



## NCA 23-099

### CLASSIFICATION: #23. HUNTING AND FISHING

### A LAW OF THE MUSCOGEE (CREEK) NATION AMENDING MCNCA TITLE 23, ENTITLED "WILDLIFE CODE"

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

#### SECTION ONE. FINDINGS. The National Council finds that:

A. The increased jurisdictional authority following the decision of the United States Supreme Court in *McGirt v. Oklahoma* requires the Nation to review its laws in order to assure the protection of persons within the Muscogee (Creek) Nation Reservation.

B. A review of MCNCA Title 23, Wildlife Code, by the Muscogee (Creek) Nation Division of Agriculture and Natural Resources indicates the need to adopt minor changes to the Code.

**SECTION TWO. AMENDMENT.** This amendment shall be codified in Title 23, of the Code of Laws of the Muscogee (Creek) Nation; provided that for purposes of codification of said amendment and its inclusion in pocket parts of the Code of Laws of the Muscogee (Creek) Nation, the Attorney General is hereby authorized: (1) to approve any changes related to the manner in which sections, articles, chapters and sub-chapters are designated consistent with the format in the Code of Laws published in 2010 by West Publishing Company; (2) to include footnoted references to the legislative history in said pocket parts to the Code of Laws and (3) to note in said pocket parts any editorial correction of minor clerical or grammatical errors in the following amendment, without further National Council approval:

**SECTION THREE. AMENDMENT.** MCNCA Title 23 § 2-105 is hereby amended to read as follows:

#### CHAPTER 2. CONSERVATION CODE SUBCHAPTER 1. GENERAL PROVISIONS

#### § 2-105. Definitions

For the purposes of this Code, the following definitions shall apply:

A. Bag limit—the maximum number of a particular species of fish or wildlife that may be lawfully taken in one day or one open season.

B. Bait—any substance that is placed by any person and which may serve as an attraction to any wildlife, and may include but is not limited to fruits, vegetables, grains, or animal remains; however, artificial decoys used to hunt migratory birds or turkeys shall not be deemed bait.

**Page 2 of 5**  
**NCA 23-099**

C. Baited area—any area where any bait whatsoever capable of luring, attracting, or enticing wildlife is directly or indirectly placed, exposed or distributed.

D. Baiting—the placing, exposing, or distributing of bait so as to constitute a lure, attraction, or enticement to, on, or over any areas where hunters are attempting to take wildlife.

E. Bow—any hunting instrument, including a crossbow, designed for the purpose of propelling arrows.

F. Carcass—the dead body of fish or wildlife or parts thereof.

G. Crossbow—any bow which, once drawn, is held by means other than the effort of the person firing it.

H. Endangered or threatened species—any species of fish, wildlife, or wild plant listed under the authorities of 50 CFR Sections 17.11 and 17.12 or species classified pursuant to the Endangered Species Act of 19731, as may be amended from time to time, or which the Muscogee (Creek) Nation, by law, may declare as endangered or threatened.

I. Firearm—a rifle, shotgun, BB gun, handgun or other type of gun.

J. Fish—for purposes of this Code, an aquatic animal normally sought after by sportsmen and women, including but not limited to, largemouth bass, smallmouth bass, white bass, spotted bass, black crappie, white crappie, northern pike, trout, striped bass, walleye, blue catfish and channel catfish.

K. Fishing—taking of fish of any variety by hook and line, net, seine, bow and arrow, spear or by hand.

L. Furbearers—shall include but are not limited to mink, muskrat, beaver, otter, weasel, marten, fisher, fox, coyote, bobcat, badger and raccoon.

M. Gathering—to take or acquire, or attempt to take or acquire, possession of any wild plants or parts thereof, including live or downed timber.

N. Hunt or hunting—includes shooting, shooting at, pursuing, taking, catching, or killing any wildlife, except that “hunt” or “hunting” does not include the recovery of any wild animal which has already been lawfully reduced to possession.

O. Law enforcement officer—includes the Game Ranger, any Lighthouse Police officer, the Criminal Investigator of the Attorney General’s Office and any cross-commissioned Police officer.

P. License—~~a written document granting Tribal authority to engage in activities covered in this Code.~~ **Legal Bait – Salt or mineral blocks, Sardines, lures used for trapping furbearers, and scent lures are legal bait as long as they do not contain corn, oats, or other grain or feed.**

**Q. License – A written document granting Tribal authority to engage in activities in this Code.**

**QR.** Migratory birds—shall include but are not limited to all species of ducks, geese, and swans; all shorebirds and wading birds; and the mourning dove.

**RS.** Nation, National, Tribe or Tribal—the, or relating to the, Muscogee (Creek) Nation.

**ST.** Outdoor recreation—shall include but not be limited to picnicking, camping, hiking, swimming, bird watching, nature photography and other related activities.

**TU.** Permit—a written document granting Tribal authority to enter a specific area, harvest a specific resource, or engage in specific conduct.

**UV.** Plant—any undomesticated species, and fruit or part thereof, of the plant kingdom occurring in the natural ecosystem.

**VW.** Possession—having killed, harvested, taken, or otherwise obtained or acquired any fish, wildlife or plant subject to the provisions of this Code.

**WX.** Possession limit—the amount of fish and/or wildlife that may be legally possessed at any one time.

**XY.** Size limit—the specific size of a species of fish and/or wildlife that may be possessed legally.

**YZ.** Tag—any identification device issued for the purpose of attaching to the carcass of any fish or wildlife.

**ZAA.** Take or taking—pursuing, shooting, shooting at, hunting, fishing, netting, capturing, killing, snaring or trapping, or harvesting any fish, wildlife or plant, or attempting any of the foregoing.

**AABB.** Timber—any woody vegetation that is 10 feet or greater in height and which has 6 inches of diameter or greater.

**BBCC.** Trapping—taking, or attempting to take, fish or wildlife by means of setting or operating any device that is designed or made to close upon, hold fast, or otherwise capture fish or wildlife.

**GGDD.** Usufructuary Rights—legal rights to use others' property, for example, to hunt, fish, trap, or gather, including but not limited to rights acknowledged by the Treaties of 1835 and 1837 with the United States and other Indian Nations, which treaties guarantee to the Muscogee (Creek) Nation “free permission to hunt and trap in the Great Prairie west of the Cross Timber to the western limits of the United States.”

**DDEE.** Waterfowl—shall include but not be limited to all varieties of geese, brant, swans, ducks, rails, coots and Wilson snipe.

**EEEE.** Wildlife—wild birds, mammals, reptiles, amphibians, aquatic animals other than fish and all other animals which normally can be found in a wild state, regardless of classification, whether resident, migratory or imported, protected or unprotected, dead or alive, and shall include any and every part of any individual species of wildlife, whether or not bred, hatched or born in captivity, and including any part, product, egg or offspring thereof.

**SECTION FOUR. AMENDMENT.** MCNCA Title 23 § 3-119 is hereby amended to read as follows:

**§ 3–319. Baiting**

A. ~~No person shall harvest any Migratory bird or Wild Turkey by the aid of baiting or on or over any baited area.~~ **The use of hunting over bait, or “baiting,” is prohibited on lands owned or managed by the Oklahoma Department of Wildlife Conservation or those properties owned or managed by the United States Army Corps of Engineers.**

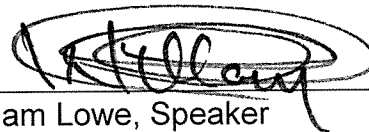
B. Specifications:

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

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

**ENACTED** by the Muscogee (Creek) National Council on this **30<sup>th</sup>** day of **September, 2023.**

**IN WITNESS WHEREOF**, the Speaker of the Muscogee (Creek) National Council has hereto attached his signature.



---

William Lowe, Speaker  
National Council  
Muscogee (Creek) Nation

**CERTIFICATION**

CERTIFICATION

I, the undersigned, certify that the foregoing is a true extract from the minutes of the Muscogee (Creek) National Council comprised of Sixteen members with **Sixteen** members attending this meeting on the **30<sup>th</sup>** day of **September, 2023** and that the above is in conformity with the provisions therein adopted by a vote of **15** in favor, **0** against and that said Law has not been rescinded or amended in any way and the above is the signature of the Speaker of the National Council.

*Alicia Stroble*

Alicia Stroble, Recording Secretary  
Muscogee (Creek) National Council

APPROVAL

I, the Principal Chief of the Muscogee (Creek) Nation, hereby affix my signature on this 4<sup>th</sup> day of October, **2023** to the above Law, **NCA 23-099** authorizing it to become a Law under Article VI., Section VI., of the Constitution of the Muscogee (Creek) Nation.

*David W. Hill*

David W. Hill, Principal Chief  
Muscogee (Creek) Nation

