

1 PROPOSED STANDING COMMITTEE RESOLUTION

2 23rd NAVAJO NATION COUNCIL

3 INTRODUCED BY:

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6 \_\_\_\_\_  
7 (Prime Sponsor)

8  
9 TRACKING NO. \_\_\_\_\_  
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11 AN ACT

12 RELATING TO LAW AND ORDER, RESOURCES AND DEVELOPMENT,  
13 NAABIK'ÍYÁTTI' AND THE NAVAJO NATION COUNCIL; AMENDING AND  
14 REDESIGNATING FISH AND WILDLIFE PROVISIONS OF THE NAVAJO  
15 CRIMINAL CODE AS SUBCHAPTER 26, TITLE 17  
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17 **BE IT ENACTED:**

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19 **Section 1. Findings and Purpose**

- 20 1.  
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28 **Section 2. Amending Title 17 of the Navajo Nation Code**

29 The Navajo Nation hereby approves the following amendments to Title 17 of the  
30 Navajo Nation Code:

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2  
3 TITLE 17. LAW AND ORDER

4 CHAPTER 3. OFFENSES

5 Subchapter 26~~4~~. Fish and Wildlife Criminal Code~~Violations~~

6 § ~~5007~~20. Definitions

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9 A. The "Fish and Wildlife Criminal Code" shall mean all provisions within this Subchapter.

10 B. The following definitions are applicable to this Subchapter:

11 A. ~~"Taking" means the hunting, capturing, killing in any manner or the attempt to hunt,~~  
12 ~~capture or kill in any manner, any game animal and quadruped, game bird and fowl, or~~  
13 ~~game fish herein defined.~~

14 B. ~~"Game fish". The following are game fish:~~

- 15 1. ~~All of the family Salmonidae (trout);~~  
16 2. ~~All of the family Esocidae (pike);~~  
17 3. ~~All of the family Ictaluridae (catfish);~~  
18 4. ~~All introduced species of the family Serranidae (sea bass and white bass);~~  
19 5. ~~All of the family Centrarchidae (sunfish, crappie and bass);~~  
20 6. ~~All of the family Percidae (walleye, pike and perch);~~  
21 7. ~~All introduced species of the family Pomadasyidae (sargo); and~~  
22 8. ~~All introduced species of the family Sciaenidae (corvina, barirdiella and redfish).~~

23 C. ~~"Game bird". The following are game birds:~~

- 24 1. ~~All of the family Anatidae (waterfowl);~~  
25 2. ~~All of the family Tetraonidae (grouse and ptarmigans);~~  
26 3. ~~All of the family Phasianidae (quail, partridges and pheasants);~~  
27 4. ~~All of the family Meleagridae (wild turkeys) except for the domestic strains of~~  
28 ~~turkeys;~~  
29 5. ~~All of the family Scolopacidae (shorebirds, snipe, sandpipers and curlews); and~~  
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1           6. All of the family ~~Columbidae~~ (wild pigeons and doves), except for the domestic  
2           strains of pigeons.

3       D. "~~Game animals~~". The following mammals are ~~game animals~~:

- 4           1. All of the family ~~Tayassuidae~~ (javelina);
- 5           2. All of the family ~~Antilocapridae~~ (American pronghorn);
- 6           3. All of the family ~~Cervidae~~ (elk and deer);
- 7           4. All of the family ~~Ursidae~~ (bear);
- 8           5. All of the species ~~concolor~~ (cougar) of the genus ~~Felis~~ and family ~~Felidae~~; and
- 9           6. All of the genus ~~Ovis~~ (bighorn sheep) except for the domestic species of sheep.

10       E. "~~Songbirds~~". The following species and varieties of birds are ~~songbirds~~: Any songbird,  
11       or birds whose principal food consists of insects, comprising all the species and varieties of  
12       birds, represented by the several families of bluebirds, including the western and mountain  
13       bluebirds; also bobolinks, catbirds, chickadees, cuckoos, which includes the chaparral bird  
14       or roadrunner (~~geococcyx novo mexicanus~~), flickers, flycatchers, grosbeaks,  
15       hummingbirds, kinglets, martins, meadowlarks, nighthawks, or bull bats, nuthatches,  
16       orioles, robins, shrikes, swallows, swifts, tanagers, titmice, thrushes, vireos, warblers,  
17       waxwings, whippoorwills, woodpeckers, wrens, and all other perching birds which feed  
18       entirely or chiefly on insects.

19       F. "~~Fur-bearing animals~~". The following mammals are ~~fur-bearing animals~~:

- 20           1. All of the genus ~~Lynx rufus~~ (bobcats and lynx);
- 21           2. All of the genus ~~Castor~~ (beavers);
- 22           3. All of the family ~~Procyonidae~~ (raccoons);
- 23           4. All of the genus ~~Vulpes~~ (red fox, gray fox, swift fox);
- 24           5. All of the species ~~Ondatra zibethica~~ (muskrat);
- 25           6. All of the genus ~~Mustela~~ (weasels);
- 26           7. All of the genus ~~Mephitis~~ (skunks);
- 27           8. All of the species ~~Taxidea taxas~~ (badgers)
- 28           9. All of the family ~~Dedilphiidae~~ (opossums).

29       G. "~~Small game animals~~". The following mammals are ~~small game animals~~:

- 30           1. All of the genus ~~Sciurus~~ (squirrels)
2. All of the genus ~~Eutamias~~ (chipmunks);

1           3. All of the genus *Lepus* and *Sylvilagus* (rabbits).

2 H. "Endangered species" means any species of fish or wildlife whose prospects of survival  
3 or recruitment within the Navajo Nation are in jeopardy or are likely within the foreseeable  
4 future to become so, due to any of the following factors:

5           1. The present or threatened destruction, modification or curtailment of its habitat;

6           2. Overutilization for scientific, commercial or sporting purposes;

7           3. The effect of disease or predation;

8           4. Other natural or man-made factors affecting its prospects of survival or recruitment  
9 within the Navajo Nation; or

10          5. Any combination of the foregoing factors. The term may also include any species or  
11 subspecies of fish or wildlife appearing on the United States list of endangered native  
12 and foreign fish and wildlife as set forth in Section 4 of the Endangered Species Act of  
13 1973<sup>+</sup> as endangered or threatened species provided that the Resources Committee of  
14 the Navajo Nation Council adopts such lists in whole or in part.

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

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

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

25          4.           **Allotted Lands:** Land allotted to individual Indians with legal title being held in  
26                    trust by the United States for the benefit of the individual Indian allottees.  
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- 1           5.     **All-Terrain Vehicle:** A two, three, four, six-wheeled, or tracked vehicle intended  
2                     for off highway use.
- 3
- 4           6.     **Authorized Holder of Permit:** The person to whom a valid permit has been  
5                     issued.
- 6
- 7           7.     **Angling:** The take of fish by one line and not to exceed two hooks, by one line  
8                     and one artificial lure, which may have attached more than one hook, or by one  
9                     line and not to exceed two artificial flies or lures.
- 10
- 11          8.     **Aquatic Wildlife:** All fish, amphibians and invertebrates (including mollusks and  
12                     crustaceans).
- 13
- 14          9.     **Bag Limit:** The maximum limit, in number or amount, of wildlife which may  
15                     lawfully be taken by any one person per day (e.g. fish, etc.) or per season (e.g.  
16                     deer, etc.) during a specified period of time.
- 17
- 18          10.    **Bait:** Anything used to lure or attract wildlife to a particular location, including  
19                     through sight, odor, and/or sound.
- 20
- 21          11.    **Big Game Animals:** Are the following:
  - 22               a.     Javelina (Tayassuidae) or Collared Peccary (Pecari tajacu);
  - 23               b.     Pronghorn (Antilocapra americana);
  - 24               c.     Elk (Cervus canadensis);
  - 25               d.     Mule Deer (Odocoileus hemionus);
  - 26               e.     Moose (Alces alces);
  - 27               f.     American Black Bear (Ursus americana);
  - 28               g.     Mountain Lion, Puma or Cougar (Puma concolor);
  - 29               h.     Bighorn Sheep (Ovis canadensis); and
  - 30               i.     Wild Turkey (Meleagris gallopavo).

- 1           12.    **Citation:** Any summons, complaint, summons and complaint, ticket, penalty  
2                   assessment or other official document issued to a person by a wildlife officer or  
3                   other peace officer for a wildlife violation which contains an order requiring the  
4                   person to respond.
- 5
- 6           13.    **Collateral:** Any cash or other security deposited to secure an appearance for trial  
7                   in connection with the issuance of a citation by a wildlife officer or other peace  
8                   officer for a wildlife violation.
- 9
- 10          14.    **Compliance:** With respect to a citation, means the act of answering a citation  
11                   through an appearance in a court or tribunal, or through the payment of fines,  
12                   costs and surcharges, if any.
- 13
- 14          15.    **Conviction:** A conviction, including any court conviction, for any offense related  
15                   to the preservation, protection, management or restoration of wildlife which is  
16                   prohibited by tribal, federal, or state statute, law, regulation, ordinance or  
17                   administrative rule, including the forfeiture of any bail, bond or other security  
18                   deposited to secure appearance by a person charged with having committed any  
19                   such offense, the payment of a penalty assessment, a plea of nolo contendere and  
20                   the imposition of a deferred or suspended sentence by the court.
- 21
- 22          16.    **Court:** A court of law, including the Navajo Nation courts, state or municipal  
23                   courts, Federal court or peacemaker court.
- 24
- 25          17.           **Culpable Mental States:** “Intentional” and “intentionally,” “knowing”  
26                   and “knowingly,” “reckless” and “recklessly,” and “negligent” and “negligently,”  
27                   shall have the same meaning as defined in 17 N.N.C. § 210.
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- 29          18.    **Decoy Operation:** A law enforcement function designed to capture hunters in the  
30                   act of an illegal take of wildlife by using a device intended to mimic a form of  
                  wildlife.

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19. **Department:** The Navajo Nation Department of Fish and Wildlife
20. **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.
21. **Endangered Species:** Any species of fish, wildlife, or plant on the federal Endangered Species List or on the Navajo Nation Endangered Species List.
22. **Exotic Wildlife:** A wildlife species that is not native to the Navajo Nation.
23. **Falconry:** The sport of hunting or taking quarry with a trained raptor.
24. **Feral:** Any un-owned or free ranging animal, livestock or equine not under the control of an owner, excluding wildlife.
25. **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.
26. **Fur Dealer:** Any person engaged in the business of buying for resale the raw pelts or furs of wild mammals.
27. **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).

28. **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
- e. Wild pigeons and doves (All of the family Columbidae).

29. **Game Fish:** The following are game fish:

- a. Trout and salmon (All of the family Salmonidae);
- b. Pike (All of the family Esocidae);
- c. Catfish (All of the family Ictaluridae);
- d. Sunfish, crappie and bass (All of the family Centrarchidae);
- e. Walleye, pike and perch (All of the family Percidae);
- f. Sargo (All introduced species of the family Pomadasyidae); and
- g. Corvina, barirdiella and redfish (All introduced species of the family Sciaenidae).

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



- 1 31. **Habitat:** The location where a particular species of plant or animal lives and its  
2 surroundings (both living and nonliving) and includes the presence of a group of  
3 particular environmental conditions surrounding an organism including air, water,  
4 soil, mineral elements, moisture, temperature, and topography.
- 5 32. **Hunter Orange:** A minimum of 300 square inches of daylight fluorescent orange  
6 garment worn as an outer garment.
- 7 33. **Importation:** The act of receiving, bringing, shipping into, or otherwise causing  
8 to be brought into the Navajo Nation any exotic and non-native fish, wildlife, or  
9 plant(s), or parts thereof, from a location outside the Navajo Nation.
- 10 34. **Intoxicated:** Having a blood alcohol content (BAC) of .08 or  
11 higher; or, for a minor, any blood alcohol content; or otherwise impaired by  
12 alcohol or any other intoxicating substance or narcotic as determined by failing a  
13 standard field sobriety test.
- 14 35. **Introduction:** The release, or attempt to release, wildlife from outside the Navajo  
15 Nation into an undomesticated habitat (*i.e.* the wild) within the Navajo Nation  
16 without the approval of the Department.
- 17 36. **Invasive Species:** Shall have the same meaning as Exotic Wildlife.
- 18 37. **Legal Hunting Hours:** Half an hour before sunrise to half an hour after sunset,  
19 unless otherwise specified.
- 20 38. **License:** Any license, permit or other public document that conveys to the person  
21 to whom it was issued the privilege of pursuing, possessing or taking any fish or  
22 wildlife regulated by statute, law, or regulation.
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- 1 39. License Year (small game and fishing): The twelve-month period between  
2 January 1 and December 31.
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4 40. Licensing Authority: The Navajo Nation Department of Fish and Wildlife or  
5 other entity authorized by applicable law to issue or approve licenses or permits to  
6 hunt, fish, trap or possess wildlife on Navajo Nation land.
- 7  
8 41. Loaded Firearm: A firearm with an unexpended cartridge or shell in the firing  
9 chamber.
- 10  
11 42. Management Hunt: A hunt planned or organized by the Department for a  
12 specific purpose: to thin out populations of specific species; to expose youth to  
13 hunting; or any other purpose deemed necessary by the Department.
- 14  
15 43. Migratory Bird: A migratory bird is any species or family of birds that live,  
16 reproduce or migrate within the United States or across international borders at  
17 some point during their annual life cycle.
- 18  
19 44. Motor Vehicle: Any motorized vehicle including all-terrain vehicles, off road  
20 vehicles, boats, jet skis, buses, tractors, snowmobiles, motorcycles, trucks, cars,  
21 and vans.
- 22  
23 45. Native Wildlife: A species or subspecies of wildlife that historically inhabited,  
24 existed on or naturally migrated onto the Navajo Nation.
- 25  
26 46. Navajo Nation: All lands within the jurisdiction of the Navajo Nation including  
27 lands held in fee or trust or allotted lands, and dependent Navajo Indian  
28 communities.
- 29  
30 47. Navajo Nation Endangered Species List: A list of species and subspecies of  
wildlife indigenous to the Navajo Nation which are determined to be endangered

1 within the Navajo Nation, as recommended by the Navajo Nation Department of  
2 Fish and Wildlife and approved by the Resources and Development Committee of  
3 the Navajo Nation Council.

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5 48. **Navajo Tribal Member:** A Navajo Indian who possesses a Navajo Nation  
6 Census number.

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

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

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14 51. **Non-game Fish:** All species of native fish and any other fish which are on the  
15 federal or Navajo Nation protected or endangered species list.

16  
17 52. **Non-game Animals:** All native or non-native species of animals that are not  
18 classified as either a game animal, game bird, and/or a furbearer.

19  
20 53. **Non-Navajo:** A person that is not a Navajo Tribal Member.

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

25  
26 55. **Person:** An individual—Indian or non-Indian; a partnership, sole proprietorship,  
27 or corporation, whether public or private, for-profit or non-profit, wherever  
28 organized, and any employee, director or officer of same; any governmental  
29 entity, unit or agency, whether tribal, local, state or federal, or any employee or  
30 official of the same.

- 1 56. **Plants:** Living organisms belonging in the kingdom plantae that includes trees,  
2 herbs, bushes, grasses, vines, ferns, mosses and algae; including nuts, seeds,  
3 berries, flowers or any other reproductive seed of any plant.
- 4
- 5 57. **Possession Limit:** The maximum limit, in number or amount of wildlife, which  
6 may be possessed at one time by any one person.
- 7
- 8 58. **Raptors:** A bird of prey belonging to the following groups;  
9 a. Hawks and eagles (All of the family Accipitridae);  
10 b. Vultures and condors (All of the family Cathartidae);  
11 c. Falcons (All of the family Falconidae);  
12 d. Shrikes (All of the family Laniidae); and  
13 e. Owls (All of the family Tytonidae and Strigidae).
- 14
- 15 59. **Release On Personal Recognizance:** An agreement by a person made at  
16 the time of issuance of a wildlife citation that the person will comply with the  
17 terms of the citation, in lieu of being placed in custody.
- 18
- 19 60. **Residence:** Any structure, occupied or unoccupied, in which one resides, either  
20 permanently or temporarily.
- 21
- 22 61. **Road or roadway:** Any maintained or unmaintained road regularly used by the  
23 public for travel, ingress or egress.
- 24
- 25 62. **Small Game Animals:** The following are small game animals:  
26 a. Squirrels, Chipmunks, and Prairie Dogs;  
27 b. Rabbits and Jackrabbits;  
28 c. Feral dogs and cats; and  
29 d. European Starlings and House Sparrows.  
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- 1           63.    **Songbirds:** Any bird whose principal food consists of insects, comprising all the  
2                    species and varieties of such birds, represented by the several families of  
3                    bluebirds, including but not limited to the western and mountain bluebirds,  
4                    bobolinks, catbirds, chickadees, cuckoos, roadrunner, flickers, flycatchers,  
5                    grosbeaks, hummingbirds, kinglets, martins, meadowlarks, nighthawks,  
6                    nuthatches, orioles, robins, shrikes, swallows, swifts, tanagers, titmice, thrushes,  
7                    vireos, warblers, waxwings, whippoorwills, woodpeckers, wrens, and all other  
8                    perching birds which feed entirely or chiefly on insects.
- 9
- 10          64.    **Suspension or revocation:** A cancellation, annulment, denial or withdrawal of  
11                    any or all license privileges, for any period of time, including the privilege to  
12                    apply for, purchase or exercise the benefits conferred by any license.
- 13
- 14          65.    **Take, taking or taken:** To intentionally, knowingly, recklessly, negligently or  
15                    accidentally harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, collect  
16                    or possess wildlife, including plants, or parts thereof or to attempt to engage in  
17                    any such conduct, including scouting for the purpose of a take; may include  
18                    significant habitat modification or degradation if it kills or injures wildlife by  
19                    significantly impairing essential behavioral patterns including reproduction,  
20                    feeding, or sheltering. To be a lawful take, a permit is necessary.
- 21
- 22          66.    **Taxidermist:** Any person who engages for hire in the mounting, refurbishing,  
23                    maintaining, restoring or preserving of any display specimen.
- 24
- 25          67.    **Transplant or translocate:** The moving or release of, or attempting to introduce,  
26                    intentional or otherwise, plants and wildlife onto the Navajo Nation without the  
27                    approval of the Department.
- 28
- 29          68.    **Transporting:** To convey, move, carry, or ship, or cause same, from one location  
30                    to another, either by vehicle, horse, wagon, plane boat or other means of  
                      conveyance used in transporting such item.

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

7  
8 70. **Trophy:** Includes the following:

9 a. A mule deer with a score of 154 and above on the Safari Club  
10 International scoring system;

11 b. An elk with a score of 252 and above on the Safari Club International  
12 scoring system;

13 c. A pronghorn (antelope) with a score of 63 and above on the Safari Club  
14 International scoring system;

15 d. Any bighorn sheep;

16 e. Any mountain lion, puma, or cougar with a skull length above 12 inches  
17 on the SCI scoring system;

18 f. Any black bear with a skull length above 16 inches on the SCI scoring  
19 system; and

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

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

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27 72. **Valid Big Game Permit:** A permit for big game animals that has been issued by  
28 the Department and has been made out to the bearer, and has not been changed or  
29 otherwise tampered with, has not expired or been revoked during Big Game  
30 Hunts, is signed by the authorized permittee prior to hunting, and which is not

1 valid after a harvest is made if the bearer fails to sign and affix the date and time  
2 of the take on the back of the permit.

3  
4 73. **Watercraft:** Any boat, sailboard or other floating device of rigid or inflatable  
5 construction designed to carry people on the water and that is propelled by  
6 machinery, oars, paddles, or wind action on a sail, EXCEPT makeshift  
7 contrivances constructed by inner tubes or other floatable materials.

8  
9 74. **Waterfowl:** Means the following:

- 10 a. Coots and Common Moorhens;  
11 b. Ducks and Geese (all of the family Anatidae), except Swans; and  
12 c. Sandhill cranes (Grus Canadensis).

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

14  
15 76. **Wildlife:** All wild species of animals and native plants, and parts thereof,  
16 including, but not limited to, mammals, birds, reptiles, amphibians, fish,  
17 invertebrates (including mollusks and crustaceans);including active nests, eggs,  
18 and seeds; which are undomesticated and occur naturally in the wild. These  
19 species may include those hunted and collected and which are subject to  
20 protection or otherwise regulated by Navajo, federal or state statutes, laws,  
21 regulations and administrative rules.

22  
23 77. **Wildlife Laws:** Any statute, law, regulation, ordinance or administrative rule  
24 developed and enacted for the management of wildlife resources and the uses  
25 thereof.

26  
27 78. **Wildlife Conservation Officer:** A peace officer in the Fish and Wildlife  
28 Department commissioned by the President of the Navajo Nation to enforce  
29 Wildlife Laws.  
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1       **79. 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  
6       **80. Wildlife Theft Prevention Fund (WTPF):** Also referred to as Operation Game  
7       Thief, a Navajo Nation account with funds available for reward payments for  
8       information leading to the arrest or citations of individuals for violations of  
9       Navajo Nation wildlife laws and regulations. Funds deposited into this account  
10      are primarily generated from fines for violations of criminal and civil activities  
11      not concerning endangered species, as the Department sees fit.

12  
13      **81. Wildlife Violation:** Any cited violation or contravention of a statute, law,  
14      regulation, ordinance or administrative rule developed and enacted for the  
15      management of wildlife resources and the uses thereof.

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

18  
19      **§ 721. Scope and Enforcement.**

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

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

27          1.     May stop any person who is taking, attempting to take, has taken or is in  
28          possession of any wildlife and/or is conveying, shipping or transporting  
29          such wildlife; to validate that such wildlife was lawfully taken in  
30



1 accordance with Federal, State and/or Navajo Nation laws, statutes and  
2 regulations.

3 2. Shall seize any wildlife held in violation of this Subchapter.

4 3. With or without warrant, may arrest any person where there is probable  
5 cause to believe that he or she is guilty of a violation of this Subchapter.

6 4. Upon valid authority, may open, enter and examine all camps, wagons,  
7 any vehicles, cars, tents, packs, boxes, barrels and packages where he or  
8 she has reason to believe any wildlife, including plants, game or fish taken  
9 or held in violation of this Subchapter is to be found, and where  
10 unlawfully taken or held shall seize it.

11 5. Shall seize any weapons, ammunition, traps, equipment, property,  
12 vehicles, off road vehicles, boats, aircraft and any other property used to  
13 violate Navajo Nation's wildlife laws, statutes, or regulations.

14 C. Wildlife Conservation Officers:

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

21 2. May issue citations, investigate suspected violations of Navajo Nation or  
22 federal law, request for warrant and serve such warrant, request for  
23 summons and serve such summons, and apprehend or arrest any person  
24 who violates Navajo Nation or federal wildlife laws, statutes or  
25 regulations. Upon federal commission, officers shall exercise the  
26 authorities to enforce federal laws, statutes, or regulations consistent with  
27 the Commission.

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

30 4. May establish road blocks or wildlife check stations at points along  
established roads for the purpose of ensuring compliance with Navajo

1 Nation and federal wildlife laws, and for the collection of wildlife  
2 management data.

3 D. Warrants:

4 1. Any warrant for the arrest of a person shall be issued only upon sworn  
5 complaint, supported by probable cause.

6 2. Any search warrant shall be issued only upon a written showing of  
7 probable cause supported by oath or affirmation, describing the places to  
8 be searched, and the wildlife, evidence, papers or things to be seized.

9  
10 **§ 722. Accomplice Liability.**

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

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

15 **§ 501723. Unlawful taking of fish or game Take of wildlife without a valid permit.**

16 A. Offense. A person commits the offense of an unlawful taking of fish, or game  
17 wildlife if he or she takes any game fish, game bird, or game animal, and: wildlife  
18 without a valid permit.

19 1 ~~Such take occurs in a location not permitted by law or regulations; or~~

20 2 ~~The person take such game fish, game bird, or game animal or wildlife~~  
21 ~~without a permit or with an improper permit; or~~

22 3 ~~Such take occurs during a time of day not permitted by law or regulation;~~

23 ~~or~~

24 4 ~~Such take occurs in a manner not permitted by law or regulations; or~~

25 5 ~~Such take is in excess of the permitted number; or~~

26 6 ~~Such take occurs out of season.~~

27 B. Sentence. Any person found guilty of an unlawful taking of any fish, or game  
28 wildlife without a valid permit shall may be sentenced as follows:

1. For the unlawful take of game fish, a person may be ordered to pay a fine a minimum fine of One Hundred Dollars (\$100), but not to exceed one thousand dollars (\$1,000) per fish.
2. For the unlawful taking of game birds, a person may be ordered to pay a minimum fine of two hundred dollars (\$200), but not to exceed two thousand dollars (\$2,000) per game bird.
3. For the unlawful taking of big game animals, a person may be ordered to pay a minimum fine of five hundred dollars (\$500), but not to exceed five thousand dollars (\$5,000) per big game animal.
4. For the unlawful take of Raptors, fined a minimum of five hundred dollars (\$500), but not to exceed five thousand dollars (\$5,000) per raptor, and may be sentenced to imprisonment for a term not to exceed one hundred eighty (180) days.

C. Restitution. The court, in addition to or in lieu of the sentences, may require the offender to pay the Department for the value of the wildlife taken, as determined pursuant to applicable regulations, and have such funds deposited into the Enterprise Fund of the Navajo Nation Department of Fish and Wildlife or its subsidiary funds, the WTPF or WCF in accordance with 23 N.N.C. §700 et seq.

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

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

- A. Offense. A person commits the criminal offense of the unlawful take of wildlife out of season if he or she takes any wildlife outside the designated season for that species.
- B. Sentence. Any person found guilty of the unlawful take of wildlife out of season shall be fined a minimum of two hundred dollars (\$200), but not to exceed five

1            thousand dollars (\$5,000), and may be sentenced to imprisonment for a term not  
2            to exceed one hundred eighty (180) days.

3  
4    **§ 725. Take of wildlife during non-hunting hours or a time of day not permitted by law.**

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

8            B. Sentence. Any person found guilty of an unlawful take of wildlife during a time  
9            of day not permitted by law shall be fined two hundred dollars (\$200), but not to  
10           exceed five thousand dollars (\$5,000), and may be sentenced to imprisonment for  
11           a term not to exceed one hundred eighty (180) days.

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

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

16           B. Sentence. Any person found guilty of unlawfully exceeding the number of  
17           wildlife permitted by law or regulation shall be fined a minimum of two hundred  
18           dollars (\$200), but not to exceed five thousand dollars (\$5,000), and may be  
19           sentenced to imprisonment for a term not to exceed one hundred eighty (180)  
20           days.

21  
22    **§ 727. Take of wildlife in a location not permitted by law or regulation.**

23           A. Offense. A person commits the criminal offense of the unlawful take of wildlife  
24           in a location not permitted by law or regulation if he or she takes wildlife in an  
25           area not authorized by his or her permit, a closed area, or in another area not  
26           designated for take of wildlife.

27           B. Sentence. Any person found guilty of the unlawful take of wildlife in a location  
28           not permitted by law or regulation shall be fined one hundred dollars (\$100) but  
29           not to exceed one thousand dollars (\$1,000), and may be sentenced to  
30           imprisonment for a term not to exceed one hundred eighty (180) days.

1  
2 **§ 728. Take of wildlife in a manner not permitted by law or regulation.**

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

9 B. Sentence. Any person found guilty of the unlawful take of wildlife in a manner  
10 not permitted by law or regulation shall be fined two hundred dollars (\$200), but  
11 not to exceed five thousand dollars (\$5,000), and may be sentenced to  
12 imprisonment for a term not to exceed one hundred eighty (180) days.

13 **§ 502 729. Unlawful possession of ~~fish or game~~ wildlife.**

14 A. Offense. A person commits an offense pursuant to this Section the criminal  
15 offense of the unlawful possession of wildlife if without lawful authority he or she  
16 possesses, trades or barter, offers for sale, sells, offers to purchase or purchases  
17 within the territorial jurisdiction of the Navajo Nation and the Navajo Nation  
18 Courts, all or any part of any ~~game animal, game bird, or game fish~~ wildlife, or  
19 attempts any of the above.

20 B. Sentence. Any person found guilty of unlawful possession of ~~fish or game~~  
21 wildlife ~~may shall~~ be sentenced as follows:

- 22 1. For the unlawful possession of game fish, a person may be ordered to pay  
23 a ~~fine~~ a minimum of one hundred dollars (\$100) per fish, ~~fine~~ but not to  
24 exceed five thousand dollars (\$5,000) per fish.
- 25 2. For the unlawful possession of game birds or song birds, a person may be  
26 ordered to pay ~~fine~~ a minimum of two hundred dollars (\$200) per game  
27 bird or song bird, ~~fine~~ but not to exceed five thousand dollars (\$5,000) per  
28 game bird or song bird.
- 29 3. For the unlawful possession of game animals and other wildlife not  
30 addressed in this subsection, or wildlife a person may be ordered to pay

1 fined a minimum for each animal as follows, but not to exceed five  
2 thousand dollars (\$5,000) per game animal:

3 a. Antelope, One Thousand Dollars (\$1,000);

4 b. Bighorn Sheep, Two Thousand Dollars (\$2,000);

5 c. Black Bear, One Thousand Dollars (\$1,000);

6 d. Deer, One Thousand Two Hundred Dollars (\$1,200);

7 e. Elk, One Thousand Two Hundred Dollars (\$1,200);

8 f. Mountain Lion, Cougar, or Puma One Thousand Dollars (\$1,000);

9 g. Turkey, Six Hundred Dollars (\$600);

10 h. Small Game Animal, One Hundred Dollars (\$100);

11 i. Red Fox, Three Hundred Dollars (\$300);

12 j. Gray Fox, Three Hundred Dollars (\$300);

13 k. Kit Fox, Five Hundred Dollars (\$500);

14 l. Bobcat, Nine Hundred Dollars (\$900);

15 m. Badger, Two Hundred Dollars (\$200);

16 n. Beaver, Two Hundred Dollars (\$200);

17 o. Coyote, Two Hundred Dollars (\$200);

18 p. Other wildlife, Two Hundred Dollars (\$200).

19 4. For the unlawful possession of raptors, fined a minimum for each raptor as  
20 follows, but not to exceed five thousand dollars (\$5,000) per raptor:

21 a. Eagle, Four Thousand Dollars (\$4,000);

22 b. Raptor other than Eagle, Two Thousand Dollars (\$2,000).

23 5. For a second or subsequent offense under this section, a person may be  
24 sentenced to a term of imprisonment not to exceed one hundred eighty  
25 (180) days.

26 **§ 503. 730. Unlawful takeing of a songbird.**

27 A. Offense. A person commits an ~~offense pursuant to this Section~~ the criminal  
28 offense of the unlawful take of a songbird if without lawful authority he or she  
29 takes any songbird, ~~or bird whose principal food consists of insects.~~

1 B. Sentence. Any person found guilty of the unlawful take of a songbirds shall be  
2 fined one hundred dollars (\$100), but be sentenced to imprisonment for a term not  
3 to exceed 30 days, or may be ordered to pay a fine not to exceed one thousand  
4 dollars (\$1,000), and may be sentenced to a term of imprisonment not to exceed  
5 one hundred eighty (180) days.

6 C. ~~The Manager of the Fish and Wildlife Department of the Navajo Nation shall~~  
7 ~~assist any person Assistance and applications in for securing permits from the~~  
8 ~~Secretary of the Interior for the take and possession of songbirds may be obtained~~  
9 ~~from the Department of Fish and Wildlife. Applications shall be processed~~  
10 ~~without charge to any person for the following purposes:~~

11 1 Indian religious and ceremonial purposes;

12 Scientific purposes in accordance with the rules and regulations of the Resources Committee of  
13 the Navajo Nation Council.

14 **§ 504.731. Unlawful takeing or possession of fur-bearing animal**

15 A. Offense. A person commits the criminal offense of the unlawful take of a fur-  
16 bearing animal an offense pursuant to this Section if without lawful authority he  
17 or she takes any fur-bearing animals.

18 B. Sentence. Any person found guilty of the unlawful takeing or possession of a fur-  
19 bearing animal shall be may be ordered to pay a fined a minimum of two hundred  
20 dollars (\$200), fine but not to exceed one two thousand dollars (\$1,000)-(\$2,000),  
21 and may be sentenced to a term of imprisonment not to exceed one hundred  
22 eighty (180) days.

23 D C. The Director ~~Manager~~ of the Fish and Wildlife Department of the Navajo  
24 Nation ~~may issue permits to allow any person to take or possess any fur-bearing~~  
25 ~~animal protected by this Section. Permits shall be granted upon application and~~  
26 ~~without charge for the following purposes:~~

27 1 ~~Indian religious and ceremonial purposes;~~

28 2 ~~Scientific purposes in accordance with the rules and regulations of the~~  
29 ~~Resources Committee of the Navajo Nation Council.~~

1 **§ 505. 732. Unlawful ~~takeing or possession~~ of Bald or Golden Eagles.**

- 2 A. Offense. A person commits ~~an~~ the criminal offense of the unlawful take of a Bald  
3 or Golden Eagle pursuant to this Section if without lawful authority he or she  
4 takes ~~or possesses~~ any Bald or Golden Eagles.
- 5 B. Sentence. Any person found guilty of the unlawful ~~takeing or possession~~ of a  
6 Bald or Golden Eagles ~~may be ordered to~~ shall pay a minimum fine of four  
7 thousand dollars (\$4,000), not to exceed five thousand dollars (\$5,000), and may  
8 be sentenced to term of imprisonment not to exceed one hundred eighty (180)  
9 days.

10 **§ 506. 733. Unlawful ~~takeing and possession~~ of ~~hawks, vultures and owls~~ raptor other than**  
11 **an eagle. ~~hawks, vultures and owls~~**

- 12 A. Offense. A person commits the criminal ~~an offense pursuant to this section of the~~  
13 unlawful take of a raptor other than an eagle if without lawful authority he or she  
14 takes ~~or possesses~~ any bird of the order falconiformes, comprising all of the  
15 species and varieties of birds represented by the several families of vultures and  
16 hawks, and all of the order strigiformes, comprising all of the species and  
17 varieties of owls any raptor other than an eagle.
- 18 B. Sentence. Any person found guilty of unlawful ~~takeing or possession~~ of hawks,  
19 vultures, or owls a raptor other than an eagle may be ordered to shall pay a  
20 minimum fine of four hundred dollars (\$400), but not to exceed five thousand  
21 dollars (\$5,000), and may be sentenced to a term of imprisonment not to exceed  
22 one hundred eighty (180) days.

23  
24 **§ 507. 734. Unlawful take, possession or transporting of ~~E~~ndangered species.**

- 25 A. ~~On the basis of investigations concerning wildlife, and other available scientific~~  
26 ~~and commercial data, and after consultation with wildlife agencies in surrounding~~  
27 ~~states, appropriate federal agencies, and other interested persons and~~  
28 ~~organizations, not later than one year after the effective date of this criminal code,~~  
29 ~~the Resources Committee of the Navajo Nation Council shall by regulation~~  
30 ~~develop a list of those species and subspecies of wildlife indigenous to the Navajo~~



1 Nation which are determined to be endangered within the Navajo Nation giving  
2 their common and scientific names by species and subspecies.

3 ~~B. The Director of the Fish and Wildlife Department shall conduct a review of the Navajo  
4 Nation list of endangered species biennially, commencing within two years of the  
5 effective date of this criminal code, and may present to the Resources Committee of the  
6 Navajo Nation Council recommendation for the appropriate additions to or deletions  
7 from the list.~~

8 A. Offense. Except as otherwise provided in this criminal code by law, it is unlawful a  
9 criminal offense for any person to take, possess, transport, export, process, sell, offer for  
10 sale, or ship any species or subspecies of wildlife, or parts thereof, appearing on any of  
11 the following lists:

12 1. ~~The list of wildlife indigenous to the Navajo Nation determined to be~~  
13 ~~endangered within the Navajo Nation as set forth by regulations of the The~~  
14 Navajo Nation Endangered Species List, as set forth by resolution of the  
15 Resources and Development Committee of the Navajo Nation Council.

16 2. ~~The United States lists of endangered native and foreign fish and other~~  
17 ~~wildlife species, as set forth in Section 4 of the Endangered Species Act of~~  
18 ~~1973 as endangered or threatened species, but only to the extent that such~~  
19 ~~lists are adopted for this purpose by regulations of the Resources~~  
20 ~~Committee of the Navajo Nation Council may be amended from time to~~  
21 time.

22 B. Sentence. Any person unlawful take, possession, or transport of an endangered  
23 species shall pay a minimum fine of two thousand five hundred dollars (\$2,500)  
24 for each individual plant or animal, but not to exceed five thousand dollars  
25 (\$5,000) for each individual plant or animal.

26 CD. Any species or subspecies of wildlife appearing on any of the foregoing lists,  
27 transported into the Navajo Nation from a state of the United States and destined  
28 for a point beyond the Navajo Nation may be transported across the Navajo  
29 Nation without restriction in accordance with the terms of any tribal, state or  
30 federal permit. or permit issued under the laws or regulations of a state of the  
United States or otherwise in accordance with the laws of a state of the United  
States.

1. For recklessly violating this section, a person shall pay a minimum fine of five hundred dollars (\$500) for each individual plant or animal, but not to exceed one thousand dollars (\$1,000) for each individual plant or animal.
2. For negligently violating this section, a person shall pay a minimum fine of one hundred dollars (\$100) for each individual plant or animal, but not to exceed five hundred dollars (\$500) for each individual plant or animal.

**§ 508. 735. Unlawful taking and possession of small game animals.**

- A. Offense. A person commits an the criminal offense pursuant to this Section of the unlawful take of a small game animal if without lawful authority he or she takes any small game animals.
- B. Sentence. Any person found guilty of the unlawful taking or possession of a small game animals may be ordered to shall pay a minimum fine of two hundred dollars (\$200), but not to exceed one five thousand dollars (\$15,000), and may be imprisoned for a term not to exceed 180 days.
- C. ~~The Director of the Fish and Wildlife Department of the Navajo Nation may issue permits to allow any person to take or possess any small game animal protected by this Section. Permits shall be granted upon application and without charge for the following purposes:~~
  1. ~~Indian religious and ceremonial purposes;~~
  2. ~~Scientific purposes in accordance with the rules and regulations of the Resources Committee of the Navajo Nation Council.~~

**§ 509736. Destruction of posted signs or structure.**

- A. Offense. It is a criminal offense for any A person commits an offense pursuant to this Section if he or she mutilates, destroys, attempt to destroy, or defaces any sign, or marker, posted or any structure, whether permanent or temporary, designed for the purpose of regulating and managing any wildlife animal, fish or fowl protected by this title.
- B. Sentence. Any person found guilty of destruction of posted signs or structures violation this section may shall be ordered to pay fined a minimum of two

1                    hundred dollars (\$200), fine but not to exceed two ~~one hundred~~ thousand dollars  
2                    (\$+2,000.00) per violation.

3  
4 **§ 510. Enforcement of fish and wildlife laws**

5                    ~~A. The Director of the Fish and Wildlife Department, each Wildlife Enforcement Officer,~~  
6 ~~each Navajo Nation Ranger and each member of the Navajo Division of Law Enforcement~~  
7 ~~commissioned shall enforce the provisions of this Title and shall:~~

8                    ~~1. Seize any game or fish held in violation of this Chapter;~~

9                    ~~2. With or without warrant, arrest any person whom he or she knows to be guilty of a~~  
10 ~~violation of this Chapter; and~~

11                    ~~3. Open, enter and examine all camps, wagons, cars, tents, packs, boxes, barrels and~~  
12 ~~packages where he or she has reason to believe any game or fish taken or held in violation of this~~  
13 ~~Chapter is to be found, and seize it.~~

14                    ~~B. Any warrant for the arrest of a person shall be issued upon sworn complaint, the same~~  
15 ~~as in other criminal cases, and any search warrant shall issue upon a written showing of probable~~  
16 ~~cause supported by oath or affirmation, describing the places to be searched or the papers or~~  
17 ~~things to be seized.~~

18                    ~~C. Wildlife Enforcement Officers may, under the direction of the Fish and Wildlife~~  
19 ~~Department of the Navajo Nation and the Director establish from time to time, as needed for the~~  
20 ~~proper functioning of the Fish and Wildlife Department, checking stations at points along~~  
21 ~~established roads.~~

22 **§ 511. Forfeiture**

23                    ~~Any person found guilty of an offense pursuant to this Subchapter shall forfeit any fish or~~  
24 ~~game as may be found in his or her possession to the court for the use of any Indian institution.~~

25 **§ 512. Authority to establish fees and regulations**

26                    ~~The Resources Committee of the Navajo Nation Council shall have the authority to~~  
27 ~~establish fees and regulations for hunting and fishing activities.~~

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

- 1 A. Offense. It is a criminal offense for any person to drive or attempt to drive  
2 wildlife from any area where that person is not authorized to take said wildlife,  
3 whether from, onto or across Navajo Nation land.
- 4 B. Sentence. Any person found guilty of unlawful driving of wildlife shall be fined a  
5 minimum of one hundred dollars (\$100), but not to exceed two thousand dollars  
6 (\$2,000), and may be sentenced to a term of imprisonment not to exceed thirty  
7 (30) days.

8  
9 **§ 738. Unlawful camping.**

- 10 A. Offense. It is criminally unlawful for a person to camp within one-half mile of  
11 any water hole containing water, excluding any lake, stream or river or to camp in  
12 areas designated and posted as no camping or to camp in a designated fee area  
13 without paying.
- 14 B. Sentence. Any person found guilty of unlawful camping shall be ordered to pay a  
15 minimum fine of one hundred dollars (\$100), but not to exceed two thousand  
16 dollars (\$2,000).

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

- 18 A. Offense. It is criminally unlawful for any person while taking wildlife, or while in  
19 any hunting area, to intentionally, knowingly or recklessly handle or discharge  
20 any weapon while intoxicated or under the influence of an intoxicating substance  
21 or narcotic drugs.
- 22 B. Sentence. Any person found guilty of use of a weapon while intoxicated shall be  
23 fined a minimum of five hundred dollars (\$500), but not to exceed five thousand  
24 dollars (\$5,000), and may be sentenced to a term of imprisonment not to exceed  
25 one hundred eighty (180) days.
- 26 C. A person convicted of unlawful misuse of weapon shall have his/her hunting,  
27 guiding, trapping and fishing privileges suspended for the following:
- 28 1. First offense: one year suspension.
  - 29 2. Second offense: five years suspension.
  - 30 3. Third offense: permanent suspension.

1  
2 **§ 740. Interference with rights of hunters, trappers or fishermen; classification; exceptions.**

- 3 A. Offense. It is criminally unlawful for a person while in a hunting, trapping or  
4 fishing area to intentionally interfere with, prevent or disrupt the lawful take of  
5 wildlife by:
- 6 1. Harassing, driving or disturbing any wildlife.
  - 7 2. Blocking, obstructing or impeding, or attempting to block, obstruct or  
8 impede, a person lawfully taking wildlife.
  - 9 3. Erecting a barrier, or locking a gate, without the consent of the Navajo  
10 Nation with the intent to deny ingress to or egress from areas where  
11 wildlife may be lawfully taken.
  - 12 4. Making or attempting to make a threat, assault or battery on a person  
13 lawfully taking wildlife.
  - 14 5. Engaging in, or attempting to engage in, theft, vandalism or destruction of  
15 real or personal property intended for use in the lawful take of wildlife,  
16 except where that person has a reasonable belief that the property has been  
17 abandoned or lost.
  - 18 6. Disturbing or altering, or attempting to disturb or alter, the condition or  
19 authorized placement of real or personal property intended for use in the  
20 lawful take of wildlife.
  - 21 7. Making or attempting to make loud noises or gestures, set out or attempt  
22 to set out animal baits, scents or lures or human scent, use any other  
23 natural or artificial visual, aural, olfactory or physical stimuli, or engage in  
24 or attempt to engage in any other similar action or activity, in order to  
25 disturb, alarm, drive, attract or affect the behavior of wildlife or disturb,  
26 alarm, disrupt or annoy a person lawfully taking wildlife.
  - 27 8. Interjecting oneself into the line of fire of a person lawfully taking  
28 wildlife.
- 29 B. Sentence. Any person found guilty of interference with rights of hunters, trappers  
30 or fishermen shall be fined a minimum of five hundred dollars (\$500), but not to

1 exceed five thousand dollars (\$5,000), and may be sentenced to a term of  
2 imprisonment not to exceed three hundred sixty five (365) days.

3 C. Exceptions. The conduct declared unlawful in this section does not include or  
4 apply to:

5 1. Any incidental interference arising from lawful activity by public land  
6 users, including ranchers, miners or recreationists; or

7 2. Landowners, permittees, lessees or their agents or contractors engaged in  
8 animal husbandry practices or agricultural operations.

9  
10 **§ 741. Big game killed by motor vehicle; salvage permit; violation; classification.**

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

18 B. A permit will be issued by a peace officer pursuant to regulations published in  
19 accordance with this section.

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

24 D. Offense. A violation of this section constitutes unlawful possession of wildlife.

25 **§ 742. Applying for or obtaining license or permit by fraud or misrepresentation;**  
26 **classification.**

27 A. Offense. It is criminally unlawful for a person to knowingly apply for, obtain, or  
28 assist another in applying for or obtaining, by fraud or misrepresentation, a license  
29 to take wildlife.  
30

1           B. Sentence. Any person found guilty of violating this section shall pay a minimum  
2           fine of five hundred dollars (\$500), but not to exceed five thousand dollars  
3           (\$5,000), and may be sentenced to a term of imprisonment not to exceed three  
4           hundred sixty five (365) days.

5  
6   **§ 743. Reckless operation of an off road vehicle, all-terrain vehicle or snowmobile.**

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

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

14           C. Sentence. Any person found guilty of violating this section, shall pay a minimum  
15           fine of one hundred dollars (\$100), but not to exceed one thousand dollars  
16           (\$1,000), and may be sentenced to a term of imprisonment not to exceed thirty  
17           (30) days.

18           D. Restitution. In addition to, or in lieu of fines, a court may order the defendant to  
19           pay restitution for the costs of the damaged property, including but not limited to  
20           materials and labor.

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

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

26           B. Sentence. Any person found guilty of violating this section shall pay a minimum  
27           fine of one hundred dollars (\$100), but not to exceed one thousand dollars  
28           (\$1,000), and may be sentenced to a term of imprisonment not to exceed thirty  
29           (30) days.  
30

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

- 3 A. Offense. It is criminally unlawful to discharge a firearm within five hundred feet  
4 of any occupied dwelling or structure without written consent of the owner or  
5 occupant.
- 6 B. Sentence. Any person found guilty of violating this section shall pay a minimum  
7 fine of one hundred dollars (\$100), but not to exceed one thousand dollars  
8 (\$1,000), and may be sentenced to a term of imprisonment not to exceed thirty  
9 (30) days.

10 **§ 746. Taking wildlife with aid of motor vehicle.**

- 11 A. Offense. It is criminally unlawful for any person to take wildlife by the aid or use  
12 of any motor vehicle, unless such vehicle is a boat or floating device that is  
13 beached, resting at anchor, or fastened within or tied immediately alongside of  
14 any type of fixed hunting blind, or unless expressly authorized by a permit issued  
15 by the Department.
- 16 B. Sentence. Any person found guilty of violating this section shall pay a minimum  
17 fine of two hundred and fifty dollars (\$250) per violation, but not to exceed five  
18 thousand dollars (\$5,000), and may be sentenced to a term of imprisonment not to  
19 exceed one hundred eighty (180) days.

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

- 21 A. Offense. It is criminally unlawful for a person to take wildlife with the aid or use  
22 of artificial light.
- 23 B. Sentence. Any person found guilty of violating this section shall pay a minimum  
24 fine of two hundred and fifty dollars (\$250) per violation, but not to exceed five  
25 thousand dollars (\$5,000), and may be sentenced to a term of imprisonment not to  
26 exceed one hundred eighty (180) days.
- 27 C. Exception. This section does not apply to Department employees conducting  
28 predator control.
- 29
- 30



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

2 A. Offense. It is criminally unlawful for a person to hunt or guide hunters without  
3 hunter orange where required by regulation.

4 B. Sentence. Any person found guilty of violating this section shall pay a minimum  
5 fine of fifty dollars (\$50) per violation, but not to exceed one thousand dollars  
6 (\$1,000), and may be sentenced to a term of imprisonment not to exceed thirty  
7 (30) days.

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

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

13 B. Sentence. Any person found guilty of violating this section shall be fined a  
14 minimum of fifty dollars (\$50) per violation, but not more than two hundred and  
15 fifty dollars (\$250), and may be sentenced to a term of imprisonment not to  
16 exceed thirty (30) days.

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

- 18 A. Offense. It is criminally unlawful to:
- 19 1. Take any game fish or big game animal and fail to transport the edible portions of  
20 the meat obtained to his/her home for human consumption or to provide for the  
21 human consumption thereof except as authorized by regulations established by the  
22 Department; or
  - 23 2. Wound or suspect to have wounded any wildlife and fail to go to the place where  
24 the animal sustained or may have sustained the wound and make a reasonable  
25 attempt to track the animal and reduce it to possession.
- 26 B. Sentence. Any person found guilty of unlawful waste of wildlife shall pay a  
27 minimum fine of two hundred dollars (\$200), but not more than one thousand  
28 dollars (\$1,000), and may be sentenced to a term of imprisonment not to exceed  
29 three hundred sixty five (365) days.

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

A. Offense. It is criminally unlawful for any person to hunt, guide, fish or boat while  
intoxicated.

1 B. Sentence. Any person found guilty of violating this section shall be fined a  
2 minimum of five hundred dollars (\$500), but not more than five thousand dollars  
3 (\$5,000), and may be sentenced to a term of imprisonment not to exceed three  
4 hundred sixty five (365) days.

5  
6 **§ 752. Restrictions on watercraft.**

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

10 B. It is criminally unlawful to operate any makeshift contrivances constructed of inner tubes  
11 or other floatable materials on waters of the Navajo Nation.

12 C. Sentence. A person found guilty of violating this section shall pay a minimum fine of one  
13 hundred dollars (\$100), but not to exceed five hundred dollars (\$500) per violation.

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

15  
16 **§ 753. Guiding without a permit.**

17 A. Offense. It is criminally unlawful to provide hunting or fishing guide services  
18 without a valid guide permit issued by the Department.

19 B. Sentence. Any person found guilty of unlawfully providing fishing or hunting  
20 guide services shall pay a minimum fine of one hundred dollars (\$100), but not to  
21 exceed one thousand dollars (\$1,000), and may be sentenced to a term of  
22 imprisonment not to exceed thirty (30) days.

23  
24 **§ 754. Failure to comply with Guide requirements.**

25 A. Offense. It is criminally unlawful for any person who is providing hunting or  
26 fishing guide services to fail to comply with guide requirements and applicable  
27 regulations established by the Department.

28 B. Sentence. Any person found guilty of violating this section shall pay a minimum  
29 fine of one hundred dollars (\$100) per violation, but not to exceed one thousand  
30 dollars (\$1,000) per violation, and may be sentenced to a term of imprisonment  
not to exceed thirty (30) days.

1  
2 **§ 755. Use of aircraft for take.**

3 A. Offense. It is criminally unlawful to take wildlife from an airplane or other  
4 airborne vehicle or device.

5 B. Sentence. Any person found guilty of violating this section shall pay a minimum  
6 fine of one thousand dollars (\$1,000) per violation, but not to exceed five  
7 thousand dollars (\$5,000) per violation, and may be sentenced to a term of  
8 imprisonment not to exceed three hundred sixty five (365) days.

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

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

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

14 B. Sentence. Any person found guilty of violating this section shall pay a minimum  
15 fine of two thousand five hundred dollars (\$2,500) per violation, but not to exceed  
16 five thousand dollars (\$5,000) per violation, and may be sentenced to a term of  
17 imprisonment not to exceed three hundred sixty five (365) days.

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

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

23 B. Sentence. Any person found guilty of violating this section shall pay a minimum  
24 fine of one hundred dollars (\$100), but not to exceed five hundred dollars (\$500),  
25 and may be sentenced to a term of imprisonment not to exceed thirty (30) days.

26  
27 **§ 758. Failure to tag game animal properly.**

28 A. Offense. It is criminally unlawful to fail to properly tag a big game animal with a  
29 carcass tag prior to moving or transporting the carcass in accordance with  
30 applicable regulations.

1 B. Sentence. Any person found guilty of violating this section shall pay a minimum  
2 fine of one hundred dollars (\$100), but not to exceed one thousand dollars  
3 (\$1,000), and may be sentenced to a term of imprisonment not to exceed thirty  
4 (30) days.

5  
6 **§ 759. Carrying a loaded firearm in or on a motor vehicle.**

7 A. Offense. It is criminally unlawful to carry a loaded firearm in or on any motor  
8 vehicle while hunting, except as specifically permitted by the Department or as  
9 permitted pursuant to this Subchapter.

10 B. Sentence. Any person found guilty of violating this section shall pay a minimum  
11 fine of two hundred dollars (\$200), but not to exceed two thousand dollars  
12 (\$2,000), and may be sentenced to a term of imprisonment not to exceed thirty  
13 (30) days.

14  
15 **§ 760. Failure to stop vehicle when ordered.**

16 A. Offense. It is criminally unlawful for any driver to fail to stop after receiving a  
17 visual or audible signal from a peace officer.

18 B. Sentence. Any person found guilty of violating this section shall pay a minimum  
19 fine of two hundred dollars (\$200), but not to exceed two thousand dollars  
20 (\$2,000), and may be sentenced to a term of imprisonment not to exceed ninety  
21 (90) days.

22  
23 **§ 761. Reckless operation of motor vehicle.**

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

28 B. Sentence. Any person found guilty of violating this section shall pay a minimum  
29 fine of three hundred dollars (\$300), but not to exceed three thousand dollars  
30 (\$3,000), and may be sentenced to a term of imprisonment not to exceed ninety  
(90) days.

1  
2 **§ 762. Interference with operation of vehicle, or to flee or elude a peace officer.**

3 A. Offense. It is criminally unlawful to interfere, or attempting to interfere with the  
4 operation of a peace officer's vehicle, or any other vehicle, or to increase his  
5 speed and attempt to flee or elude a peace officer in the performance of his/her  
6 duties.

7 B. Sentence. Any person found guilty of violating this section shall pay a minimum  
8 fine of five hundred dollars (\$500), but not to exceed five thousand dollars  
9 (\$5,000), and may be sentenced to a term of imprisonment not to exceed one  
10 hundred eighty (180) days.

11 **§ 763. Littering.**

12 A. Offense. It is criminally unlawful to throw, place, drop, abandon or dispose of any  
13 litter or waste in an area designated for the take of wildlife, unless such area is  
14 designated as a lawful waste disposal site, or unless otherwise authorized by  
15 applicable laws, regulations or permit.

16 B. Sentence. Any person found guilty of violating this section shall pay a minimum  
17 fine of three hundred dollars (\$300), but not to exceed fifteen hundred dollars  
18 (\$1,500), except that in lieu of said fine, a court may order the offender to serve  
19 not less than 40 hours picking up litter from a recreation area, lake or park on the  
20 Navajo Nation.

21  
22 **§ 764. Transport of wildlife.**

23 A. Offense. It is criminally unlawful to intentionally, knowingly, recklessly or  
24 negligently transport any wildlife or parts thereof without a permit or other  
25 written permission from the Department.

26 B. Sentence. Any person found guilty of violating this section shall pay a minimum  
27 fine of three hundred dollars (\$300), but not to exceed fifteen hundred dollars  
28 (\$1,500), and may be sentenced to a term of imprisonment not to exceed ninety  
29 (90) days.

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

2 A. Offense. It is criminally unlawful to intentionally, knowingly, recklessly or  
3 negligently possess live wildlife without a permit issued by the Department.

4 B. Sentence. Any person found guilty of unlawful possession of live wildlife shall  
5 pay a minimum fine one hundred dollars (\$100), but not to exceed five hundred  
6 dollars (\$500), and may be sentenced to a term of imprisonment for a period not  
7 to exceed ninety (90) days.

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

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

13 B. Sentence. Any person found guilty of violating this section shall pay a minimum  
14 fine one thousand dollars (\$1,000), but not to exceed five thousand dollars  
15 (\$5,000), and may be sentenced to a term of imprisonment not to exceed three  
16 hundred sixty five (365) days.

17 **§ 767. Baiting.**

18 A. Offense. It is criminally unlawful for any person to take any wildlife with bait  
19 except as specifically authorized pursuant to regulations established by the  
20 Department.

21 B. Sentence. Any person found guilty of violating this section shall pay a minimum  
22 fine one hundred dollars (\$100), but not to exceed five hundred dollars (\$500),  
23 and may be sentenced to a term of imprisonment not to exceed ninety (90) days.

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

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

27 A. Offense. It is criminally unlawful for any person to intentionally, knowingly,  
28 recklessly or negligently destroy, disturb, or remove any trap or snare belonging  
29 to another person.

1 to another person or remove wildlife from a trap or snare belonging to another  
2 person without the consent of the owner of the trap or snare.

3 B. Sentence. Any person found guilty of violating this section shall pay a minimum  
4 fine one hundred dollars (\$100), but not to exceed five hundred dollars (\$500),  
5 and may be sentenced to a term of imprisonment not to exceed ninety (90) days.

6  
7 **§ 769. Take of a Trophy game animal during a management hunt.**

8 A. Offense. It is criminally unlawful to intentionally, recklessly, knowingly, or  
9 negligently take a Trophy game animal during a management hunt.

10 B. Sentence. Any person found guilty of violating this section shall pay a minimum  
11 fine two hundred dollars (\$200), not to exceed fifteen hundred dollars (\$1,500),  
12 and may be sentenced to a term of imprisonment not to exceed ninety (90) days.

13 C. Forfeiture. Any game animal taken in violation of this section shall be confiscated  
14 by the Department and the meat donated to any non-profit organization or needy  
15 person. All hide and head mount will be kept as evidence.

16 D. Restitution. The court, in addition to or in lieu of the sentences, may require the  
17 offender to pay the Department for the value of the wildlife taken, or the cost of a  
18 trophy permit, and have such funds deposited into the Wildlife Theft Prevention  
19 Fund (Operation Game Thief).

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

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

24 B. Sentence. Any person found guilty of recklessly operating a watercraft shall pay a  
25 minimum fine of two hundred fifty dollars (\$250), but not to exceed five thousand  
26 dollars (\$5,000), and may be sentenced to a term of imprisonment not to exceed  
27 ninety (90) days, and shall attend a boat safety education training course  
28 authorized by the Department.

29  
30 **§ 771. Personal flotation device required.**

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

4        B. Sentence. Any person found guilty of violating this section shall pay a minimum  
5        fine of fifty dollars (\$50), but not more than one hundred fifty dollars (\$150) per  
6        violation.

7  
8        **§ 772. Failure to secure infant/child passenger with personal flotation device.**

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

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

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

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

18       B. Sentence. A person found guilty of violating this section shall pay a minimum  
19       fine of one hundred dollars (\$100), not to exceed five hundred dollars (\$500) per  
20       violation, and may be sentenced to a term of imprisonment not to exceed ninety  
21       (90) days.

22  
23       **§ 774. Operating a watercraft with more persons or weight on board than the craft is rated**  
24       **or designed to safely carry.**

25       A. Offense. It is criminally unlawful to operate a watercraft with more persons or  
26       weight on board than the watercraft is rated or designed to safely carry.

27       B. Sentence. A person found guilty of violating this section shall pay a minimum  
28       fine of one hundred dollars (\$100), not to exceed five hundred dollars (\$500) per  
29       violation, and may be sentenced to a term of imprisonment not to exceed ninety  
30       (90) days.



1  
2 **§ 775. Depositing, discarding, dumping, or leaving fuel or oil or their containers in or near**  
3 **Navajo Nation waters.**

- 4     A. Offense. It is criminally unlawful to intentionally, knowingly, recklessly or  
5     negligently deposit, discard, dump or otherwise leave fuel, oil or waste in or near  
6     Navajo Nation waters.
- 7     B. Sentence. A person convicted of violating this section shall pay a minimum fine  
8     of five hundred dollars (\$500), but not to exceed five thousand dollars (\$5,000)  
9     per violation.
- 10    C. Restitution. The court, in addition to, or in lieu of the sentences, may require the  
11    offender to pay the Department for the costs of removal of the fuel, oil or waste,  
12    including but not limited to labor, rental of equipment and other costs associated  
13    with the removal.

14 **§ 776. Restrictions on motors.**

- 15    A. Offense. It is criminally unlawful for any person to operate a gas powered motor  
16    on any waters of the Navajo Nation in violation of regulations established by the  
17    Department.
- 18    B. Sentence. A person found guilty of violating this section shall pay a minimum  
19    fine of fifty dollars (\$50), not to exceed five hundred dollars (\$500) per violation.  
20

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

- 22    A. Offense. It is criminally unlawful to engage in a biological investigation or  
23    scientific collecting of wildlife without a valid Navajo Nation permit issued by the  
24    Department.
- 25    B. Sentences. A person found guilty of violating this section shall pay a minimum  
26    fine of two hundred dollars (\$200) per investigation or per specimen, but not more  
27    than fifteen hundred dollars (\$1,500) per investigation or per specimen.  
28

29 **§778. Criminal Forfeiture.**

30

1 A person committing a criminal offense pursuant to this subchapter shall be subject to  
2 criminal forfeiture of any wildlife found in his or her possession, and of any weapons,  
3 ammunition, traps, equipment, property, vehicles, off road vehicles, boats, aircraft and  
4 any other property used to violate this subchapter or any other wildlife statute or  
5 regulation. Such forfeiture shall be to the Department, and any such items may be kept,  
6 sold, or destroyed at the discretion of the Department, subject to applicable law. A  
7 criminal forfeiture made pursuant to this subchapter is reviewable by the Window Rock  
8 District Court of the Navajo Nation. Any weapons, ammunition, traps, equipment,  
9 property, vehicles, off road vehicles, boats, aircraft or any other property used to violate  
10 the wildlife laws under this Chapter and its regulations, or other wildlife laws, statutes, or  
11 regulations, may be seized by a peace officer, along with any wildlife, and upon a  
12 conviction hereunder, may be forfeited to the Department to be disposed of in accordance  
13 with regulations.

14 **§ 779. Fines and restitution; penalty for failure to pay.**

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

25 B. Failure to pay a fine or restitution, and/or complete other requirements assessed by  
26 the Court pursuant to this Subchapter may subject a person to suspension or  
27 permanent revocation of that person's hunting, trapping and/or fishing privileges  
28 on the Navajo Nation, as determined by the Department. A final Department  
29 determination shall be appealable to the Office of Hearing and Appeals.  
30

1 **§ 780. Reserved.**

2  
3 **§ 781. Authority to regulate.**

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

- 7 A. Rules for revocation, suspension or denial of a license, permit, or other privilege  
8 to take wildlife on the Navajo Nation, based on one or more convictions or  
9 violations under the wildlife laws of Titles 17 and 23, conviction of a felony in  
10 any jurisdiction, ineligibility for the take of wildlife in one or more state  
11 jurisdictions or by the federal government, or ineligibility as otherwise  
12 determined by the Navajo Nation Council. Revocations, suspensions or denials  
13 by the Department shall be appealable to the Office of Hearings and Appeals in  
14 accordance with 2 N.N.C. §§ 1051-1059.
- 15 B. A schedule amending the fines as set hereunder for violations of wildlife laws  
16 under Titles 17 and 23, upon approval by the Resources and Development  
17 Committee or its successor.
- 18 C. A schedule for restitution.
- 19 D. Reasonable requirements for eligibility for a license or permit or other privilege to  
20 take wildlife including but not limited to proof of successful completion of a  
21 hunter education course.
- 22 E. Permits for hunting or fishing guides or for any activity carried out for the  
23 purpose of assisting another in the taking of wildlife.
- 24 F. Exceptions to certain requirements of this Chapter in order to accommodate  
25 persons with special needs.
- 26 G. Rules for disposition of forfeited items.

27 **§782 Reserved.**

28  
29  
30