of specific species; to expose youth to  
10 hunting; or any other purpose deemed necessary by the Department.
- 11 44. **Migratory Bird:** A migratory bird is any species or family of birds that live,  
12 reproduce or migrate within the United States or across international borders at  
13 some point during their annual life cycle.
- 14 45. **Motor Vehicle:** Any motorized vehicle including all-terrain vehicles, off road  
15 vehicles, boats, jet skis, buses, tractors, snowmobiles, motorcycles, trucks, cars,  
16 and vans.
- 17 46. **Native Wildlife:** A species or subspecies of wildlife that historically inhabited,  
18 existed on or naturally migrated onto the Navajo Nation.
- 19 47. **Navajo Nation:** All lands within the jurisdiction of the Navajo Nation including  
20 lands held in fee or trust or allotted lands, and dependent Navajo Indian  
21 communities.
- 22 48. **Navajo Nation Endangered Species List:** A list of species and subspecies of  
23 wildlife indigenous to the Navajo Nation which are determined to be endangered  
24 within the Navajo Nation, as recommended by the Navajo Nation Department of  
25 Fish and Wildlife and approved by the Resources and Development Committee of  
26 the Navajo Nation Council.
- 27 49. **Navajo Tribal Member:** A Navajo Indian who possesses a Navajo Nation  
28 Census number.
- 29 50. **Navajo Nation Waters:** All waters that are within the Navajo Nation, or are  
30 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.

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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

1 bluebirds, including but not limited to the western and mountain bluebirds,  
2 bobolinks, catbirds, chickadees, cuckoos, roadrunner, flickers, flycatchers,  
3 grosbeaks, hummingbirds, kinglets, martins, meadowlarks, nighthawks,  
4 nuthatches, orioles, robins, shrikes, swallows, swifts, tanagers, titmice, thrushes,  
5 vireos, warblers, waxwings, whippoorwills, woodpeckers, wrens, and all other  
6 perching birds which feed entirely or chiefly on insects.

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- 8 65. **Suspension or revocation:** A cancellation, annulment, denial or withdrawal of  
9 any or all license privileges, for any period of time, including the privilege to  
10 apply for, purchase or exercise the benefits conferred by any license.
- 11
- 12 66. **Take taking or taken:** To intentionally, knowingly, recklessly, negligently or  
13 accidentally harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, collect  
14 or possess wildlife, including plants, or parts thereof or to attempt to engage in  
15 any such conduct, including scouting for the purpose of a take; may include  
16 significant habitat modification or degradation if it kills or injures wildlife by  
17 significantly impairing essential behavioral patterns including reproduction,  
18 feeding, or sheltering. To be a lawful take, a permit is necessary.
- 19
- 20 67. **Taxidermist:** Any person who engages for hire in the mounting, refurbishing,  
21 maintaining, restoring or preserving of any display specimen.
- 22
- 23 68. **Transplant or translocate:** The moving or release of, or attempting to introduce,  
24 intentional or otherwise, plants and wildlife onto the Navajo Nation without the  
25 approval of the Department.
- 26
- 27 69. **Transporting:** To convey, move, carry, or ship, or cause same, from one location  
28 to another, either by vehicle, horse, wagon, plane boat or other means of  
29 conveyance used in transporting such item.
- 30
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.

- 1           **80. Wildlife Conservation Fund (WCF):** A Navajo Nation Fund that is a subsidiary  
2           fund of the Navajo Nation Department of Fish and Wildlife Enterprise Fund.  
3           Funds deposited into this account are primarily generated from fines for violations  
4           against endangered species, as the Department sees fit.
- 5           **81. Wildlife Theft Prevention Fund (WTPF):** Also referred to as Operation Game  
6           Thief, a Navajo Nation account with funds available for reward payments for  
7           information leading to the arrest or citations of individuals for violations of  
8           Navajo Nation wildlife laws and regulations. Funds deposited into this account  
9           are primarily generated from fines for violations of criminal and civil activities  
10           not concerning endangered species, as the Department sees fit.
- 11           **82. Wildlife Violation:** Any cited violation or contravention of a statute, law,  
12           regulation, ordinance or administrative rule developed and enacted for the  
13           management of wildlife resources and the uses thereof.
- 14           **83. Zoo:** A commercial facility open to the public where the principal business is  
15           holding wildlife in captivity for exhibition purposes.

16           **§ 721. Scope and Enforcement.**

- 17           **A.** The Fish and Wildlife Civil Code shall apply within the territorial jurisdiction of  
18           the Navajo Nation and to every person within the jurisdiction of the Navajo  
19           Nation, except it shall not apply to peace officers or employees of the Department  
20           who are engaged in official duties authorized by the Department, this Code or its  
21           regulations, or other applicable law.
- 22           **B.** All peace officers, as defined herein, are authorized to enforce the provisions of  
23           the Fish and Wildlife Civil Code and any regulations promulgated thereto, and:
- 24                   1. May stop any person who is taking, attempting to take, has taken or is in  
25                   possession of any wildlife and/or is conveying, shipping or transporting  
26                   such wildlife; to validate that such wildlife was lawfully taken in  
27                   accordance with Federal, State and/or Navajo Nation laws, statutes and  
28                   regulations.
- 29                   2. Shall seize any wildlife held in violation of this Chapter;
- 30                   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.



1           4.       Shall seize any weapons, ammunition, traps, equipment, property,  
2                   vehicles, off road vehicles, boats, aircraft and any other property used to  
3                   violate Navajo Nation's wildlife laws, statutes, or regulations.

4       C.       Wildlife Conservation Officers:

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

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

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

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

24       **§ 722. Accomplice Liability.**

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

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

29       **§ 723. Take of wildlife without a valid permit.**

30           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                   1.       For the unlawful take of game fish, a minimum fine of One Hundred  
2                                   Dollars (\$100) but not to exceed one thousand dollars (\$1,000) per fish.
- 3                   2.       For the unlawful take of game birds, a minimum fine of two hundred  
4                                   dollars (\$200), but not to exceed two thousand dollars (\$2,000).
- 5                   3.       For the unlawful take of big game animals, a minimum fine of five  
6                                   hundred dollars (\$500), but not to exceed five thousand dollars (\$5,000)  
7                                   per big game animal.
- 8                   4.       For the unlawful take of Raptors, a minimum fine of five hundred dollars  
9                                   (\$500), but not to exceed five thousand dollars (\$5,000) per raptor.

10 **§ 724. Take of wildlife out of season.**

- 11                   A.       Offense. A person commits the civil offense of the unlawful take of wildlife out  
12                                   of season if he or she takes any wildlife outside the designated season for that  
13                                   species.
- 14                   B.       Fine. Any person engaged in take wildlife out of season shall pay a minimum  
15                                   fine of two hundred dollars (\$200), but not to exceed five thousand dollars  
16                                   (\$5,000).

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

- 18                   A.       Offense. A person commits the civil offense of the unlawful take of wildlife  
19                                   during non-hunting hours if he or she takes any wildlife during a time not  
20                                   permitted by law or regulation.
- 21                   B.       Fine. Any person engaged in the unlawful take of wildlife during a time of day  
22                                   not permitted by law shall pay a minimum fine of two hundred dollars (\$200), but  
23                                   not to exceed five thousand dollars (\$5,000).

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

- 25                   A.       Offense. A person commits the civil offense of exceeding the number of wildlife  
26                                   permitted by law or regulation if he or she exceeds any bag or possession limit.
- 27                   B.       Fine. Any person exceeding the number of wildlife permitted by law or  
28                                   regulation shall pay a minimum fine of two hundred dollars (\$200), but not to  
29                                   exceed five thousand dollars (\$5,000).

30 **§ 727. Take of wildlife in a location not permitted by law or regulation.**

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

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

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

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

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

18 **§ 729. Unlawful possession of wildlife.**

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

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

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

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

30 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.**

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

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

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

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

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

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

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

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

28 2. The United States lists of endangered fish and other wildlife, as set forth in  
29 Section 4 of the Endangered Species Act of 1973, as may be amended  
30 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.**

- 1        A. Offense. A person commits the civil offense of the unlawful take of small game  
2        animal if without lawful authority he or she takes any small game animal.
- 3        B. Fine. Any person who unlawfully takes a small game animal shall pay a  
4        minimum fine of two hundred dollars (\$200), but not to exceed five thousand  
5        dollars (\$5,000).
- 6        C. Civil Restitution: In addition to or in lieu of any civil fine assessed hereunder, the  
7        Department may require the violating party to pay the Department for the value of  
8        the wildlife taken and have such funds deposited into the WTPF.
- 9        D. The Director of the Department may issue permits to allow any person to take or  
10       possess any small game animal protected by this section. Permits shall be granted  
11       upon application and without charge for the following purposes:
- 12       1. Indian religious and ceremonial purposes;  
13       2. Scientific purposes in accordance with the rules and regulations of the  
14       Resources Committee of the Navajo Nation Council.

15       **§ 736. Destruction of sign or structure.**

- 16       A. Offense. It is a civil offense for any person to mutilate destroy, attempt to destroy,  
17       or deface any sign, marker, or any other structure, whether permanent or  
18       temporary, designed for the purpose of regulating and managing any wildlife  
19       protected by this title.
- 20       B. Fine. Any person committing a civil offense under this section shall pay a  
21       minimum fine of two hundred dollars (\$200), but not to exceed two thousand  
22       dollars (\$2,000) per violation.
- 23       C. Civil Restitution. In lieu of fines, the Department may order the violating party to  
24       pay restitution for the cost of repairing or replacing the damaged property,  
25       including but not limited to materials, labor, and transportation costs.

26       **§ 737. Unlawful driving of wildlife.**

- 27       A. Offense. It is a civil offense for any person to drive or attempt to drive wildlife  
28       from any area where that person is not authorized to take said wildlife, whether  
29       from, onto or across Navajo Nation land.
- 30       B. Fine. Any person who violates this section shall pay a minimum fine of one  
31       hundred dollars (\$100), but not to exceed two thousand dollars (\$2,000).

32       **§ 738. Unlawful camping.**

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

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

8 **§ 739. Use of weapon while intoxicated.**

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

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

15 C. A person committing a civil offense pursuant to this section shall be subject to  
16 suspension/revocation of his/her hunting, guiding, trapping and fishing privileges  
17 for a period of:

18 1. First Offense: one year suspension;

19 2. Second Offense: five years suspension;

20 3. Third Offense: permanent suspension.

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

23 **§ 740 Interference with rights of hunters, trappers or fishermen; classification; civil action;**  
24 **exceptions.**

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

28 1. Harassing, driving or disturbing any wildlife.

29 2. Blocking, obstructing or impeding, or attempting to block, obstruct or  
30 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.

- 1           5.       Engaging in, or attempting to engage in, theft, vandalism or destruction of  
2               real or personal property, except where that person has a reasonable belief  
3               that the property has been abandoned or lost.
- 4           6.       Disturbing or altering, or attempting to disturb or alter, the condition or  
5               authorized placement of real or personal property intended for use in the  
6               lawful take of wildlife.
- 7           7.       Making or attempting to make loud noises or gestures, set out or attempt  
8               to set out animal baits, scents or lures or human scent, use any other  
9               natural or artificial visual, aural, olfactory or physical stimuli, or engage in  
10              or attempt to engage in any other similar action or activity, in order to  
11              disturb, alarm, drive, attract or affect the behavior of wildlife or disturb,  
12              alarm, disrupt or annoy a person lawfully taking wildlife.
- 13          8.       Interjecting oneself into the line of fire of a person lawfully taking  
14              wildlife.

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

18          C.       Exception. The conduct declared unlawful in this section does not include or  
19              apply to:

- 20            1.       Any incidental interference arising from lawful activity by public land  
21              users, including ranchers, miners or recreationists.
- 22            2.       Landowners, permittees, lessees or their agents or contractors engaged in  
23              animal husbandry practices or agricultural operations.

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

25          A.       Notwithstanding any other provision of this title, the carcass of a big game animal  
26              that has been killed as a result of an accidental collision with a motor vehicle on a  
27              maintained road may be possessed and transported by any individual who first  
28              obtains a big game salvage permit issued by a peace officer. A person may  
29              possess or transport the carcass or any part of the carcass of a big game animal  
30              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.**



1        A.     Offense. It is a civil offense for a person to knowingly apply for, obtain, or assist  
2        another in applying for or obtaining, by fraud or misrepresentation, a license or  
3        permit to take wildlife.

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

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

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

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

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

19       **§ 744. Shooting upon or across roadway.**

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

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

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

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

30       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.**

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

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

9 **§ 747. Taking wildlife with artificial light.**

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

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

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

17 **§ 748. Hunting without hunter orange.**

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

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

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

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

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

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

30 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

1 to provide for the human consumption thereof except as authorized by  
2 regulations established by the Department; or

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

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

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

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

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

13 **§ 752. Restrictions on watercraft.**

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

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

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

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

22 **§ 753. Guiding without a permit.**

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

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

27 **§ 754. Failure to comply with Guide requirements.**

28 A. Offense. It is a civil offense for any person who is providing hunting or fishing  
29 guide services to fail to comply with guide requirements and applicable  
30 regulations established by the Department.

1           B. Fine. Any person who violates this section shall pay a minimum fine of one  
2           hundred dollars (\$100) per violation, but not to exceed one thousand dollars  
3           (\$1,000) per violation.

4           **§ 755. Use of aircraft for take.**

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

7           B. Fine. Any person who violates this section shall pay a minimum fine of one  
8           thousand dollars (\$1,000) per violation, but not to exceed five thousand dollars  
9           (\$5,000) per violation.

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

12          **§ 756. Interference with a peace officer.**

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

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

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

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

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

24          **§ 758. Failure to tag game animal properly.**

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

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

30          **§ 759. Carrying a loaded firearm in or on a motor vehicle.**

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

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

6           **§ 760. Failure to stop vehicle when ordered.**

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

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

11           **§ 761. Reckless operation of motor vehicle.**

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

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

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

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

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

24           **§ 763. Littering.**

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

29           B.    Fine. Any person who violates this section shall pay a minimum fine of three  
30           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.

1 **§ 764. Transport of wildlife.**

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

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

7 **§ 765. Possession of live wildlife.**

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

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

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

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

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

20 **§ 767. Baiting.**

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

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

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

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

28 A. Offense. It is a civil offense for any person to intentionally, knowingly, recklessly,  
29 or negligently destroy, disturb, or remove any trap or snare belonging to another  
30 person or remove wildlife from a trap or snare belonging to another person  
without consent of the owner of the trap or snare.

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

3           **§ 769. Take of a Trophy game animal during a management hunt.**

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

6           B. Fine. Any person who violates this section shall pay a minimum fine two hundred  
7           dollars (\$200), not to exceed fifteen hundred dollars (\$1,500).

8           **§ 770. Reckless operation of watercraft.**

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

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

15           **§ 771. Personal flotation device required.**

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

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

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

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

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

28           **§ 773. Operating a watercraft not equipped as required.**

29           A. Offense. It is a civil offense to operate a watercraft without the equipment  
30           required to meet United States Coast Guard Standards.

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

3 **§ 774. Operating a watercraft with more persons or weight on board than the craft is rated**  
4 **or designed to safely carry.**

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

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

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

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

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

15 **§ 776. Restrictions on motors.**

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

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

21 **§ 777. Biological investigation/scientific collecting without permission.**

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

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

28 **§ 778. Civil forfeiture.**

29 A person committing a civil offense pursuant to this Chapter shall be subject to civil forfeiture of  
30 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,



1 and any such items may be kept, sold, or destroyed at the discretion of the Department, subject to  
2 applicable law. A civil forfeiture made pursuant to this Chapter is reviewable by the Window  
3 Rock District Court of the Navajo Nation.

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

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

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

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

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

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

29 A. The Department with the assistance of the Navajo Nation Department of Justice  
30 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

1 following wildlife, or parts thereof, and seek recovery of the following minimum  
2 sums as civil damages, in addition to attorney's fees and costs:

- 3 1. For each trophy or individual plant or animal of an endangered  
4 species.....\$8,000.00
- 5 2. For each elk, or eagle, antelope other than trophy or endangered  
6 species.....\$2,500.00
- 7 3. For each bear, mountain lion, or deer other than  
8 trophy.....\$1,500.00
- 9 4. For each turkey or javelina.....\$1000.00
- 10 5. For each predatory, fur bearing or non-game  
11 animal.....\$500.00
- 12 6. For each small game or aquatic wildlife  
13 animal.....\$200.00

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

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

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

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

29 The Department is authorized to adopt regulations with approval of the Resources and  
30 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

1 any jurisdiction, ineligibility for the take of wildlife in one or more state  
2 jurisdictions or by the federal government, or ineligibility as otherwise  
3 determined by the Navajo Nation Council. Revocations, suspensions or denials  
4 by the Department shall be appealable to the Office of Hearings and Appeals in  
5 accordance with 2 N.N.C. §§ 1051-1059.

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

9 C. A schedule for restitution.

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

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

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

17 G. Rules for disposition of forfeited items.