

RESOLUTION OF THE GOVERNING BODY  
OF THE  
THREE AFFILIATED TRIBES  
OF THE  
FORT BERTHOLD INDIAN RESERVATION

WHEREAS, This nation having accepted the Indian Reorganization Act of June 18, 1934 and the authority under said Act; and

WHEREAS, The Constitution of the Three Affiliated Tribes does authorize and Empower the Tribal Business Council to enact laws on behalf of, and in the interest of the welfare and benefit of the Tribes and the enrolled members thereof; and

WHEREAS, Pursuant to Chapter 18-2-4 (2) of the Game, Fish and Recreation Code of Laws, the Game and Fish Director will plan, propose for enactment, and enforce tribal regulations relating to game, fish, and recreation resources.

NOW THEREFORE BE IT RESOLVED, The Three Affiliated Tribes, Tribal Business Council does formally adopt the Hunting and Fishing Guide and Outfitters Rules and Regulations into the Chapter 18 Game, Fish and Recreation Code of Laws of the Three Affiliated Tribes; and

BE IT FURTHER RESOLVED, The Tribal Business Council does empower the Game and Fish Division to enact and enforce those Rules and Regulations as provided by the Chapter 18 Code of Laws of the Three Affiliated Tribes.

Three Affiliated Tribes  
Hunting and Fishing Guide and Outfitters  
Rules & Regulations

By  
Todd Hall, Director of Game and Fish Division  
August 16, 2001

**DEFINITION:** A CERTIFIED THREE AFFILIATED TRIBES HUNTING AND FISHING GUIDE AND OUTFITTERS LICENSE is required for any member of the Three Affiliated Tribes Mandan, Hidatsa, and Arikara Nation who holds themselves out to the public as a guide or outfitter and who provides for compensation transportation, equipment, arrangement of lodging, or their own or another's personal services for the primary purpose of assisting a person or persons to locate or catch fish or to locate pursue, or hunt small, big game, or furbearers within the exterior boundaries of the Fort Berthold Indian Reservation.

**APPLICATION, FEES, AND ELIGIBILITY:**

1. Only applicants who are enrolled members of the Three Affiliated Tribes, Mandan, Hidatsa, and Arikara Nation are eligible to obtain a CERTIFIED THREE AFFILIATED TRIBES HUNTING AND FISHING GUIDE AND OUTFITTERS LICENSE.
2. Applicants are required to have maintained a residence within the exterior boundaries of the Fort Berthold Indian Reservation for a period of six months next proceeding the date of application for license.
3. Applicant must have successfully completed an approved Hunter Safety Education Course. Proof of successful completion of the approved Hunter Safety Education Course must be provided in writing at the time of application.
4. Prior to the issuance of the license, the following must be provided:
  - a. Proof that the applicant is covered by general liability insurance against loss or expense due to negligence, accident or injury arising from guiding or outfitting services, at a minimum of one hundred thousand dollars per individual and three hundred thousand dollars per incident.
  - b. Proof that the applicant is currently certified in adult first aid and cardiopulmonary resuscitation or its equivalent.
5. Any license issued under these rules and regulations shall be issued by the Three Affiliated Tribes Fish and Game Department and shall be only issued in the name of one individual and shall not be transferable. No license shall be issued in the name of any firm or corporation.

6. The license shall be carried on the person of the license at all times when performing guide services.
7. The license shall be subject to inspection at any time by the Director of the Three Affiliated Tribes Fish and Game Department or any of his authorized personnel, or by any law enforcement personnel.
7. The fees shall be: **Fishing Guide \$100.00; Hunting Guide \$100.00, Both Fishing and Hunting Guide \$150.00.**

### **RULES AND REGULATIONS:**

1. Any person licensed as a guide shall be required to be well versed in the hunting and fishing laws of the Three Affiliated Tribes Mandan, Hidatsa and Arikara Nation, and where appropriate the hunting and fishing laws of the State of North Dakota and federal laws pertaining to hunting and fishing on the Fort Berthold Indian Reservation.
2. It shall be the responsibility of the Guide to ascertain whether his or her clients are familiar with the appropriate hunting and fishing laws and to provide their clients with current hunting and fishing proclamations and rules.
3. It shall be the responsibility of the Guide that his or her clients comply with all hunting and fishing laws of the Three Affiliated Tribes Mandan, Hidatsa and Arikara Nation, and where appropriate the hunting and fishing laws of the State of North Dakota and federal laws pertaining to hunting and fishing on the Fort Berthold Indian Reservation. Nothing herein shall be interpreted to exculpate individual clients from liability for violation of laws.
4. Applicants shall agree as a condition of licensing to respect all laws, regulations and customs of the Three Affiliated Tribes Mandan, Hidatsa and Arikara Nation as pertaining to hunting and fishing on the Fort Berthold Indian Reservation and shall expressly agree as a condition of licensing to submit him or herself to the jurisdiction of the Fort Berthold Tribal District Court as pertaining to any civil or criminal action arising from his or her activities subject to his or her guide licensing.
5. Any licensed guide, prior to the consummation of a contract for service, shall furnish to each client a printed form listing in detail all acts of service and any other accommodation he or she will provide in exchange for the fee received, and such form shall specify the charge per day for such service or accommodation(s).
6. Any licensed guide, upon payment received for guide service, shall immediately thereon issue to the payee a receipt showing the amount received and shall indicate thereon "for guide service" and the period for which the service was

rendered. The receipt shall bear the guide's signature, complete permanent address, and the number of his or her guide or outfitters license.

7. All licensed guides shall keep a current record of all transactions as a guide or outfitter and the records shall be kept by the guide or outfitter for at least three years and shall be subject to inspection at any time on demand of the director, the director's authorized personnel, or any law enforcement officer.
8. All licensed guides shall submit an annual report describing species and areas hunted, successful harvest (describing species and number), and number of clients. Reports shall be due on December 31, of the calendar year for which the license is issued. A license renewal shall not be issued to a licensee until this provision is completed.

### **LICENSE REVOCATION:**

1. The license of the licensed guide or outfitter shall be subject to revocation or refusal to renew after due hearing by the Tribal Business Council, and the Game and Fish Director pursuant to Tribal law; in addition to any other penalties prescribed by law or rule or violation when the licensed guide or outfitter;
  - a) Is convicted of violating any game or fish law of the Three Affiliated Tribes.
  - b) Is convicted of violating any federal law pertaining to hunting, fishing, or trapping.
  - c) Fails to comply with these or any other rules and regulations controlling hunting, fishing or trapping activities within the exterior boundaries of the Fort Berthold Indian Reservation.
  - d) While carrying out the business of guiding or outfitting, engages in conduct detrimental to the image and professional integrity of the guiding and outfitting industry and/or the Three Affiliated Tribes.
2. Upon violation of any law, rule, provision, or proclamation, the licensee shall immediately surrender their license to the Game and fish director, his authorized personnel, or any law enforcement officer, and be prohibited from engaging in guide or outfitter services until the completion of such hearing as provided for in provision 1. of this section.
3. If a licensee is found guilty of violating this section or any tribal or federal hunting and fishing law, he or she shall not be eligible for a CERTIFIED THREE AFFILIATED TRIBES HUNTING AND FISHING GUIDE AND OUTFITTERS LICENSE for a period of twelve (12) months from the date of conviction. Gross violations of the law shall subject the violator to a ban from obtaining a license for life.

**THREE AFFILIATED TRIBES  
CONSERVATION ENFORCEMENT OFFICER  
PERFORMANCE STANDARDS**

**August 20, 2001**

The Three Affiliated Tribes Fish and Wildlife Division shall perform its conservation enforcement program in accordance with the qualifications, trainings, code of conduct, inspection and evaluation, and other standards applicable to as follows:

- A. Prior to hiring conservation enforcement officers, formal background investigations must be completed. Areas to be considered should include, but not limited to, criminal record, traffic record, military, education and prior work experience. Background investigations shall remain in the employee's official personnel file.
  - B. The Fish and Wildlife Director shall assure that each officer is qualified in the field of conservation enforcement and has a working Knowledge of arrest procedures, rules of evidence, crime scene search, preservation of evidence, writing reports, testifying in court and related enforcement functions.
  - C. Firearms qualifications will be semi-annual and should be held in conjunction with handgun firearms certifications. All ammunition for qualification with handgun, rifle and shotgun will be provided by the division. Each conservation enforcement officer must attain a score of 70 percent or better on an approved firearms course twice during a calendar year, with at least a four-month period separating each session to be considered to be qualified to carry a firearm. Whenever an officer fails to qualify or the qualification time lapses, the officer shall return all weapons issued. The following courses are approved firearms qualification courses:
    - (1) The National Rifle Association National Police Course.
    - (2) The National Rifle Association 25 yard course.
    - (3) The National Rifle Association Practical Pistol Course
    - (4) The Federal Bureau of Investigation Practical Pistol Course.
    - (5) Indian Police Academy/FLETC Timed PPC Course
    - (6) Fifty Yard practical Pistol Course.
- (a) Conservation Enforcement Officers Shall be issued the standard police .38 caliber and ammunition. The use of other calibers or types of handguns, such as automatic, para-bellums are prohibited. The barrel length may be not more than six inches or less than four inches for uniform personnel, and not less than two inches for plainclothes personnel, and only standard load ammunition may be used. The Assistant Secretary of Indian Affairs may grant a written waiver to permit conservation enforcement officers to carry handguns not authorized by this paragraph in accordance with current CFR Regulations.
  - (b) If weapons other than side arms are issued, officer must also qualify them. These qualifications will be kept on a police approved course, with training conducted by any state or BIA certified instructor.
  - (c) A firearm may be discharged only when in the considered judgement of the officer there is imminent danger of loss of life or serious bodily injury to the officer or to another person. The weapon may be fired only for the purpose of rendering the person at whom it is fired at incapable of continuing the activity prompting the officer to shoot. The firing of warning shots is prohibited. This policy does not apply the use of firearms to participate in official marksmanship training or to kill a dangerous or seriously injured animal.
  - (d) Except in firearms training, each time a firearm is used, a report shall be filed with the officer's Supervisor and the supervisor will be notify the Tribal Chairman, the respective Agency Superintendent and/or Criminal investigator. Whenever the use of a weapon results in serious injury or death of any persons, the officer firing the weapon shall be placed on administrative leave, or be assigned to strictly administrative duties pending a thorough investigation of all circumstances surrounding the incident.

- E. Each Conservation enforcement officer shall receive a minimum of forty hours on local in-service training annually to meet needs determined by the division and to keep abreast with developments in the field of Conservation Enforcement. If economically feasible, each conservation officer shall attend all Conservation management trainings or workshops to keep abreast with developments in the field of Conservation Management.
- F. The division shall require each Conservation Enforcement Officer it employs to sign and adhere to a code of conduct prescribed by the division. The signed copy shall be filed in the employee's official personnel file. The code shall establish specific rules concerning conflict of interest, employee conduct both on and off duty, impartiality and thoroughness in performance of duty, and acceptance of gifts and favors.
- G. The Fish and Wildlife Division shall assure that each Conservation Enforcement Officer shall be specifically identified as such.
- H. Uniforms shall be worn at all times while on routine duty which shall positively identify the wearer as a Conservation Officer. Badge, nameplate and shoulder patch shall be visible at all times. Each Officer shall be issued an identification card bearing a photograph of the Officer.
- I. The division shall assure that all Conservation Enforcement vehicles are equipped with a two-way radio, emergency lights, one of which must be red, sirens, safety screens (sedans and crew-cab), fire extinguisher, flashlight, emergency flares, rope, blankets, first aid kit, shovel, tow chain, tire chains, attached or portable winch, handyman jack, and jumper cables. The division shall require that all vehicles used be in good condition and that an operators logbook or similar operator/maintenance record book be kept current. The division shall assure that all Conservation Enforcement vehicles are thoroughly cleaned on a weekly basis and all litter removed on a daily basis and all ashtrays emptied daily. The division shall require that all Conservation Enforcement vehicles be marked on each front door with a Department emblem resembling the Officer's shoulder patch.
- J. The division will provide all uniformed Conservation Enforcement Officers with the following and assure they are in good condition:
  - (1) .38 caliber revolver and ammunition.
  - (2) Belt, holster, handcuff case and cartridge holder.
  - (3) Handcuff with keys.
  - (4) Minimum of two complete uniforms, including hat.
  - (5) Hat badge, breast badge, and coat/jacket badge.
- K. The division director shall certify that each Conservation Enforcement Officer will or is able to do the following activities:
  - (1) Identify furbearers, big game, small game, waterfowl, all wildlife and threatened, protected and/or endangered species and their habitats.
  - (2) Identify species of fish and their habitats.
  - (3) Recognize and dismantle illegal sport gear and commercial fishing tackle (nets, trap sets, snares, deadfalls, etc.)
  - (4) Recognize and seize illegal firearms and ammunition.
  - (5) Conduct random patrol on land and water by use of car, truck, boat, aircraft, snowmobile, snowshoes, skis and foot.
  - (6) Recognize signs of illegal hunting, fishing and trapping activity.
  - (7) Respond to complainant and take action or refer to appropriate agency if needed.
  - (8) Interview complainant and witnesses.
  - (9) Cite in a professional manner violations of season, time, protected species, and illegal methods, bag limits, and sex of species.
  - (10) Seize, mark and hold illegal game and equipment in a safe place for court evidence. Provide confiscated property receipts.
  - (11) Determine appropriate methods for apprehending illegal operators.

- (12) Determine ownership/lack of ownership of dogs that are running deer or any wildlife, or domesticated livestock; inform the owner(s) of circumstances and to keep dog tied or destroy feral dogs that are running deer or any wildlife as per the Tribe's policy.
- (13) Prepare detailed incident reports for courtroom use and prepare Informational Complaint forms to maintain record of violation/complaint history for Division.
- (14) Stop vehicles and boats where occupants have been observed in violation of the law or when a violation is suspected.
- (15) Check licenses, permits, and tags to determine if valid, not borrowed, or fraudulently obtained, or that conditions of license/permit are otherwise in compliance.
- (16) When so directed by appropriate court or operational policy, sell confiscated fish or wildlife, and have payment made payable to Three Affiliated Tribes Fish and Wildlife Division. The check or money shall be deposited into the Tribal Fish and Wildlife Account. Under no circumstances will Conservation Enforcement Officers accept actual money (cash).
- (17) Any fish or wildlife that is confiscated or seized shall be secured or stored as not to be wasted or spoiled. Any perishable fish or wildlife shall be stored in a freezer. If any species is too large to fit into a freezer, the animal will be processed at a commercial processing plant and then placed into a freezer, the animal will be processed at a commercial processing plant and then placed into the freezer with head, cape and other parts. Fish and wildlife recovered where no citation has been issued or formal court appearance has occurred will be donated to charitable causes and a signed receipt shall be obtained from the charitable organization. No fish or wildlife seized or confiscated will be sold or donated until the case has been disposed.
- (18) Examine fish or wildlife for method of take and when taken.
- (19) Investigate animal damage or depredation, issue permits, and/or destroy animals.
- (20) Report vehicle killed deer to appropriate authorities.
- (21) Inspect for legality of fur and tag with appropriate tag(s).
- (22) Assist with statutory responsibility in recovery of drowning victims, lost persons, severe weather emergencies and civil disorders when requested.
- (23) Maintain a working relationship with Tribal and Federal Prosecutors, Court Judge, Clerk of court, and various support staff.
- (24) Act as court officer and liaison for all cases within jurisdiction.
- (25) Obtain and serve search warrants, seize property, and issue evidence receipts.
- (26) Know and practice courtroom etiquette and procedures
- (27) Testify as witness at motions, preliminary hearings and trials.
- (28) All weapons shall be inspected monthly by the supervisory Game Warden, who will report results in a monthly-consolidated report. The division director or his designee shall be notified immediately of any deficiencies in weapons.
- (29) All firearms should be cleaned at least once every two weeks. Ammunition shall be replaced at least once a year.
- (30) The proper storage of firearms at home shall include; rendering firearms inoperable by a safety device and/or storing ammunition and weapons separately. Both ammunition and firearms shall be stored in places not readily accessible to children.
- (31) Map reading techniques (e.g., road, topographic, quadrangle, plat books).

- L. Each Conservation Officer shall be certified in advanced first aid and water rescue procedures. Emergency Medical Technician is the desired level of performance.
- M. In order to assure that the Conservation Officers are physically qualified to perform their assigned duties in a manner which reduces the risk to themselves, others and to the resources protected, yearly physical examinations will be obtained and results furnished to the division director. Program funds may be used if necessary to complete the physical examinations.
- N. In addition to tribal personnel employment standards, each applicant entering in employment, as a full-time permanent Conservation Officer shall pass a health and performance related physical fitness test. The following are physical fitness test.

(1) 1.5 mile run or stress test given by a physician or qualified person/division director.

Technique-Both of these test measure cardiovascular endurance or the effectiveness of the body to transport and use oxygen. The standard U.S. Forest Service step test is administered. It consist of stepping up and down on a bench 15 ¾ inches high for men, 13 inches for woman, at a rate of 22 ½ times a minute for 5 minutes. Fifteen seconds after completing the test, the pulse is measured for 15 seconds. This pulse rate is used along with the weight, age and sex to determine the step test score. A minimum level of 35 is required.

Minimum score – A minimum step test score of 35 or 1.5 mile run of 14 minutes is required.

Training – A gradually increased walking or walk-jog program is recommended to increase aerobic capacity. Other types of exercise that will help aerobic conditioning are bicycling, rowing, running, swimming or any exercise that increase the heart rate to about 75% of the maximum for a minimum of 30 minutes, three times per week. This level of exercise should be reached gradually over a period of several months for those who are not physically fit or involved in conditioning program.

(2) Pushups

Technique – Standards pushups from the toes are used. The body must be kept straight all times. The chest must touch the floor in the low position and arms straight at the high position. During this test the partner's hand will be placed on the floor under the chest of the person being tested. The partner will count a pushup when the chest touches the hand.

Minimum score- a minimum score of 25 pushups during the one-minute time period allowed.

Training – Repetitive pushups on a regular basis will develop the muscular endurance necessary for this test. To start, one can use a wall and push away until muscular strength is developed to the point where pushups can be done on the floor. Doing pushups with the knees remaining on the ground is also good for beginners. The bench press will aid in developing strength for the pushup test.

(3) Sit-ups

Technique-Bent leg sit-ups are used. While seated on the floor the knees are brought towards the chest until the feet are on the floor. The toes are placed under something or someone else can hold the feet down to anchor the body while the sit-ups are completed. Hands must be clasped behind the head or neck during the entire sit-up. At the down position the shoulders must touch the knee. During the test the partner will hold the feet down and count the sit-ups. Start in the down position.

Minimum score- a minimum score of 25 sit-ups is required during a one-minute time period allowed.

Training- Repetitive sit-ups on a regular basis will develop muscular endurance necessary for this test. Holding a small weight behind the head while doing the sit-ups or using an inclined board can attain increased abdominal strength.

(4) Swimming

Technique-Any style or stroke. Kick turns are allowed. No standing on the bottom or holding the sides of a pool is permitted. Start by either diving from the pool edge or push off while in the pool. The distance of the swim is yards. Lakes or ponds can be substituted for pools.

Minimum score – A minimum of five (5) minutes is required to complete the 200-yard swim.

Training – Practice with the various strokes and emphasize the fundamentals. The use of the legs is very important to this test.

All Phases of the physical fitness test battery must be completed at the minimum level or better.

The Division Director, Physician or another qualified person will conduct all phases.

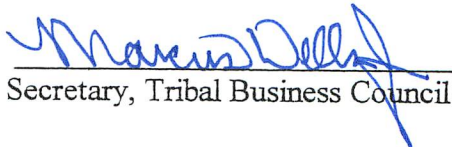


CERTIFICATION


I the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation, hereby certify that the Tribal Business Council is composed of 7 members of whom 5 constitutes a quorum, \_\_\_\_\_ were present at a Regular Meeting, thereof duly called, noticed, convened, and held on the 11 day of October, 2001; That the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 5 members, 0 members opposed, 0 members abstained, 2 members not voting and that said Resolution has not been rescinded or amended in any way.

Chairman (voting) (not voting).

Dated this 11 day of October, 2001.

  
Secretary, Tribal Business Council

ATTEST:

  
Chairman, Tribal Business Council