

LEGISLATIVE SUMMARY SHEET

Tracking No. 0158-21

DATE: July 27, 2021

TITLE OF RESOLUTION: AN ACT RELATING TO RESOURCES AND DEVELOPMENT, LAW AND ORDER, NAABIK'ÍYÁTTI' COMMITTEES AND THE NAVAJO NATION COUNCIL; AMENDING 23 N.N.C. §§ 501, 502, 505-509 AND ENACTING 23 N.N.C. §§ 600 *ET SEQ.*, CHAPTER 6, FISH AND WILDLIFE CIVIL ENFORCEMENT

PURPOSE: This resolution, if approved, will amend Title Twenty-Three of the Navajo Nation Code, Fish and Wildlife Civil Enforcement.

This written summary does not address recommended amendments as may be provided by the standing committee. The Office of Legislative Counsel requests each committee member to review the proposed resolution in detail.

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Resources & Development Committee
Thence
Law & Order Committee
Thence
Naabik'íyáti' Committee
Thence
Navajo Nation Council

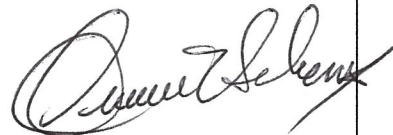
PROPOSED NAVAJO NATION COUNCIL RESOLUTION

24th NAVAJO NATION COUNCIL -- Third Year, 2021

INTRODUCED BY:

EDMOND YAZZIE.

(Prime Sponsor)



TRACKING NO. 0158-21

AN ACT

RELATING TO RESOURCES AND DEVELOPMENT, LAW AND ORDER,
NAABIK'ÍYÁTI' COMMITTEES AND THE NAVAJO NATION COUNCIL;
AMENDING 23 N.N.C. §§ 501, 502, 505-509 AND ENACTING 23 N.N.C. §§ 600
ET SEQ., CHAPTER 6, FISH AND WILDLIFE CIVIL ENFORCEMENT

BE IT ENACTED:

Section One. Authority

- A. The Law and Order Committee is empowered to review and make recommendations to the Navajo Nation Council on proposed Navajo Nation Code amendments and enactments. 2 N.N.C. § 601 (B)(14).
- B. The Resources and Development Committee has oversight authority over Navajo Nation land, environment and wildlife. 2 N.N.C. § 500 (C).
- C. The Navajo Nation Council established the Naabik'íyáti' Committee as a Navajo Nation standing committee and as such proposed legislation that requires final action by the Navajo Nation Council shall be assigned to the Naabik'íyáti' Committee. 2 N.N.C. § 164 (A)(9).
- D. The Navajo Nation Council must review and approve enactments or amendments of positive law. 2 N.N.C. § 164 (A).

1 **Section Two. Findings**

2 A. The purpose of the proposed amendments to Title 23 §§ 501 *et seq.* is:

- 3 1. To address violations of Navajo Nation Fish and Wildlife laws by Non-
- 4 Navajo through Navajo Nation courts;
- 5 2. To create a civil violation for Navajo Nation tribal members;
- 6 3. To recognize Wildlife Conservation Officers as peace officers;
- 7 4. To restrict the use of ATVs and UTVs on Navajo Nation lands during
- 8 hunting season;
- 9 5. To protect the wildlife on Navajo Nation Lands from unauthorized hunting;
- 10 6. To allow the Department of Fish and Wildlife to manage the wildlife
- 11 population.

12

13 **Section Three. Amending Title 23 of the Navajo Nation Code**

14 The Navajo Nation hereby approves the following amendments to Title 23 of

15 the Navajo Nation Code:

16 _____

17 NAVAJO NATION CODE ANNOTATED

18 TITLE 23. CONSERVATION AND WILDLIFE

19 CHAPTER 5. REGULATIONS FISHING AND HUNTING

20

21 § 501. Application of federal law

22

23 All hunting and fishing on lands subject to the jurisdiction of the Navajo Nation shall

24 be conducted in conformity with applicable Navajo Nation and federal laws and

25 regulations. Notwithstanding any other provision of law, it shall be permissible at

26 any time for any Navajo tribal member to take any species in a ceremonial manner

27 for use by a Navajo medicine man. ~~This Section is not intended to apply to bald~~

28 ~~eagles, or to authorize hunting in violation of federal law.~~

29

30 § 502. Navajo Nation permit requirements

1
2 All persons hunting, fishing or trapping on lands subject to the jurisdiction of the
3 Navajo Nation shall have in their possession a proper Navajo Nation permit as set
4 forth in the Navajo Nation Hunting and Trapping Regulations and Navajo Nation
5 Fishing and Boating rRegulations established by the Resources and Development
6 Committee of the Navajo Nation Council. For purposes of this section, person shall
7 mean either Indian or non-Indian.

8
9 § 503. [Reserved]

10
11 § 504. [Reserved]

12
13 § 505. [Reserved] Restocking and management; federal and state cooperation
14 The restocking and proper management of fish and wildlife and full cooperation
15 with the United States Fish and Wildlife Service and the respective state fish and
16 game departments shall be encouraged.

17
18 § 506. Revolving fund; Enterprise Fund establishment; expenditure; report

19
20 A. All permit fees and fines assessed by the Navajo Nation Courts for violation
21 of these regulations and other similar collections shall be set up as a special
22 revolving proprietary fund for use in management, protection and regulation of fish
23 and wildlife resources. These funds may be expended by the Controller of the
24 Navajo Nation upon the recommendations of the Resources and Development
25 Committee and the Budget and Finance Committees of the Navajo Nation Council.

26
27 B. The Controller shall report annually on the status of the special revolving
28 proprietary fund to the Navajo Nation Council during consideration of the Navajo
29 Nation Budget and the ensuing fiscal year.
30

1 § 507. [Reserved] Predator control—Generally

2
3 ~~A. The control and eradication of predatory animals shall be the responsibility of the~~
4 ~~Resources Committee of the Navajo Nation Council. Such controls shall be~~
5 ~~exercised according to the wishes of the District Grazing Committees, local Grazing~~
6 ~~Committee members and/or family groups. Assistance on predator control matters~~
7 ~~may be secured from any available source.~~

8 ~~B. Costs of control shall be borne by the stockmen or individuals requesting such~~
9 ~~assistance, unless funds are provided from other sources. Funds provided in 23~~
10 ~~N.N.C. § 506 are not applicable for use in predator control work unless the~~
11 ~~Resources Committee of the Navajo Nation Council finds that such control is~~
12 ~~required as a measure to insure greater success in restocking game birds and animals~~
13 ~~in specified localities.~~

14
15 § 508. [Reserved] United States Fish and Wildlife Service

16
17 ~~A. The United States Fish and Wildlife Service is authorized to utilize all of the~~
18 ~~modern techniques and restricted materials normally used by them in conducting~~
19 ~~rodent and predator control work on Navajo Nation range areas; provided that prior~~
20 ~~approval is obtained from each District Grazing Committee as to the specific~~
21 ~~locations of control stations.~~

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

24
25 § 509. Violations

26
27 A. Any person hunting or fishing on lands subject to the jurisdiction of the Navajo
28 Nation in violation of Navajo Nation or federal hunting and fishing laws or
29 regulations shall be delivered to the appropriate Navajo Nation or federal authorities
30 for prosecution.

1 B. Any person hunting or fishing on lands subject to the jurisdiction of the Navajo
2 Nation in violation of Navajo Nation hunting and fishing laws or regulations shall
3 be brought to trial before the District Courts of the Navajo Nation, which shall assess
4 penalties under 17 N.N.C. § 500 *et seq.* of the Navajo Nation Code. Collections of
5 fines for game violations shall be distinguished from regular Court fines pursuant to
6 Resolution ACF-7-56 and shall be earmarked for purposes as provided in 23 N.N.C.
7 § 506(A).

8 ~~C. For purposes of this Section, person shall mean either Indian or non-Indian.~~

9
10
11 NAVAJO NATION CODE ANNOTATED
12 TITLE 23. CONSERVATION AND WILDLIFE
13 CHAPTER 6. FISH AND WILDLIFE CIVIL ENFORCEMENT
14

15 § 600. Definitions
16

17 A. The "Fish and Wildlife Civil Code" shall mean all provisions within Title 23.
18

19 B. The following definitions are applicable to the Fish and Wildlife Civil Code:
20

21 1. Aircraft: Any contrivance used for flight in the air.

22
23 2. All-Terrain Vehicle: means an engine-driven device which has a net
24 weight of 1000 pounds or less which has a width of 50 inches or less,
25 traveling on three or more low pressure tires and having a seat
26 designed to be straddled by the operator and handlebar-type steering
27 control. A low pressure tire has a minimum width of 6 inches, is
28 designed to be mounted on a rim with a maximum diameter of 12
29 inches, and is inflated with an operating pressure not to exceed 6
30 pound per square inch as recommended by the manufacturer.

1
2 3. Authorized Permittee: The person to whom a valid permit has been
3 issued.

4
5 4. Bag Limit: The maximum, in number or amount, of wildlife which
6 may be lawfully taken by any one person per day or per season, as
7 defined by the regulations.

8
9 5. Bait: Anything used to lure or attract wildlife to a particular location,
10 including through sight, odor, and/or sound.

11
12 6. Citation: Any summons, complaint, summons and complaint, ticket,
13 penalty assessment or other official document issued to a person by a
14 wildlife officer or other Wildlife Conservation Officer for a violation
15 of this Act which contains an order requiring the person to respond.

16
17 7. Compliance: The act of answering a citation through an appearance in
18 a court or tribunal, or through the payment of fines, costs and
19 surcharges, if any.

20
21 8. Decoy Operation: A law enforcement function designed to capture
22 hunters in the act of an illegal take of wildlife by using a device
23 intended to mimic a form of wildlife.

24
25 9. Department: The Navajo Nation Department of Fish and Wildlife.

26
27 10. Device: Any net, trap, snare, salt lick, scaffold, deadfall, pit,
28 explosive, poison or stupefying substance, crossbow, firearm, bow
29 and arrow, or other implement used for the take of wildlife. Device
30

1 does not include a raptor or any equipment used in the sport of
2 falconry.

3
4 11. Endangered Species: Any species of fish or wildlife, whose prospect
5 of survival or recruitment within the Navajo Nation are in jeopardy or
6 are likely within the foreseeable future to become so, due to any of the
7 following factors:

8
9 a. The present or threatened destruction, modification or
10 curtailment of its habitat;

11 b. Overutilization for scientific, commercial or sporting purpose;

12 c. The effect of disease or predation;

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

15 5. Any combination of the foregoing factors. The term may also include
16 any species or subspecies of fish or wildlife appearing in the United States list of
17 endangered native and foreign fish and wildlife as set forth in Section 4 of the
18 Endangered Species Act of 1973 as endangered or threatened species provided that
19 the Resource and Development Committee of the Navajo Nation Council adopt such
20 lists in whole or in part.

21
22
23 12. Exotic Species: Those species which are not historically native to the
24 Navajo Nation, either as breeding or migratory species, but rather were directly
25 or indirectly introduced by human influence.

26
27 13. Firearm: means any loaded or unloaded pistol, revolver, rifle, shotgun, or other
28 weapon which will or is designed to or may readily be converted to expel a projectile
29 by the action of an explosion, except that it does not include an antique firearm or a
30

firearm in permanently inoperable condition which is kept as a curio or museum piece or for educational purpose.

14. 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*).

15. Guide: A Navajo tribal member who, for pay or other gain, aids or assists any person in the taking of wildlife.

16. Habitat: The location where a particular species of plant or animal lives and its surroundings, including the presence of particular environmental conditions surrounding an organism such as air, water, soil, mineral elements, moisture, temperature, and topography.

17. Intoxicated: Having a blood alcohol content that leads to a presumption of intoxication in accordance with 14 N.N.C. § 716; or being otherwise impaired by alcohol or any other intoxicating substance or narcotic as determined by failing a standard field

1 sobriety test or appearing to be intoxicated and refusing to submit to a
2 standard field sobriety test.

3
4 18. Importation or Introduction: The act of receiving, bringing, shipping
5 into, or otherwise causing to be brought into the Navajo Nation any
6 exotic species, or parts thereof, from a location outside the Navajo
7 Nation, without the approval of the Navajo Nation.

8
9 19. Invasive Species: Shall have the same meaning as Exotic Species.

10
11 20. License or Permit: Written permission for lawful taking within the Navajo
12 Nation, issued by the Department or an entity authorized by the Department or
13 applicable law.

14
15 21. Motorcycle: means every motor vehicle having a seat or
16 saddle for the use of a rider designed to travel on not more
17 than three wheels in contact with ground, excluding a tractor.

18
19 22. Navajo Nation Endangered Species List: A list of species and
20 subspecies of wildlife indigenous to the Navajo Nation which
21 are determined to be endangered within the Navajo Nation, as
22 recommended by the Navajo Nation Department of Fish and
23 Wildlife and approved by the Resources and Development
24 Committee of the Navajo Nation Council.

25
26 23. Peace Officer: means any person who is a law enforcement officer vested by
27 law with a duty to maintain public order or make arrest, whether that duty
28 extends to all offenses or is limited to specific classes of offenses or
29 offenders.

1 24. Possession: To have wildlife in one's physical control. When possessing a
2 species is done pursuant to a permit, the possession is lawful.

3
4 25. Possession Limit: The maximum number of wildlife which may be lawfully
5 possessed at one time by a person. An individual may cumulatively possess
6 two daily bag limits at one time, but no more.

7
8 26. Songbirds: Any bird whose principal food consists of insects, comprising all
9 the species and varieties of such birds, represented by the several families of
10 bluebirds, including but not limited to the western and mountain bluebirds,
11 bobolinks, catbirds, chickadees, cuckoos, roadrunner, flickers, flycatchers,
12 grosbeaks, hummingbirds, kinglets, martins, meadowlarks, nighthawks,
13 nuthatches, orioles, robins, shrikes, swallows, swifts, tanagers, titmice,
14 thrushes, vireos, warblers, waxwings, whippoorwills, woodpeckers, wrens,
15 and all other perching birds which feed entirely or chiefly on insects.

16
17 27. Take, taking or taken: To harass, harm, pursue, hunt, shoot, wound, kill, trap,
18 capture, collect or possess wildlife, plants, or parts thereof or to attempt to
19 engage in any such conduct; may include significant habitat modification or
20 degradation if it kills or injures wildlife by significantly impairing essential
21 behavioral patterns including reproduction, feeding, or sheltering. To be a
22 lawful take, a permit is necessary.

23
24 28. Transporting: To convey, move, carry, or ship, or cause the same, from one
25 location to another, either by vehicle, horse, wagon, plane, boat, or other
26 means of conveyance used in transporting such item.

27
28 29. Traps or trapping: To take wildlife in any manner except with a gun or other
29 hand-held implement, such as with a padded-jaw leg-hold, steel-jawed leg-
30 hold, leg-hold, snare, live traps, conibear traps, snares, dead-falls, cage traps,

1 or other devices designed to confine, hold, grasp, grip, clamp or crush an
2 animal's body or body part(s).

3
4 30. Utility Terrain Vehicle: Recreational motor vehicle designed for and
5 capable of travel over designated roads, traveling on four or more tires with a
6 maximum tire width of twenty-seven inches, a maximum wheel cleat or lug of three-
7 fourths of an inch, a minimum width of fifty inches but not exceeding seventy-four
8 inches, a minimum weight of at least seven hundred pounds but not exceeding two
9 thousand pounds, and a minimum wheelbase of sixty-one inches but not exceeding
10 one hundred ten inches. It also means a recreational off-highway vehicle or ROV.

11
12 31. Watercraft: Any boat, sailboard or other floating device of rigid or inflatable
13 construction designed to carry people on the water and that is propelled by
14 machinery, oars, paddles, or wind action on a sail, except makeshift
15 contrivances constructed by inner tubes or other floatable materials.

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

24
25 33. Wildlife Conservation Officer: A special authority peace officer in the
26 Department commissioned by the President of the Navajo Nation or in
27 accordance with Navajo Nation peace officer standards.

28
29 34. Wildlife Conservation Fund (WCF): A Navajo Nation Fund that is a
30 subsidiary fund of the Navajo Nation Department of Fish and Wildlife

1 Enterprise Fund. Funds deposited into this account are primarily generated
2 from fines for violations against endangered species, as the Department sees
3 fit.

4
5 § 601. Scope and Enforcement

6
7 A. Application of the Fish and Wildlife Civil Code. The Fish and Wildlife Civil
8 Code shall apply within the territorial jurisdiction of the Navajo Nation and to every
9 person within the jurisdiction of the Navajo Nation, except it shall not apply to
10 Wildlife Conservation Officers or employees of the Department who are engaged in
11 official duties authorized by the Department, this Code or its regulations, or other
12 applicable law.

13
14 B. Enforcement of this Title

15
16 This Title shall be enforced by all Navajo Nation peace officers, including Wildlife
17 Conservation Officers.

18
19 C. Wildlife Conservation Officers

20
21 Wildlife Conservation Officers shall have the power of law enforcement officers and
22 shall carry a Department issued weapon while enforcing wildlife laws under Title
23 23 and Title 17 and is commissioned by the President of the Navajo Nation or in
24 accordance with Navajo Nation peace officer standards. Wildlife Conservation
25 Officers:

26
27 1. May issue citations, investigate suspected violations of Navajo Nation
28 or federal law, request and serve warrants, request and serve summons, and stop
29 persons for the purpose of issuing a civil citation to any person who violates Navajo
30 Nation or federal wildlife laws, statutes or regulations. Upon federal commission,

1 officers shall exercise the authorities to enforce federal laws, statutes, or regulations
2 consistent with said commission;

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

6
7 3. May establish road blocks or wildlife check stations at points along established
8 roads for the purpose of ensuring compliance with Navajo Nation and federal
9 wildlife laws, and for the collection of wildlife management data;

10
11 4. May stop any person who is taking, attempting to take, has taken or is in
12 possession of any wildlife and/or is conveying, shipping or transporting such
13 wildlife to validate that such wildlife was lawfully taken in accordance with Federal,
14 State and/or Navajo Nation laws, statutes and regulations;

15
16 5. Upon reasonable suspicion of a violation or in accordance with a valid warrant,
17 may open, enter, and examine all camps, wagons, vehicles, tents, packs, boxes,
18 barrels, ice chests, packages, or other containers where he or she has reason to
19 believe any wildlife including plants, game, or fish taken or held in violation of this
20 Chapter may be found;

21
22 6. Shall seize any wildlife held in violation of this Chapter;

23
24 7. Shall seize any weapons, ammunition, traps, equipment, property, vehicles, off
25 road vehicles, boats, aircraft, and any other property used to violate Navajo Nation's
26 wildlife laws, statutes, or regulations;

27
28 8. May investigate and enforce other criminal and civil laws only where the
29 violation is related to violation of the wildlife laws where the Wildlife Conservation
30

1 Officer has a reasonable suspicion that such a law has been violated or where an
2 emergency exists.

3
4 § 602. Accomplice liability

5
6 A. Offense. A person may be charged with and convicted of an offense if he or
7 she intentionally or knowingly solicits, counsels, command, facilitates, aids, agrees
8 to aid or attempts to aid in its commission, although he or she did not commit the
9 crime and although the principal who directly committed such offense has not been
10 prosecuted or convicted, or has been convicted of a different offense.

11
12 B. Penalty. The penalty for Accomplice Liability shall be the same as the penalty
13 for the underlying offense.

14
15 § 603. Taking of wildlife without a valid permit

16
17 A. Offense. A person commits the civil offense of an unlawful taking of wildlife
18 without a valid permit if he or she takes any wildlife without a valid permit.

19
20 B. Fine. Any person engaged in the taking of wildlife without a valid permit shall
21 be fined as followed:

22
23 1. For the unlawful taking of game fish, a minimum fine of One Hundred Dollars
24 (\$100) but not to exceed one thousand dollars (\$1,000) per fish.

25
26 2. For the unlawful taking of game birds, a minimum fine of two hundred dollars
27 (\$200), but not to exceed two thousand dollars (\$2,000).

28
29 3. For the unlawful taking of big game animals, a minimum fine of five hundred
30 dollars (\$500), but not to exceed five thousand dollars (\$5,000) per big game animal.

1
2 4. For the unlawful taking of raptors, a minimum fine of five hundred dollars
3 (\$500), but not to exceed five thousand dollars (\$5,000) per raptor.
4

5 § 604. Taking of wildlife out of season
6

7 A. Offense. A person commits the civil offense of the unlawful take of wildlife
8 out of season if he or she takes any wildlife outside the designated season for that
9 species.
10

11 B. Fine. Any person engaged in taking wildlife out of season shall pay a
12 minimum fine of two hundred dollars (\$200), but not to exceed five thousand dollars
13 (\$5,000).
14

15 § 605. Taking of wildlife during non-hunting hours or a time of day not permitted
16 by law
17

18 A. Offense. A person commits the civil offense of the unlawful taking of wildlife
19 during non-hunting hours if he or she takes any wildlife during a time not permitted
20 by law or regulation.
21

22 B. Fine. Any person engaged in the unlawful taking of wildlife during a time of
23 day not permitted by law shall pay a minimum fine of two hundred dollars (\$200),
24 but not to exceed five thousand dollars (\$5,000).
25

26 § 606. Exceeding the number of wildlife permitted by law or regulation
27

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

1
2 B. Fine. Any person exceeding the number of wildlife permitted by law or
3 regulation shall pay a minimum fine of two hundred dollars (\$200), but not to exceed
4 five thousand dollars (\$5,000).

5
6 § 607. Taking of wildlife in a location not permitted by law or regulation
7

8 A. Offense. A person commits the civil offense of the unlawful taking of wildlife
9 in a location not permitted by law or regulation if he or she takes wildlife in an area
10 not authorized by permit, a closed area, or in another area not designated for taking
11 of wildlife.

12
13 B. Fine. Any person engaged in the unlawful taking of wildlife in a location not
14 permitted by law or regulation shall pay a minimum fine of one hundred dollars
15 (\$100) but not to exceed one thousand dollars (\$1,000).

16
17 § 608. Taking of wildlife in a manner not permitted by law or regulation
18

19 A. Offense. A person commits the civil offense of the unlawful taking of wildlife
20 in a manner not permitted by law or regulation by taking wildlife without a valid
21 permit from the Department or United States Fish and Wildlife Service, if he or she
22 takes wildlife in a manner inconsistent with federal or Navajo Nation law or
23 regulation.

24
25 B. Fine. Any person engaged in the unlawful taking of wildlife in a manner not
26 permitted by law or regulation shall pay a minimum fine of two hundred dollars
27 (\$200), but not to exceed five thousand dollars (\$5,000).

28
29 § 609. Unlawful possession of wildlife
30

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

5
6 B. Fine. Any person in unlawful possession of wildlife shall pay a fine as follows:

7
8 1. For the unlawful possession of game fish a minimum fine of one hundred
9 dollars (\$100) per fish, but not to exceed five thousand dollars (\$5,000) per fish.

10
11 2. For the unlawful possession of game birds or song birds, a minimum fine of
12 two hundred dollars (\$200) per bird, but not to exceed five thousand dollars (\$5,000)
13 per bird.

14
15 3. For the unlawful possession of game animals and other wildlife not addressed
16 in this section, a minimum fine of one hundred dollars (\$100), but not to exceed five
17 thousand dollars (\$5,000) per animal, pursuant to the regulations.

18
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
22 a. Eagle, Four Thousand Dollars (\$4,000);

23
24 b. Raptor other than eagle, Two Thousand Dollars (\$2,000).

25
26
27 § 610. Unlawful taking of bald or golden eagle

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

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

4
5 § 611. Unlawful take of raptor other than an eagle

6
7 A. Offense. A person commits the civil offense of the unlawful taking of a raptor
8 other than an eagle if without lawful authority he or she takes any raptor other than
9 an eagle.

10
11 B. Fine. Any person who unlawfully takes a raptor other than an eagle shall pay
12 a minimum fine of four hundred dollars (\$400), but not to exceed five thousand
13 dollars (\$5,000).

14
15 § 612. Unlawful taking of songbird

16
17 A. Offense. A person commits the civil offense of the unlawful taking of songbird
18 if without lawful authority he or she takes any songbird.

19
20 B. Fine. Any person who unlawfully takes a songbird shall pay a minimum fine
21 of one hundred dollars (\$100), but not to exceed one thousand dollars (\$1,000).

22
23 § 613. Unlawful take, possession, or transporting of endangered species

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

1 1. The Navajo Nation Endangered Species List, as required by 17 N.N.C. §507,
2 and as set forth by resolution of the Resources and Development Committee of the
3 Navajo Nation Council;

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

8
9 B. Fine. Any person engaged in unlawful taking, possessing, or transporting an
10 endangered species shall pay a minimum fine of two thousand five hundred dollars
11 (\$2,500) for each individual plant or animal, but not to exceed five thousand dollars
12 (\$5,000) for each individual plant or animal.

13
14 C. Permits. Any species or subspecies of wildlife appearing on any of the
15 foregoing lists, transported into the Navajo Nation from a state of the United States
16 and destined for a point beyond the Navajo Nation may be transported across the
17 Navajo Nation without restriction in accordance with the terms of any Tribal, state,
18 or federal permit.

19
20 § 614. Unlawful taking of small game animal

21
22 A. Offense. A person commits the civil offense of the unlawful taking of small
23 game animal if without lawful authority he or she takes any small game animal.

24
25 B. Fine. Any person who unlawfully takes a small game animal shall pay a
26 minimum fine of two hundred dollars (\$200), but not to exceed five thousand dollars
27 (\$5,000).

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

4
5 D. Permits. The Director of the Department may issue permits to allow any person
6 to take or possess any small game animal protected by this section. Permits shall be
7 granted upon application and without charge for the following purposes:

8
9 1. Indian religious and ceremonial purposes;

10
11 2. Scientific purposes in accordance with the rules and regulations of the
12 Resources and Development Committee of the Navajo Nation Council.

13
14 § 615. Unlawful taking of fur-bearing animal

15
16 A. Offense. A person commits the civil offense of the unlawful taking of a fur-
17 bearing animal if without lawful authority he or she takes any fur-bearing animal.

18
19 B. Fine. Any person who unlawfully takes a fur-bearing animal shall pay a
20 minimum fine of two hundred dollars (\$200), but not to exceed two thousand dollars
21 (\$2,000).

22
23 § 616. Unlawful driving of wildlife

24
25 A. Offense. It is a civil offense for any person to drive or attempt to drive wildlife
26 from any area where that person is not authorized to take said wildlife, whether from,
27 onto or across Navajo Nation land.

28
29 B. Fine. Any person who violates this section shall pay a minimum fine of one
30 hundred dollars (\$100), but not to exceed two thousand dollars (\$2,000).

1
2
3
4
5 § 617. Unlawful camping
6

7 A. Offense. It is a civil offense for a person to camp within one-half mile of any
8 water hole containing water, excluding any lake, stream or river, or to camp in areas
9 designated and posted as “no camping” or to camp in a designated fee area without
10 paying.
11

12 B. Fine. Any person unlawfully camping pursuant to this section shall pay a
13 minimum fine of one hundred dollars (\$100), but not to exceed two thousand dollars
14 (\$2,000).
15

16 § 618. Use of a weapon while intoxicated
17

18 A. Offense. It is a civil offense for any person while taking or attempting to take
19 wildlife, or while in any hunting area, to handle or discharge any weapon while
20 intoxicated or while under the influence of any intoxicating substance or narcotic
21 drugs.
22

23 B. Fine. Any person who uses a weapon while intoxicated shall pay a minimum
24 fine of five hundred dollars (\$500), but not to exceed five thousand dollars (\$5,000).
25

26 D. Permit Revocation. A person committing a civil offense pursuant to this
27 section shall be subject to suspension/revocation of his/her hunting, guiding,
28 trapping and fishing privileges for a period of:
29

30 1. First Offense: one year;

1
2 2. Second Offense: five years;

3
4 3. Third Offense: permanently.

5
6 D. Appeals. A final Department determination under this section shall be
7 appealable to the Office of Hearing and Appeals.

8
9 § 619. Interference with rights of hunters, trappers or fishermen

10
11 A Offense. It is a civil offense for a person while in a hunting, trapping or fishing
12 area to intentionally interfere with, prevent or disrupt the lawful take of wildlife by:

13
14 1. Harassing, driving or disturbing any wildlife;

15
16 2. Blocking, obstructing or impeding, or attempting to block, obstruct or impede,
17 a person lawfully taking wildlife;

18
19 3. Erecting a barrier, or locking a gate, without the consent of the Navajo Nation
20 with the intent to deny ingress to or egress from areas where wildlife may be lawfully
21 taken;

22
23 4. Making or attempting to make a threat, assault or battery on a person lawfully
24 taking wildlife;

25
26 5. Engaging in, or attempting to engage in, theft, vandalism or destruction of real
27 or personal property, except where that person has a reasonable belief that the
28 property has been abandoned or lost;

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

4
5 7. Making or attempting to make loud noises or gestures, set out or attempt to set
6 out animal baits, scents or lures or human scent, use any other natural or artificial
7 visual, aural, olfactory or physical stimuli, or engage in or attempt to engage in any
8 other similar action or activity, in order to disturb, alarm, drive, attract or affect the
9 behavior of wildlife or disturb, alarm, disrupt or annoy a person lawfully taking
10 wildlife;

11
12 8. Interjecting oneself into the line of fire of a person lawfully attempting to take
13 wildlife.

14
15 B. Fine. Any person unlawfully interfering with the rights of hunters, trappers or
16 fishermen shall pay a minimum fine of five hundred dollars (\$500), but not to exceed
17 five thousand dollars (\$5,000).

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

21
22 1. Any incidental interference arising from lawful activity by public land users,
23 including ranchers, miners or recreationists;

24
25 2. Landowners, permittees, lessees or their agents or contractors engaged in
26 animal husbandry practices or agricultural operations.

27
28 § 620. Big game killed by motor vehicle
29
30

1 A. Salvage Permits. Notwithstanding any other provision of this title, the carcass
2 of a big game animal that has been killed as a result of an accidental collision with
3 a motor vehicle on a maintained road may be possessed and transported by any
4 individual who first obtains a big game salvage permit issued by a Wildlife
5 Conservation Officer. A person may possess or transport the carcass or any part of
6 the carcass of a big game animal killed as a result of an accidental collision with a
7 motor vehicle only as provided by this section.

8
9 B. No Guarantee of Edibility. A permit issued under this section carries no
10 representation or implication that any part of the carcass is edible. Neither the
11 Wildlife Conservation Officer, the agency employing the Wildlife Conservation
12 Officer nor the Department shall be liable with respect to any use made of the
13 carcass.

14
15 C. Offense. A violation of this section constitutes unlawful possession of wildlife.

16
17 § 621. Applying for or obtaining license or permit by fraud or misrepresentation;
18 classification

19
20 A. Offense. It is a civil offense for a person to knowingly apply for, obtain, or
21 assist another in applying for or obtaining, by fraud or misrepresentation, a license
22 or permit to take wildlife.

23
24 B. Fine. Any person who commits the civil offense of applying for or obtaining a
25 license or permit by fraud or misrepresentation shall pay a minimum fine of five
26 hundred dollars (\$500), but not to exceed five thousand dollars (\$5,000).

27
28
29
30 § 622. Operation of an off-road vehicle, utility-terrain vehicle or snowmobile

1
2 A. Offense. It is a civil offense for any person to:

3
4 1. Use a utility-terrain vehicle or snowmobile on Navajo Nation lands, except as
5 expressly authorized by a permit issued by the Department. This provision does not
6 apply to permittees, lessees or their agents or contractors engaged in animal
7 husbandry practices, agricultural operations or ranching;

8
9 2. Drive an off-road vehicle with reckless disregard for the safety of persons,
10 property or wildlife.

11
12 C. Fine. Any person committing a civil offense under this section shall pay a
13 minimum fine of one hundred dollars (\$100), but not to exceed one thousand dollars
14 (\$1,000).

15
16 § 623. Shooting upon or across paved or graded roadways

17
18 A. Offense. It is a civil offense for any person to discharge any firearm or release
19 any arrow upon or across any paved or graded roadway or within fifty feet of
20 any paved or graded roadway.

21
22 B. Fine. Any person who violates this section shall pay a minimum fine of one
23 hundred dollars (\$100), but not to exceed one thousand dollars (\$1,000).

24
25 § 624. Discharge of firearm within line of sight and one half mile of an occupied
26 dwelling without written permission of the owner or occupant

27
28 A. Offense. It is a civil offense to discharge a firearm within line of sight and one
29 half mile of any occupied dwelling or structure without written consent of the owner
30 or occupant.

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

3
4 § 625. Taking wildlife with aid of motor vehicle

5
6 A. Offense. It is a civil offense for any person to take wildlife by the aid or use of
7 any motor vehicle, unless such vehicle is a boat or floating device that is
8 beached, resting, anchored, or fastened within or immediately alongside of any
9 type of fixed hunting blind, or unless expressly authorized by a permit issued
10 by the Department.

11
12 B. Fine. Any person who violates this section shall pay a minimum fine of two
13 hundred and fifty dollars (\$250) per violation, but not to exceed five thousand dollars
14 (\$5,000).

15
16 § 626. Taking wildlife with artificial light

17
18 A. Offense. It is a civil offense for a person to take wildlife with the aid or use of
19 artificial light.

20
21 B. Fine. Any person who violates this section shall pay a minimum fine of two
22 hundred and fifty dollars (\$250) per violation, but not to exceed five thousand dollars
23 (\$5,000).

24
25 C. Exception. This section does not apply to Department employees conducting
26 predator control.

27
28 § 627. Hunting without hunter orange
29
30

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

3
4 B. Fine. Any person who violates this section shall pay a minimum fine of fifty
5 dollars (\$50) per violation, but not to exceed one thousand dollars (\$1,000).

6
7 § 628. Failure to identify owner of leg-hold trap

8
9 A. Offense. It is a civil offense for any person to place or set any leg-hold trap for
10 the taking of wildlife unless he or she has identified each trap with either the name
11 and address of the owner or a registration number that is registered with the
12 Department.

13
14 B. Fine. Any person who violates this section shall pay a minimum fine of fifty
15 dollars (\$50) per violation, but not to exceed two hundred and fifty dollars (\$250).

16
17 § 629. Waste of game fish or big game animal

18
19 A. Offense. It is a civil offense to:

20
21 1. Take any game fish or big game animal and fail to transport the edible portions
22 of the meat obtained to his/her home for human consumption or to provide for the
23 human consumption thereof except as authorized by regulations established by the
24 Department;

25
26 2. Wound or suspect to have wounded any wildlife and fail to go to the place
27 where the animal sustained or may have sustained the wound and make a reasonable
28 attempt to track the animal and reduce it to possession.

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

3
4 § 630. Hunting, guiding, fishing or boating while intoxicated

5
6 A. Offense. It is a civil offense for any person to hunt, guide, fish or boat while
7 intoxicated.

8
9 B. Fine. Any person violating this section shall pay a minimum fine of five
10 hundred dollars (\$500), but not to exceed five thousand dollars (\$5,000).

11
12 § 631. Restrictions on watercraft

13
14 A. Offense. It is a civil offense for any person to operate any makeshift
15 contrivances constructed of inner tubes or other floatable materials on waters of the
16 Navajo Nation.

17
18 B. Fine. A person violating this section shall pay a minimum fine of one hundred
19 dollars (\$100), not to exceed five hundred dollars (\$500) per violation.

20
21 § 632. Guiding without a permit.

22
23 A. Offense. It is a civil offense to provide hunting or fishing guide services
24 without a valid guide permit issued by the Department.

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

28
29 § 633. Failure to comply with Guide requirements
30

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

4
5 B. Fine. Any person who violates this section shall pay a minimum fine of one
6 hundred dollars (\$100) per violation, but not to exceed one thousand dollars (\$1,000)
7 per violation.

8
9 § 634. Use of aircraft for taking wildlife

10
11 A. Offense. It is a civil offense to take wildlife from an airplane or other airborne
12 vehicle or device.

13
14 B. Fine. Any person who violates this section shall pay a minimum fine of one
15 thousand dollars (\$1,000) per violation, but not to exceed five thousand dollars
16 (\$5,000) per violation.

17
18 C. Exception. Tribal and federal agencies may use aircraft to manage wildlife
19 resources in the performance of their duties.

20
21 § 635. Interference with a Wildlife Conservation Officer

22
23 A. Offense. It is a civil offense for any person to interfere with, obstruct,
24 intimidate, or harass a Wildlife Conservation Officer in the lawful performance of
25 his/her duty.

26
27 B. Fine. Any person who violates this section shall pay a minimum fine of two
28 thousand five hundred dollars (\$2,500) per violation, but not to exceed five thousand
29 dollars (\$5,000) per violation.

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

2
3 A. Offense. It is a civil offense for any person returning from hunting, fishing, or
4 trapping to fail to stop at a Department road block or game check station where a
5 stop sign or check station sign or red or blue light is displayed.

6
7 B. Fine. Any person who violates this section shall pay a minimum fine of one
8 hundred dollars (\$100), but not to exceed five hundred dollars (\$500).

9
10 § 637. Failure to tag game animal properly

11
12 A. Offense. It is a civil offense to fail to properly tag a big game animal with a
13 carcass tag prior to moving or transporting the carcass in accordance with applicable
14 regulations.

15
16 B. Fine. Any person violating this section shall pay a minimum fine of one
17 hundred dollars (\$100), but not to exceed one thousand dollars (\$1,000).

18
19 § 638. Carrying a loaded firearm in or on a motor vehicle

20
21 A. Offense. It is a civil offense to carry of a deadly weapon if he or she carries a
22 loaded firearms or any other type of deadly weapon.

23
24 B. Exception: Subsection (A) of this Section shall not apply to any of the
25 following:

26
27 1. To peace officers in the lawful discharge of their duties;

28 2. To person in a private motor vehicle or other means of conveyance, for lawful
29 protection of the person's or another person or property, while traveling and such
30

1 weapon is located in a closed trunk, luggage, or glove compartment of a motor
2 vehicle;

3 3. To a person in his or her residence, or on real property belonging to such person
4 as owner, lessee, tenant, or licensee;

5 4. To a person carrying or discharging a firearm as an integral part of any
6 traditional Navajo religious practice, ceremony, or service;

7 5. To person engaged in the hunting of game or predatory animals.
8

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

11 § 639. Failure to stop vehicle when ordered
12

13 A. Offense. It is a civil offense for any driver to fail to stop after receiving a visual
14 or audible stop signal from a Wildlife Conservation Officer.

15
16 B. Fine. Any person who violates this section shall pay a minimum fine of two
17 hundred dollars (\$200), but not to exceed two thousand dollars (\$2,000).
18

19 § 640. Reckless operation of motor vehicle
20

21 A. Offense. It is a civil offense to recklessly operate a motor vehicle while taking
22 wildlife, or to operate a motor vehicle so as to endanger or harm a Wildlife
23 Conservation Officer in the conduct of his or her duties, or so as to endanger
24 or harm any other person while that person is taking wildlife.
25

26 B. Fine. Any person who violates this section shall pay a minimum fine of three
27 hundred dollars (\$300), but not to exceed three thousand dollars (\$3,000).
28
29
30

1 § 641. Interfere with operation of vehicle, or to flee or elude a Wildlife Conservation
2 Officer

3
4 A. Offense. It is a civil offense to interfere, or attempt to interfere with the
5 operation of a Wildlife Conservation Officer's vehicle, or to attempt to flee or elude
6 a Wildlife Conservation Officer in the performance of his/her duties.

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

9
10 § 642. Littering

11
12 A. Offense. It is a civil offense to throw, place, drop, abandon, or dispose of any
13 litter or waste in an area designated for the taking 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. Fine. Any person who violates this section shall pay a minimum fine of three
17 hundred dollars (\$300), not to exceed fifteen hundred dollars (\$1,500), except that
18 in lieu of said fine, the offender may serve not less than 40 hours picking up litter
19 from a recreation area, lake or park on the Navajo Nation.

20
21 § 643. Vandalism of Department property

22 A. Offense. It is a civil offense to deface, damage, or change the appearance of
23 any Department-owned building, structure, sign or other Department property.

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

26
27 § 644. Transport of wildlife

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

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

3
4 § 645. Possession of live wildlife

5
6 A. Offense. It is a civil offense to intentionally, knowingly, recklessly, or
7 negligently possess live wildlife without a federal permit or a permit issued by the
8 Department.

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

11
12 § 646. Importation of live wildlife into the Navajo Nation

13
14 A. Offense. It is a civil offense for any person to knowingly, intentionally, or
15 recklessly import, possess, sell, exhibit, abandon, or release any live wildlife, native
16 or non-native, or the eggs, seeds or progeny thereof onto the Navajo Nation, without
17 first obtaining written approval from the Department.

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

20
21 § 647. Baiting

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

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

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

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

29 A. Offense. It is a civil offense for any person to intentionally, knowingly,
30 recklessly, or negligently destroy, disturb, or remove any trap or snare belonging to

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

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

5
6 § 649. Reckless operation of watercraft

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

10
11 B. Fine. Any person who violates this section shall pay a minimum fine of two
12 hundred fifty dollars (\$250), but not to exceed five thousand dollars (\$5,000), and
13 shall attend a boat safety education training course authorized by the Department.

14
15 § 650. Personal flotation device required

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

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

23
24 § 651. Failure to secure infant/child passenger with personal flotation device

25
26 A. Offense. It is a civil offense for any parent, guardian, or custodian of an infant
27 or child, fifteen years of age or younger, to fail to properly secure the child in a
28 personal flotation device (PFD) when in a watercraft on Navajo Nation waters. The
29 PFD shall comply with United States Coast Guard Standards.
30

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

3
4 § 652. Operating a watercraft not equipped as required

5
6 A. Offense. It is a civil offense to operate a watercraft without the equipment
7 required to meet United States Coast Guard Standards.

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

11 § 653. Operating a watercraft with more persons or weight on board than the craft is
12 rated or designed to safely carry

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

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

17
18 § 654. Depositing, discarding, dumping, or leaving fuel or oil or their containers in
19 or near Navajo Nation waters

20
21 A. Offense. It is a civil offense to intentionally, knowingly, recklessly, or
22 negligently deposit, discard, dump, or otherwise leave fuel, oil or waste in or near
23 Navajo Nation waters.

24 B. Fine. A person who violates this section shall pay a minimum fine of five
25 hundred dollars (\$500), but not to exceed five thousand dollars (\$5,000).

26
27 § 655. Restrictions on motors
28
29
30

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

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

6
7 § 656. Biological investigation/scientific collecting without permission

8
9 A. Offense. It is a civil offense to engage in a biological investigation or scientific
10 collecting of wildlife without a valid Navajo Nation permit issued by the
11 Department.

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

15
16 § 657. Civil forfeiture

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

25
26 § 658. Failure to pay fine or restitution; penalty for failure to pay

27
28 A. Restitution. The court, in addition to or in lieu of the sentences, may require
29 the offender to pay the Department for the value of the wildlife taken and have such
30 funds deposited into the WCF. The court may also require restitution to include

1 materials and labor. For wildlife that were taken or wounded without a permit, the
2 court may also order restitution to compensate the Department for rehabilitating,
3 permanently housing and/or releasing such wildlife. Restitution can also include cost
4 of removal or destruction of any unwanted wildlife species, native or non-native,
5 imported into the Navajo Nation. These funds will be deposited into the WCF.
6

7 B. Penalty. Failure to pay a fine or restitution, and/or complete other requirements
8 assessed pursuant to this Subchapter may subject a person to suspension or
9 permanent revocation of that person's hunting, trapping and/or fishing privileges on
10 the Navajo Nation, as determined by the Department. A final Department
11 determination shall be appealable to the Office of Hearing and Appeals.
12

13 §659. Assistance with permits for ceremonial, religious, and scientific purposes
14

15 A. The Director of the Department may issue permits without charge to any
16 person for the following purposes:
17

18 1. Indian religious and ceremonial purposes;
19

20 2. Scientific purposes in accordance with the rules and regulations of the
21 Resources and Development Committee of the Navajo Nation Council.
22

23 § 660. Civil liability/restitution for unlawful taking or wounding wildlife: recovery
24 of damages
25

26 A. The Department with the assistance of the Navajo Nation Department of
27 Justice may bring a civil action on behalf of the Navajo Nation against any person
28 unlawfully taking, wounding or killing, or unlawfully in possession of, any wildlife,
29 or parts thereof, and seek recovery of civil damages, in addition to attorney's fees
30 and costs, in accordance with the regulations.

1
2 B. No verdict or judgment recovered by the Navajo Nation in such action shall be
3 less than the sum fixed in this section. The minimum sum that the Navajo Nation
4 may seek to recover as damages from a person pursuant to this section may be
5 doubled for a second verdict or judgment and tripled for a third verdict or judgment.
6 The action for damages may be joined with an action for possession, and recovery
7 had for the possession as well as the damages.

8
9 C. The pendency or determination of an action for damages or payment of a
10 judgment, or the pendency or determination of a criminal prosecution for the same
11 taking, wounding, killing or possession, is not a bar to any other legal proceeding
12 authorized by law, and does not affect any right of seizure or forfeiture under other
13 applicable law.

14
15 D. All monies recovered pursuant to this section shall be placed in the
16 Department's WCF.

17
18 § 661. Department authorized to adopt regulations for approval by the Resources
19 and Development Committee or its successor

20
21 The Department is authorized to adopt regulations with approval of the Resources
22 and Development Committee of the Navajo Nation Council, or its successor, for the
23 purpose of implementing this Chapter, including, but not limited to:

24
25 A. Rules for revocation, suspension or denial of a license, permit, or other
26 privilege to take wildlife on the Navajo Nation, based on one or more convictions or
27 violations under the wildlife laws of Titles 17 and 23, conviction of a felony in any
28 jurisdiction, ineligibility for the taking of wildlife in one or more state jurisdictions
29 or by the federal government, or ineligibility as otherwise determined by the Navajo
30 Nation Council. Revocations, suspensions or denials by the Department shall be

1 appealable to the Office of Hearings and Appeals in accordance with 2 N.N.C. §§
2 1051-1059;

3
4 B. A schedule amending the fines as set hereunder for violations of wildlife laws
5 under Titles 17 and 23, upon approval by the Resources and Development
6 Committee or its successor;

7
8 C. A schedule for restitution;

9
10 D. Reasonable requirements for eligibility for a license or permit or other
11 privilege to take wildlife including but not limited to proof of successful completion
12 of a hunter education course;

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

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

19
20 G. Rules for disposition of forfeited items.

21
22 **SECTION FOUR. CODIFICATION**

23 The provisions of the Act which amend or adopt new sections of the Navajo Nation
24 Code shall be codified by the Office of Legislative Counsel. The Office of Legislative
25 Counsel shall incorporate such amended provisions in the next codification of the Navajo
26 Nation Code.

27
28 **SECTION FIVE. SAVINGS CLAUSE**
29
30

1 Should any provision of this Act be determined invalid by the Navajo Nation Supreme
2 Court or the District Courts of the Navajo Nation, without appeal to the Navajo Nation
3 Supreme Court, the remainder of the Act shall remain the law of the Navajo Nation.
4

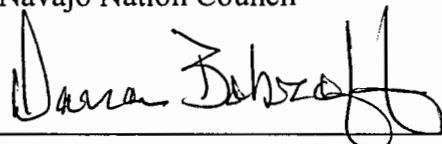
5 **SECTION SIX. EFFECTIVE DATE**

6 Amendments enacted herein shall be effective pursuant to 2 N.N.C. § 221(B).
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MEMORANDUM

TO: Honorable Edmund Yazzie
Navajo Nation Council

FROM: 
Mariana Kahn, Principal Attorney
Office of Legislative Counsel

DATE: July 27, 2021

SUBJECT: **AN ACT RELATING TO, RESOURCES AND DEVELOPMENT, LAW AND ORDER, NAABIK'ÍYÁTI' COMMITTEES AND THE NAVAJO NATION COUNCIL; AMENDING 23 N.N.C. §§ 501, 502, 505-509 AND ENACTING 23 N.N.C. §§ 600 *ET SEQ.*, CHAPTER 6, FISH AND WILDLIFE CIVIL ENFORCEMENT**

I have prepared the above-referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. Based on existing law and review of documents submitted, the resolution as drafted is legally sufficient. As with any action of government however, it can be subject to review by the courts in the event of proper challenge.

The Office of Legislative Counsel confirms the appropriate standing committee(s) based on the standing committees powers outlined in 2 N.N.C. §§301, 401, 501, 601 and 701. Nevertheless, "the Speaker of the Navajo Nation Council shall introduce [the proposed resolution] into the legislative process by assigning it to the respective oversight committee(s) of the Navajo Nation Council having authority over the matters for proper consideration." 2 N.N.C. §164(A)(5).

Please ensure that his particular resolution request is precisely what you want. You are encouraged to review the proposed resolution to ensure that it is drafted to your satisfaction.

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0158-21__

SPONSOR: Edmund Yazzie

TITLE: An Act Relating to Resources and Development, Law and Order, Naabik'iyáti' Committees and the Navajo Nation Council; Amending 23 N.N.C. §§ 501, 502, 505-509 and Enacting 23 N.N.C. §§ 600 *et seq.*, Chapter 6, Fish and Wildlife Civil Enforcement

Date posted: August 06, 2021 at 11:26AM

Digital comments may be e-mailed to comments@navajo-nsn.gov

Written comments may be mailed to:

Executive Director
Office of Legislative Services
P.O. Box 3390
Window Rock, AZ 86515
(928) 871-7586

Comments may be made in the form of chapter resolutions, letters, position papers, etc. Please include your name, position title, address for written comments; a valid e-mail address is required. Anonymous comments will not be included in the Legislation packet.

Please note: This digital copy is being provided for the benefit of the Navajo Nation chapters and public use. Any political use is prohibited. All written comments received become the property of the Navajo Nation and will be forwarded to the assigned Navajo Nation Council standing committee(s) and/or the Navajo Nation Council for review. Any tampering with public records are punishable by Navajo Nation law pursuant to 17 N.N.C. §374 *et. seq.*

**THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW SUMMARY**

LEGISLATION NO.: 0158-21

SPONSOR: Honorable Edmund Yazzie

TITLE: An Act Relating to Resources and Development, Law and Order, Naabik'iyáti' Committees and the Navajo Nation Council; Amending 23 N.N.C. §§ 501, 502, 505-509 and Enacting 23 N.N.C. §§ 600 et seq., Chapter 6, Fish and Wildlife Civil Enforcement

Posted: August 06, 2021 at 11:26 AM

5 DAY Comment Period Ended: August 11, 2021

Digital Comments received:

Comments Supporting	<i>None</i>
Comments Opposing	<i>None</i>
Comments/Recommendations	<i>None</i>



**Legislative Tracking Secretary
Office of Legislative Services**

08/12/21; 8:30 AM

Date/Time

Main Motion:

M: Rickie Nez

S: Herman Daniels

V: (VCNV)

In Favor:

Excuse: None

Not Voting: Thomas Walker, Jr., *Vice-Chairperson*

RECOMMENDATION #1: RDC respectfully request Legislation #0158-21 be referred back to Resources and Development Committee by Naabik'iyáti Committee for further discussion.

Tabled Motion:

M: Mark A. Freeland

S: Wilson C. Stewart, Jr.

V: 5-0-1 (VCNV)

In Favor: Rickie Nez; Kee Allen Begay, Jr.; Herman M. Daniels; Mark A. Freeland; Wilson C. Stewart, Jr.

Excuse: None

Not Voting: Thomas Walker, Jr., *Vice-Chairperson*

(NOTE: VOTE TALLY attached hereto)

