

RESOLUTION OF THE GOVERNING BODY OF
THE THREE AFFILIATED TRIBES OF THE FORT BERTHOLD 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 generally authorizes and empowers the Tribal Business Council to engage in activities on behalf of and in the interest of the welfare and benefit of the Tribes and of the enrolled members; and

WHEREAS, The Tribal Business Council of the Three Affiliated Tribes desire to manage wildlife resources of the Fort Berthold Indian Reservation in a beneficial manner.

NOW, THEREFORE, BE IT RESOLVED, that the Tribal Business Council authorizes the Natural Resources Department, Game and Fish Division to adopt and publish the 1995-1996 Fishing Guide and Proclamation as pursuant to the Chapter 18 Game, Fish and Recreation Code of Laws.

C E R T I F I C A T I O N

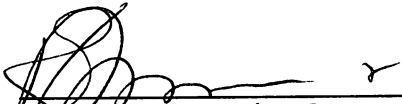
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation, hereby certify that the Tribal Business Council is composed of seven (7) members of whom five (5) constitute a quorum, 7 were present at a special Meeting thereof duly called, noticed, convened and held on the 26 day of January, 1995; that the foregoing resolution was adopted at such meeting by the affirmative vote of 7 members, 0 members opposed, 0 abstaining, and that said Resolution has not been rescinded or amended in any way.

Chairman (voting) (not voting)

Dated this 26 day of January, 1995.

Daylon Spotted Bear
Secretary, Tribal Business Council

ATTEST:


Chairman, Tribal Business Council

*Attachment to
R# 95-50-DSB
1 of 9 Pages*

1995-1996

**FISHING GUIDE
AND PROCLAMATION
Fort Berthold Indian Reservation**

**Game and Fish Division
Box 460
New Town, ND 58763**

Effective April 1, 1995 through March 31, 1996

SPECIAL INTEREST:

RE: FISHING PERMITS

TO THE ENROLLED MEMBERS OF THE THREE AFFILIATED TRIBES:

The Three Affiliated Tribes Tribal Business Council, members of the Natural Resources Committee, in conjunction with the Fish and Wildlife Division, Natural Resources Department, will authorize the following:

Members of the Three Affiliated Tribes who have attained the age of 55 years of age or older and members who are under the age of 16, will be given a **FREE FISHING PERMIT** to fish within the exterior boundaries of the Fort Berthold Reservation.

When requesting for your **FREE FISHING PERMIT**, the following information should be submitted, so the Fish and Wildlife Division can mail your Free Fishing Permit to you. This requested information is mandatory in order to properly fill out your permit.

NAME: First, Middle, and Last
DATE OF BIRTH:
ADDRESS: Street or Box Number
City, State, Zip Code
COUNTY: I.E. McKenzie, Mountrail, Dunn
SOCIAL SECURITY NUMBER:

AGE:
HEIGHT:
WEIGHT:
EYES: color
HAIR: color
PHONE: Number(s)

Please address your requests to: Three Affiliated Tribes
Fish and Wildlife Division
P. O. Box 460
New Town, N. Dak. 58763

Or please call: (701) 627-4760

signed: Russell Mason - Chairman
Edwin Hall - Vice Chairman
Mark Fox - Treasurer
Daylon Spotted Bear - Secretary
Ivan Johnson - Councilman
George Fast Dog - Councilman
Austin Gillete - Councilman
Donald Morgan - N.R.D. Administrator
Tom Sage - Acting Director, Game & Fish Division
Todd Hall - Wildlife Biologist, Game & Fish Division

1. DEFINITIONS

1.1 RESERVATION LANDS

"Allotted lands" is defined as individually Indian owned land held in trust by the United States Government.

"Fee Patent Land" is land within the exterior boundaries of the reservation, not held in trust or subject to restrictions or alienation and which is in private ownership.

"Tribal Land" are any lands within the Fort Berthold Reservation owned or controlled by the Three Affiliated Tribes.

"Trust Land" is land for which the U.S. government holds legal title in trust for the benefit of Indians and/or Indian Tribes.

ALL NON-MEMBERS OF THE THREE AFFILIATED TRIBES SIXTEEN (16) YEARS OF AGE AND OLDER ARE REQUIRED TO PURCHASE A TRIBAL CONSERVATION PERMIT BEFORE CROSSING TRIBAL, ALLOTTED OR TRIBALLY CONTROLLED LAND TO SECURE ACCESS TO LAKE SAKAKAWEA AND WHEN USING TRIBAL RECREATION AREAS FOR THE PURPOSE OF FISHING AND BOATING. A STATE FISHING LICENSE IS ALSO REQUIRED OF NON-MEMBERS.

THE THREE AFFILIATED TRIBES CONSERVATION STAMP SHALL SERVE AS A FISHING LICENSE FOR TRIBAL MEMBERS WITHIN THE EXTERIOR BOUNDARIES OF THE FORT BERTHOLD INDIAN RESERVATION.

ANY PERSON NOT HAVING A TRIBAL CONSERVATION PERMIT OR TRIBAL FISHING LICENSE IN THEIR POSSESSION WHEN FISHING SHALL RECEIVE A CITATION.

1.2 Game Fish

Game Fish- are defined as northern pike, muskellunge (pure or hybrid, 30 inch minimum size), walleye, sauger, saugeye, trout (brown & rainbow), chinook salmon, large and smallmouth bass, paddlefish, bluegill, burbot, channel catfish, crappie (black & white), rock bass, white bass, yellow perch, sturgeon (pallid & shovelnose), and zander.

1.3 Non-game and Bait Fish

Nongame and Bait Fish- are defined as all species of fish not designated as game fish.

2. SEASONS

2.1 Definition

SEASONS

THE SEASON SHALL BE OPEN TO THE TAKING OF FISH SPECIES FROM APRIL 1, 1995 to MARCH 31, 1996. Except for special seasons for salmon snagging, smelt, and closed season for all sturgeon.

3. DAILY CREEL AND POSSESSION LIMITS

3.1 Description

1. The **daily creel limit** is defined as a limit of fish harvested or recieved from midnight to midnight. No person may possess more than one days limit of fish while on the water or actively engaged on fishing.

2. The **possession limit** shall be two times the daily creel limit. Except as specified in section 3.1-1 the daily creel and possession limit for the reservation shall be:

<u>SPECIES</u>	<u>DAILY LIMIT</u>	<u>POSSESSION LIMIT</u>
Northern Pike	3	6
Walleye, Sauger, or Saugeye (single species or in combination)	5	10
Trout	3	6
Salmon	5	10
Largemouth Bass, Smallmouth Bass, or		

combination	5	10
Yellow Perch	no limit	no limit
Bluegill	no limit	no limit
Crappie	no limit	no limit
White Bass	no limit	no limit
Burbot	5	10
Rock Bass	20	40
Channel Catfish	20	40
Non-game fish	no limit	no limit

3.1-1 Exceptions to daily creel and possession limits, as defined in 3.1 (1) of this section, are as follows:

1. <u>SPECIES</u>	<u>DAILY CREEL</u>	<u>POSSESSION</u>
Muskellunge (pure or hybrid)	1	1
Paddlefish	season limit of 2	
Smelt	5 gallons	5 gallons
Fathead Minnow	12 dozen	12 dozen

3.1-2 It is illegal to take, possess or transport any of the following fish at any time on Fort Berthold Reservation or the State of North Dakota. They must be immediately be released back into the water from which they were caught:

1. Zander
2. Pallid Sturgeon
3. Shovelnose Sturgeon

3.1-3 Game fish may be given to another person, but fish must be counted on donor's limit. Undersized game fish caught where there is a size limit must be returned to the water regardless of condition. They must be carefully handled to avoid maiming or death.

3.2 SIZE LIMITS

1. It shall be illegal to take walleye, sauger, or saugeye less than 14 inches in total length.
2. It shall be illegal to take muskellunge (pure and hybrid) less than 30 inches in total length.
3. It shall be illegal to remove more than the gills, entrails, and scales from fish that are subject to a size limit while on the water or actively engaged in fishing.

4. FISHING LICENSE AND CONSERVATION PERMITS

4.1 Description

FISHING LICENSE, BOATING LICENSE AND CONSERVATION PERMITS

Tribal fishing licenses are required of Tribal members 16 (sixteen) years of age and older fishing anywhere within the Reservation. A husband/wife fishing license shall be issued allowing a husband/wife only to fish for a reduced rate. Such license shall be valid for the same period as other fishing licenses and each person shall receive a separate license. The husband and wife may each possess a limit of fish.

Any person holding a tribal conservation permit or tribal fishing license shall carry it on his/her person while fishing. Upon the request or demand of the director, biologist, Tribal Warden or Police Officer, he/she shall show the license or permit immediately to the officer. Licenses and Conservation Permits are valid for one year starting April 1, 1995 and ending March 31, 1996.

All tribal members who own boats powered by any motor and use them within the Fort Berthold Reservation Boundary must possess a valid Tribal Boat Registration and License. All boats must have a Coast Guard approved life preserver for each occupant and those boats over 16 feet must in addition have an approved throwable life preserver. All boats operating between sunset and sunrise must display legal lights. For more information on boating regulations and safety, contact the Game and Fish Division.

5. SCHEDULE OF FEES

5.1 Members

SCHEDULE OF FEES:

MEMBERS:

Individual.....	\$5.00/person
Husband/wife.....	\$6.00/couple
55 and older.....	\$0.00
Under 16.....	\$0.00

NON-MEMBERS: (STATE LICENSE ALSO REQUIRED).

Conservation Permit.....	\$10.00/person
5 Day Conservation Permit.....	\$5.00
Husband/wife.....	\$15.00/couple
65 & older.....	\$4.00
Under 16.....	\$0.00

OTHER

Boats under 16 ft. & canoe.....	\$4.00
Boats 16 ft. and over.....	\$6.00
Fish House License.....	\$5.00/5 years
Retail Bait vendor (member).....	\$12.00
Retail Bait vendor.....	\$18.00

6. MANNER OF TAKING FISH

6.1 Descriptions

MANNER OF TAKING FISH

A FISHERPERSON MUST REMAIN WITHIN 150 FEET OF HIS/HER FISHING EQUIPMENT AND MUST MANUALLY CHECK IT AT LEAST ONCE AN HOUR.

It is illegal to take fish with any spring, lever, chemically, or mechanically actuated fish hook or spear. No person shall lay, set, or use any drug, poison, lime, medicated bait, dynamite or other injurious substance whatsoever; or lay, stretch, or place any tip-up, snare, trap, set-line, net wire, string, jug, rope or cable of any sort on the waters of this reservation for the purpose of catching, taking, killing, or destroying any fish. Snagging of fish other than salmon is illegal (See special seasons). Tip-ups are legal for winter fishing (See Ice Fishing).

It is legal to fish with a hook and line, bow equipment, and spears only.

LEGAL HOOK AND LINE EQUIPMENT FOR EACH ANGLER SHALL CONSIST OF NOT MORE THAN TWO POLES, EACH EQUIPPED WITH ONE LINE TO WHICH IS ATTACHED NOT MORE THAN TWO HOOKS OR LURES PER PERSON.

IT IS LEGAL TO USE A MAXIMUM OF FOUR LINES FOR FISHING THROUGH THE ICE ON LAKE SAKAKAWEA.

Artificial lures are considered a single hook. Lures with trailer hooks and live bait harnesses are legal only when a single bait is attached. Hookless dodgers and attractors ahead of a lure or bait are legal.

BOW AND SPEAR FISHING is legal from **MAY 1, 1995 TO OCTOBER 31, 1995**, from sunrise to sunset each day. **THE FOLLOWING FISH MAY NOT BE TAKEN** with a bow or spears: game fish, paddlefish, catfish, and any sturgeon. Permissible bow equipment shall consist of any bow except a crossbow, to which is attached by a line, an arrow equipped with a harpoon style point or a point equipped with wire barbs.

LEGAL UNDERWATER SPEAR EQUIPMENT is a rubber band powered or pneumatic powered spear gun. The spear must be attached to the gun with a lanyard not to exceed 20 feet. Underwater spear fishing is illegal within 150 yards of any designated swimming

area, water ski area, boat dock or spillway. An international Diver's Flag must be properly displayed on a float or buoy during any diving or spear fishing activity. The flag must be at least 12 (twelve) inches square. The color must be a red background with a white diagonal stripe one-fifth (1/5) of the width of the flag. **BOAT FISHERMAN MUST BE ABLE TO RECOGNIZE THIS FLAG AND EXERCISE DUE CAUTION IN THE AREA!** It shall be unlawful to display this flag when diving or spear fishing is not in progress. The display of this flag does not restrict use of the area by others but implies the use of caution must be exercised in the vicinity.

The following may not be taken by underwater spear fishing: large or smallmouthed bass, muskellunge, paddlefish, and any sturgeon. The season for underwater spear fishing shall be legal only from **MAY 15, 1995 THROUGH OCTOBER 31, 1995** and is legal from sunrise to sunset.

IT IS ILLEGAL TO DEPOSIT ANY FISH AND FISH PARTS taken by angling, spearing or bow fishing on the ice or shore of, or in, any lake, reservoir, marsh or stream within the Reservation.

It is legal to return fish to the water after being caught on a hook and line. If a fish is returned to the water it must be done immediately after catching, not after being placed on a stringer, in a bucket, basket or live well or other device. Fish returned must show no evidence of bleeding and be carefully placed back into the water.

7. LIVE BAIT

7.1 Description

LIVE BAIT

It shall be illegal to release any minnows or other live bait into waters other than those from which they originated. It shall be illegal to sell or possess with intent to sell as bait, any carp, bullhead, goldeye, golden shiner, carpsucker, goldfish, catfish, gamefish, perch, or parts thereof for bait at any time. **MINNOWS, FROGS, DEAD SMELT, COMMERCIALY PREPARED BAIT, LEECHES, NIGHTCRAWLERS, PERCH EYES AND SALMON EGGS MAY BE USED AS LEGAL BAIT.**

A licensed fisherperson may take minnows by use of one minnow trap and/or dip net. Dip nets may not exceed twenty-four (24) inches diameter or thirty-six (36) inches in depth. Except as provided for the taking of minnows, dip nets may only be used as an aid in landing fish which have been legally taken by hook

and line. A fisherperson may not use more than one minnow trap and such trap may not exceed twelve (12) inches in diameter and thirty (30) inches in length with a throat are mouth opening not to exceed 1-1/4 inches. Each licensed fisherperson may possess up to 12 dozen minnows; numbers exceeding this requires a bait vendors license.

8. ICE FISHING

**8.1 Description
ICE FISHING**

All members of the Three Affiliated Tribes are required to purchase a tribal fish house license and have the license number and the owner's name permanently marked on the outside of the fishhouse before the fishhouse is placed on the ice. Fish house licenses are for a five year period beginning December 1. Fishing holes outside a fish house may be placed no closer than 10 feet from a given house. No holes shall be greater than 12 inches in diameter at the surface. Fish houses shall be removed from all waters of the Reservation by Midnight **MARCH 12, 1996**. It shall be illegal to leave fish houses on tribally owned land later than **April 2, 1996**. Tip-ups are legal for ice fishing only.

9. SPECIAL SEASONS AND LIMITS

**9.1 Descriptions
SPECIAL SEASONS AND LIMITS**

The salmon snagging season shall be legal from **September 11, 1995 through December 31, 1996** in Lake Sakakawea and all tributaries upstream to the first vehicular bridge or crossing. Snagging equipment may consist of a single line to which is attached a conventional, commercially manufactured artificial lure. Additional weights not exceeding a total of two ounces may be attached to the line above the lure only. **Daily creel and possession limits for snagged salmon are 5 (five) Salmon.**

It shall be legal to take smelt from Lake Sakakawea and all tributaries upstream to the first vehicular bridge or crossing from **April 1, 1995 through April 30, 1995**. It shall be legal for each licensed fisherperson to use a dip net or minnow trap not to exceed those dimensions as stated in the "LIVE BAIT" section of this proclamation. Daily catch shall not exceed five (5) gallons of smelt. It is illegal to use or possess live smelt for bait or transport live smelt at any time. Those with a "Retail Bait

Vendors" license may use a minnow seine not to exceed 25 feet in length by 6 feet in depth and may take up to 15 gallons in daily and possession limits.

9.2 Miscellaneous

WHILE TRAVELING TO OR FROM A FISHING OR BOATING SITE, NO PERSON SHALL TRESPASS ON POSTED LAND UNLESS HE/SHE HAS OBTAINED WRITTEN PERMISSION FROM THE LANDOWNER TO DO SO. ANY PERSON VIOLATING THIS SECTION WILL BE PROSECUTED VIGOROUSLY AND MAY BE REQUIRED BY THE CONVICTING COURT TO PAY FOR ALL DAMAGES RESULTING FROM SUCH PROSECUTION.

THE DEPOSIT OF LITTER, REFUSE, RUBBISH, BOTTLES, CANS, OR ANY OTHER WASTE MATERIALS ON OR IN THE VICINITY OF ANY GAME REFUGE, LAKE, RIVER, PUBLIC PARK, RECREATION AREA, OR ANY AREA OTHER THAN A GARBAGE RECEPTACLE OR DUMP IS UNLAWFUL.

PLEASE NOTIFY THE FORT BERTHOLD GAME AND FISH DIVISION OF ANY VIOLATIONS CALL 627-4760 BETWEEN 8:00 AM AND 5:00 PM, MONDAY THRU FRIDAY. After business hours contact your local Tribal Warden or the New Town Police Department at 627-3617 or 627-3314 and the message will be delivered to the Game and Fish Division.

The Game and Fish Division pays a reward to anyone providing information on a Game and Fish violation that leads to a conviction of the violator. Please call the numbers listed above. Callers may remain anonymous.