

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 18-2-2 (2) of the Game, Fish and Recreation Code of Laws for the Three Affiliated Tribes, the Game and Fish Division shall propose to the Council and enforce when enacted, tribal regulations relating to game and fish resources and recreation; and

WHEREAS, Pursuant to Chapter 18-2-4 (4) of the Game, Fish and Recreation Code of Laws, the Game and Fish Director will formulate and publish the respective proclamations annually, according to information gathered from census and studies.

NOW THEREFORE BE IT RESOLVED, The Tribal Business Council does empower the Game and Fish Division to enact and enforce the 1996-97 Fishing Proclamation as provided by the Chapter 18 Code of Laws of the Three Affiliated Tribes.

**Three Affiliated Tribes**

**1996-1997  
FISHING GUIDE  
AND PROCLAMATION**

**Fort Berthold Indian Reservation**

**GAME AND FISH DIVISION  
HC 3 Box 2  
New Town, North Dakota 58763**

Effective April 1, 1996 through March 31, 1997

**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  
HC 3 Box 2  
New Town, ND 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 Gillette - Councilman  
                    Kyle Baker, Natural Resources Administrator  
                    Todd Hall - Director, 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.

“**Commercial Fishing**” consists of activities where a special permit or license is needed other than a regular fishing license.

“**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.

“**Recreational Fishing**” consists of activities defined as those methods of harvesting aquatic species as prescribed in this proclamation.

“**Reservation Lands**” are all lands within the exterior boundaries of the Fort Berthold Reservation.

“**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.

“**Wildlife Management Area**” is a track of land managed for the benefit and habitat enhancement of and for native wildlife species. These areas are may be managed by tribal, state, and/or federal agencies.

**ALL NON-MEMBERS OF THE THREE AFFILIATED TRIBES SIXTEEN (16) YEARS OF AGE OR 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**

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

**2. SEASONS**

**2.1 Definition SEASONS**

**THE SEASONS SHALL BE OPEN TO THE TAKING OF FISH SPECIES FROM APRIL 1, 1996 TO MARCH 31, 1997.** Except for special seasons for salmon snagging, smelt, and closed season for all sturgeon.

**3.1 Description**

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

<b>SPECIES</b>	<b>DAILY LIMIT</b>	<b>POSSESSION LIMIT</b>
Northern Pike	3	6
Walleye, Sauger, or Saugeye (single species or 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	No Limit	No Limit
Rock Bass	No Limit	No Limit
Channel Catfish	No Limit	No Limit
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. SPECIES	DAILY CREEL	POSSESSION
Muskellunge (pure or hybrid)	1	1
Paddlefish	season limit of 1	
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 released back into the water from which they were caught:

1. Pallid Sturgeon
2. Shovelnose Sturgeon
3. Grass carp (white amur)

**3.1-3** Game fish may be given to another person, but the 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 any 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. 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 him/her 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, 1996 and ending March 31, 1997.

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.....	\$00.00
Under 16.....	\$00.00

**NON-MEMBERS: (STATE LICENSE ALSO REQUIRED).**

Conservation Permit.....	\$10.00/person
5 Day Conservation Permit.....	\$5.00
Husband/wife.....	\$15.00/couple
65 and older.....	\$4.00
Under 16.....	\$00.00

**OTHER**

Boats under 16 ft. and canoe.....	\$4.00
Boats 16 ft. and over.....	\$6.00
Fish House License.....	\$5.00/5 years
Retail Bait vendor (member).....	\$20.00
Commercial Fishing.....	Inquire at office.

**6. MANNER OF TAKING FISH**

**6.1 Descriptions**

**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, 1996 TO OCTOBER 31, 1996**, from sunrise to sunset each day. **THE FOLLOWING FISH MAY NOT BE TAKEN** with 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 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 the 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 sturgeon. The season for underwater spear fishing shall be legal only from **MAY 1, 1996 THROUGH OCTOBER 31, 1996** and is legal from sunrise to sunset.

**IT IS ILLEGAL TO DEPOSIT ANY FISH AND FISH PARTS taken by angling, spearing or bowfishing 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.

**Any dressed fish** transported, if frozen, must be packaged individually. two fillets will count as one fish.

**Any fish retained** and given to another person shall be counted in the creel and possession limit of the person catching the same.

## **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, game fish, perch, or parts thereof for bait at any time. **ALL FISH OF THE MINNOW FAMILY (except carp and goldfish), ALL FISH FROM THE SUCKER FAMILY (except buffalo fish and carpsucker), ALL FISH FROM THE STICKLEBACK FAMILY, 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 in diameter or thirty-six (36) inches in length. 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 or 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 fish house before the fish house 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 5, 1997**. It shall be illegal to leave fish houses on tribally owned land later than **April 1, 1997**. Tip-ups are legal for ice fishing only.

## **9. OTHER INFORMATION**

### **9.1 Miscellaneous**



**WHILE TRAVELING TO OR FROM A 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 BY 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.**

**TRANSPORTING LIVE FISH OR FISH EGGS INTO OR OUT OF THE RESERVATION, AND STOCKING OF ANY LIVE FISH OR FISH EGGS INTO ANY WATERS OF THE RESERVATION THEREOF, SHALL BE ILLEGAL WITHOUT PROPER DOCUMENTATION.**

#### **10. Commercial Fishing**

Commercial fishing consists of activities where a special permit or license is required rather than a regular fishing license. No person may harvest any fish or aquatic species for the purpose of sale except as provided in this section.

**This section applies to enrolled members of the Three Affiliated Tribes ONLY. All other persons interested in commercial fishing must contact the North Dakota Game and Fish Department.**

##### **10.1. Species**

Species of fish eligible for commercial fishing are:

1. Species of fish not designated as Game Fish as stated in section 1; and
2. Channel catfish in Lake Sakakawea and its tributaries.

##### **10.2 Manner of Taking Fish**

Seines, hoop nets, and set lines shall be the only legal equipment used in commercial fishing, with the following limitations:

Lake Sakakawea and its tributaries south and east of the Four Bears Bridge to the southeastern boundary of the Reservation (with seines and hoop nets only), and the portion of the Little Missouri River east of Lost Bridge (with set lines only).

The mesh size of legally licensed seines for commercial fishing shall not be less than 1 1/2 inches square nor more than 3 inches square. Tags furnished with the license must be attached to the equipment at all times.

##### **10.3 Season for Commercial Harvest**

The open season for commercial fishing shall be from May 15 through November 30. The season shall be closed from December 1 through May 14.

The open season for harvest of minnows by licensed bait dealers shall be from April 1 through March 31.

The commercial harvest of clams or mussels shall be illegal.

The commercial harvest of leeches by licensed bait dealers shall be from April 1 through November 30.

**Contact the Game and Fish Division before harvesting any aquatic species from the following areas:**

- 1. Wildlife Management Areas located on the Reservation.**
- 2. The State Special Fish Management Area (Parshall Mine Pond).**

**PLEASE NOTIFY THE FORT BERTHOLD GAME AND FISH DIVISION OF ANY VIOLATIONS. CALL 627-4760 BETWEEN 8 AM AND 5 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.**

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, 7 were present at a Regular Meeting, thereof duly called, noticed, convened, and held on the 14<sup>th</sup> day of March, 1996; That the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 6 members, 0 members opposed, 0 members abstained, 1 members not voting and that said Resolution has not been rescinded or amended in any way.

Chairman (voting) (not voting).

Dated this 14<sup>th</sup> day of March, 1996.

Daylon Spotted Bear  
Secretary, Tribal Business Council

ATTEST:

  
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Chairman, Tribal Business Council