

1 **BILL NUMBER NCA 24-094**

2  
3 **TO BE INTRODUCED INTO THE MUSCOGEE (CREEK) NATIONAL COUNCIL**

4  
5 **July 30, 2024**  
6 **(DATE OF INTRODUCTION)**

7  
8 **INTRODUCED BY: Office of the Principal Chief**

9  
10 **SPONSOR(S): Robyn Whitecloud**

11  
12 **COMMITTEE ON: Land, Natural Resources & Cultural Preservation**

13  
14 **CLASSIFICATION: 23-Wildlife Code**

15  
16 **A LAW OF THE MUSCOGEE (CREEK) NATION AMENDING MCNCA TITLE 23,**  
17 **ENTITLED "WILDLIFE CODE"**

18  
19 **Be it enacted by the National Council of the Muscogee (Creek) Nation:**

20  
21 **SECTION ONE. FINDINGS. The National Council finds that:**

22  
23 A. The Department of Interior Affairs, Division of Agriculture and Natural  
24 Resources conducts an annual review of the Muscogee (Creek) Nation Hunting and  
25 Fishing Code and wildlife regulations.

26  
27 B. The 2024 annual review indicates the need to adopt minor changes to the  
28 wildlife code to increase clarity of ambiguous topics, to better the enforcement of the  
29 Code, further public safety, and to adopt best practices for the management of wildlife  
30 populations.

31  
32 **SECTION TWO. AMENDMENT.** This amendment shall be codified in Title 23, of the  
33 Code of Laws of the Muscogee (Creek) Nation; provided that for purposes of codification  
34 of said new law and its inclusion in pocket parts for the Code of Laws of the Muscogee  
35 (Creek) Nation, the Attorney General is hereby authorized: (1) to approve any changes  
36 related to the manner in which sections, articles, chapters and sub-chapters are  
37 designated in this law in order to be consistent with the format in the Code of Laws  
38 published in 2010 by West Publishing Company; (2) to include footnoted references to  
39 the legislative history in said pocket parts to the Code of Laws; and (3) to note in said  
40 pocket parts any editorial correction of minor clerical or grammatical errors in the following  
41 new law:

42  
43 **SECTION THREE. AMENDMENT.** MCNCA Title 23, §§ 3-301, 312, 316, 317, 319 and  
44 321 is hereby amended to read as follows:

45  
46 § 3-301. Requirement of Tribal license, permit, and/or tag  
47

1 Except as provided for in § 2-302 of this Code, no person shall engage in the activity of  
2 hunting, fishing, trapping or gathering, including cutting or harvesting live or downed  
3 timber which requires approval from the United States government, or any other activity  
4 regulated by this Code or conservation regulations, without acquiring or having in his/her  
5 possession a valid Tribal license, permit and/or tag as this Code or conservation  
6 regulations may require, validated for the particular season and activity in which that  
7 person is engaged.  
8

9 **A. ID Required. Every person applying for any license, tag, or permit**  
10 **required by this Code or any regulation adopted pursuant to this Code shall provide**  
11 **a form of identification alongside this application. Approved forms of identification**  
12 **shall include but not limited to:**  
13

- 14 **1. Certificates of Degree of Indian blood;**
- 15 **2. proof of citizenship in any federally recognized tribe;**
- 16 **3. valid state driver's licenses; and**
- 17 **4. federally issued photo Identification;**
- 18 **5. Social Security cards;**
- 19 **6. a copy of birth certificate; or**
- 20 **7. other state issued photo identifications.**

21  
22 **B. All Licenses Nontransferable. No license, tag, or permit issued by the**  
23 **DANR shall be transferable to any other person. No person shall use or borrow any**  
24 **wildlife license, tag or permit which has been issued to that person by the DANR,**  
25 **DANR agents, or any other federally recognized tribe with whom the Nation has**  
26 **entered into Wildlife Management Agreements.**  
27

28 **C. Any person shall engage in any activity requiring a license, permit or**  
29 **tag under this Code shall**  
30

- 31 **1. Carry such license, permit or tag on their person; and**
- 32 **2. present such license on demand of any to:**
  - 34 **a. Lighthouse Office**
  - 35 **b. Cross-Commissioned Officer;**
  - 36 **c. Game Ranger; or**
  - 37 **d. DANR Official.**

38  
39 **D. Any person while complying with subsection (C)(2) shall identify**  
40 **themselves of the license, tag or permit was issued. Failure or refusal to do so shall**  
41 **be prima facie evidence of violation.**  
42

43 **E. Any person convicted of violating this Code or any Regulations under**  
44 **this Code may have the following revoked, provided that revocations are for a**  
45 **period of at least (1) one year, as prescribed in the Conservation Regulations:**  
46

- 47 **1. All licenses, tags, and permits held by that person; and**

1                   **2. The privilege of applying for, purchasing or exercising the**  
2                   **benefits conferred by the license, tag, or permit.**

3  
4                   **F. For purposes of Subsection E, a court conviction, a plea of guilty, a**  
5                   **plea of nolo contendere, the imposition of a deferred or suspended sentence by a**  
6                   **court, or forfeiture of bond shall be deemed a conviction.**

7  
8  
9                   § 3-312. Orange clothing required

10  
11                   **A.** No person shall hunt ~~any wildlife~~ **any big game, with a firearm** unless  
12 specified below, unless four hundred (400) square inches of the person's clothing above  
13 the waist is of a highly visible color referred to as Hunter Orange, Blaze Orange,  
14 Fluorescent Orange or Flame Orange.

15  
16                   **B.** **The requirements of subsection (A) shall not extend to the following**  
17 **activities:**

18                   1. ~~Exemptions:~~

- 19                   **1.** a. Bow hunting for deer except during any muzzleloader or rifle  
20 seasons;  
21                   **2.** b. ~~Shotgun or bow hunting turkey;~~ **or**  
22                   **3.** c. ~~Waterfowl hunting.~~

23  
24                   **C.** **No person may hunt any public land – including DANR owned or**  
25 **managed lands – during any big game season in which firearms are a lawful**  
26 **method of take, unless the individual wears at least four hundred (400) square**  
27 **inches above the waist, clothing of a highly visible color, referred to as Hunter**  
28 **Orange, Blaze Orange, Fluorescent Orange or Flame Orange.**

29  
30                   § 3-316. Hunting hours

31  
32                   A. No person shall pursue, shoot, kill or attempt to take any wildlife, without  
33 expressed licensure from the DANR, between one half (1/2) hour after sunset of one (1)  
34 day and one half (1/2) hour before sunrise of the next day.

35  
36                   B. No person shall pursue, shoot, kill or attempt to take any waterfowl or  
37 migratory birds between sunset of one (1) day and thirty (30) minutes before official  
38 sunrise of the next day.

39  
40                   **C.** **The prohibition of subsection (A) shall not extend to activities, where**  
41 **the taking of game at night is explicitly authorized by this Code or in the**  
42 **Conservation Regulation promulgated pursuant to this Code.**

43  
44                   § 3-317. Introduction or extrication of fish, wildlife, and plants

45  
46                   **A.** No person shall transplant onto any lands of the Muscogee (Creek) Nation  
47 any fish or eggs into any body of water, or any wildlife, animal or plant species without

1 the express written authorization of DANR. However, this prohibition shall not extent  
2 to the following.

3  
4 Exemptions:

- 5  
6 A. 1. Departmental DANR or U.S. Fish and Wildlife employees of pursuant  
7 to their duties; or  
8 B. 2. Any other person who has obtained prior specific written permission  
9 from the Director and who, at the time of such activity, has evidence of  
10 that permission upon their person.

11  
12 B. No person may possess, hunt, chase, harass, capture, shoot at,  
13 wound or kill, take or attempt to take, trap or attempt to trap any species beyond  
14 the date, times and methods specified in this Wildlife Code and in the Conservation  
15 Regulations. However, in no event may that permission conflict with federal agents'  
16 activities and federal law. However, in no event shall this permission conflict with  
17 federal law.

18  
19 C. Except as otherwise provided by law, no person may possess, hunt,  
20 chase, harass, capture, shoot at, wound or kill, take or attempt to take, trap or  
21 attempt to trap any endangered or threatened species or subspecies without the  
22 specific written permission of an authorized federal agent or through the Muscogee  
23 (Creek) Nation's DANR, unless otherwise permitted by federal law.

24  
25 § 3-319. Baiting

26  
27 A. State & Federal Lands. The use of, or hunting over bait, or "baiting," is  
28 prohibited on lands owned or managed by the Oklahoma Department of Wildlife  
29 Conservation or those properties owned or managed by the United States Army Corps of  
30 Engineers.

31  
32 B. No Baiting Migratory Birds or Turkey. No person shall hunt or harvest  
33 any Migratory bird or Wild Turkey within one hundred (100) yards of any bait.  
34 However, the term "bait" in this subsection shall not extend to agricultural crops  
35 planted and cut consistent with regular agricultural practices. Unauthorized  
36 shaking, mowing, manipulating or altering planted crops in anyway is explicitly  
37 prohibited.

38  
39 Specifications:

- 40  
41 1. ~~Wild Turkey cannot be hunted within 100 yards of any bait;~~  
42 2. ~~Waterfowl may not be hunted within 100 yards of any bait;~~  
43 3. ~~Planted crops are not considered bait;~~  
44  
45 a. ~~unless they are cut without the purpose of use due to regular~~  
46 ~~agricultural practices; this includes unauthorized shaking,~~  
47 ~~mowing, manipulating, or altering planted crops in any way.~~  
48

1 § 3-321. Commerce  
2

3 A. **General Prohibition.** No person shall buy or sell fish, wildlife, or plants  
4 taken pursuant to this Code.

5  
6 B. Exemptions.

7  
8 **1.** Skins of carcasses or parts of legally acquired fur-bearing animals,  
9 and coyotes (such as hides/pelts/fur) may be purchased, bartered,  
10 traded, sold, or offered for sale.

11 **2.** **Owners and operators of licensed Cervidae farm or licensed**  
12 **commercial Cervidae facilities may hunt, chase, capture, shoot,**  
13 **shoot at, wound, attempt to take or take, attempt to kill or kill, or**  
14 **slaughter any deer, bear, elk, mountain lion, wild turkey, or any**  
15 **subspecies only during open season.**  
16

17 **C. Sale and Purchase Restriction.**

18  
19 **1.** **Unless legally harvested from a commercial hunting area, no**  
20 **person shall sell, offer for sale, buy, or offer to buy any deer,**  
21 **bear, elk, mountain lion, wild turkey, or any subspecies or any**  
22 **parts thereof, except as provided by:**

23  
24 **a.** **This Wildlife Code;**

25 **b.** **The Muscogee (Creek) Nation Conservation Regulations;**  
26 **or**

27 **c.** **Federal laws or regulations.**  
28

29 **2.** **This subsection does not prevent the sale or trade of hides,**  
30 **beards, antlers, or horns from legally taken deer, elk, or wild**  
31 **turkey by a person who legally harvested or possesses these**  
32 **parts, including those obtained for taxidermic preparation.**  
33

34 **a.** **Except as otherwise provided, antlers or horns sold or**  
35 **traded must be removed from the skull with no portion of**  
36 **the skull attached.**

37 **b.** **Owners or operators of farmed or commercial cervid**  
38 **facilities may sell or trade antlers or horns with the skull**  
39 **attached.**

40 **c.** **Upon request, the DANR Director may grant exemptions**  
41 **for the sale or trade of antlers or horns with the skull**  
42 **attached from legally taken animals.**  
43

44 **D. Possession Restrictions.**

45  
46 **1.** **It is unlawful for any person to possess any meat, head, hide,**  
47 **or any part of the carcass of wildlife not legally taken.**

1                    **2. Any unlawfully possessed meat, head, hide, or part of a carcass**  
2                    **shall be subject to immediate seizure by a Game Ranger, or**  
3                    **other law enforcement agent.**  
4

5                    **E. Domesticated Animals. The provisions of this section do not apply to**  
6                    **privately owned domesticated animals.**  
7

8                    **SECTION FOUR. EFFECTIVE DATE.** This Act shall become effective immediately  
9                    upon proper approval and execution in accordance with the requirements of the  
10                    Muscogee (Creek) Nation Constitution.