



Fort Berthold Reservation
Mandan, Hidatsa and Arikara Tribes
Fish and Wildlife Division
404 Frontage Road, New Town, ND 58763
Phone: (701) 627-4760 Fax: (701) 627-4743

2016-2017 FISHING PROCLAMATION

Effective April 1, 2016 through March 31, 2017

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:

ANY THREE AFFILIATED TRIBES TRIBAL MEMBERS FISHING WITHIN THE EXTERIOR BOUNDARIES OF THE FORT BERTHOLD INDIAN RESERVATION AND NOT HAVING A TRIBAL FISHING LICENSE IN THEIR POSSESSION WHEN FISHING SHALL RECEIVE A CITATION.

A. RECREATIONAL FISHING

1. Seasons

Season Dates

Recreational fishing is defined as those methods described hereafter as allowable activities during the fishing year of this proclamation with the possession of a valid fishing license.

THE SEASON SHALL BE OPEN TO THE TAKING OF FISH SPECIES FROM APRIL 1, 2016 TO MARCH 31, 2017.

2. Species Definitions

Game fish are bluegill, burbot, channel catfish, chinook salmon, crappie (black and white), largemouth bass, muskellunge (pure and hybrid), northern pike, paddlefish, sauger, saugeye, smallmouth bass, sturgeon (pallid, shovelnose and lake), trout (brown, lake, rainbow and cutthroat), walleye, white bass, yellow perch and zander.

Nongame fish are all species that inhabit and reproduce in the waters of Lake Sakakawea that are not listed above as game fish.

3. Bait & Lure

3.1 Definitions

Legal live baitfish are fathead minnows, creek chubs, sticklebacks, white sucker, and rainbow smelt.

Other legal live bait includes all native amphibians, insects and/or other invertebrates or parts thereof.

Prepared baitfish include any nongame fish (including legal live baitfish) which have been preserved by freezing, salting or otherwise treated to inactivate reproductive products. Prepared baitfish are legal bait. Nongame fish (including legal live baitfish), which have been reduced to sections, pieces or parts thereof are considered cut fish and are legal. Heads and entrails of non-game fish are considered cut fish.

Yellow perch eyes, and trout and salmon eggs are legal bait. The use of other game fish or parts thereof is illegal.

Manufactured and biodegradable bait are products manufactured as edible fishing bait and other inert biodegradable substances and are considered legal bait.

Lure is defined as any man-made object comprised of metal, plastic, wood and other nonedible materials made or used to catch fish. A lure may not contain more than three hooks and the

maximum distance between any hooks on a lure may not exceed 10 inches. A single hook may not include more than three points, barbed or otherwise. Spinners and other live bait rigs and harnesses are considered a lure and are permissible. Hookless dodgers or attractors used ahead of a lure or bait are legal.

4. Daily & Possession Limits, Transportation and Size Restrictions

4.1 Daily Creel and Possession Limits

The **daily creel limit** is defined as the maximum number of legally taken fish that may be harvested or received from midnight to midnight. No person may possess more than one day's limit of fish while on the water or the ice or actively engaging in any manner of fishing.

The **possession limit** is defined as the maximum number of legally taken fish (by species) that an individual may have in their actual possession during any phase of any single fishing trip of more than one day. The possession limit shall be two times the daily creel limit. Except as specified in section 4.1-1.

The daily creel and possession limit for the reservation shall be:

SPECIES	DAILY CREEL	POSSESSION
Northern Pike	5	10
Walleye Sauger, Saugeye or combination	5	10
Largemouth Bass, Smallmouth Bass, or combination	3	6
Salmon	5	10
Yellow Perch	20	40
Bluegill	20	40
White Bass	20	40
Crappie	10	20
Burbot	10	20
Channel Catfish	No Limit	No Limit
Non-Game Fish	No Limit	No Limit

4.1-1 Exceptions to daily creel and possession limits, as defined in 4.1 (l) of this section, are as follows:

SPECIES	DAILY CREEL	POSSESSION
Trout	3	3
Muskellunge (pure hybrid)	1	1
Smelt	5 gallons	5 gallons
Legal Live Baitfish*	150	150
Snapping Turtles**	1 annually	1 annually
Frogs	24	24
Salamanders	24	24
Crayfish	48	48

**Aggregate of all legal species*

***Only one snapping turtle may be harvested between July 1 through Nov 15 each fishing year*

- The storage limit at one's personal permanent residence is unlimited.

- No individual possessing any game fish species may waste, destroy or abandon the edible flesh.
- The packaging of fish (including parts thereof) away from one's personal residence must be done in such a manner that the number of fish in each package may be easily determined.
- Any fish (whole and/or fillets) may be given (gifted) to another individual but the fish must be counted in the donor's daily limit.
- Gifted fish, including packages of fish, must be accompanied with the following information from the individual gifting the fish: name, fishing license number, phone number, date, and species and number of fish gifted.
- Commercial processors, common carriers, and common storage areas may possess any individuals legally taken possession limit of fish. Each package must be labeled with the owners name and address.

4.2 Transportation

At no time may an individual transport more than a possession limit unless with a written approval from the TAT Game & Fish Director.

Except for legally gifted fish, it is illegal to possess or transport another individual's game fish or parts thereof without the license holder accompanying as otherwise permitted.

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. Lake Sturgeon
4. Paddlefish

4.3 Size Limits

4.2.1 Minimum Size Restrictions

- It shall be illegal to take muskellunge (pure and hybrid) less than 48 inches in total length.
- 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.
- 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.

5. Licenses & Permits

5.1 Fishing License

Tribal fishing licenses are required of TAT tribal members 16 (sixteen) years of age and older fishing anywhere within the Fort Berthold Indian Reservation. A husband/wife fishing license shall be issued allowing a husband/wife only to fish for a reduced rate. The husband/wife license shall be only available to couples who are both enrolled with the Three Affiliated Tribes. 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.

5.2 Conservation Permits

Individuals required to purchase a conservation permit are tribal members that are not enrolled in a federally recognized tribe (need proof of enrollment at time of purchase) or non-tribal members that do not possess a ND state issued ID. 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 aforementioned official. Licenses and Conservation Permits are valid for one year (April 1st – March 31st). This proclamation shall be in effect from April 1, 2016 thru March 31, 2017.

5.3 Boating License

All TAT 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 throw able 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.

6. Schedule of Fees

ENROLLED TAT TRIBAL MEMBERS:

Individual	\$10.00
Husband/Wife	\$15.00
55 and older.....	\$00.00
Under 16.....	\$00.00
Disabled Veteran.....	\$00.00
Boats under 16 ft. and canoe.....	\$10.00
Boats 16 ft. and over.....	\$15.00
Retail Bait vendor (member).....	\$50.00
Commercial Fishing.....	Inquire at office

NON-MEMBER RESIDENTS:

ND STATE LICENSE REQUIRED

NON-MEMBER NON-RESIDENTS:

Individual	\$20.00/person
------------------	----------------

** All non-member non-residents who do not reside in North Dakota must purchase a conservation permit which is an additional \$20.00 fee.*

7. Manner of Taking Fish

Legal means, equipment, and species are defined as follows:

7.1 Hook and Line Fishing

7.1-1 Means and Equipment

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. 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 lures. The use of any free floating, anchored or remote-controlled device with an attached hook and line that is not held by an angler or secured to the boat, shore or ice with the use of a line is illegal. The use of any spring, lever, and chemically, electrically, or mechanically triggered hook is prohibited. Any fishing pole which is unattended or not checked for a period exceeding one hour is deemed to be a set line and is illegal. At all times, fishing poles must be easily visible and within a maximum distance of 150 feet of the participating angler. Possession of foul hooked fish is illegal. Any foul hooked or snagged fish must be returned immediately to the water regardless of condition. A foul hooked or snagged fish is

defined as any fish hooked or caught in any area from behind the gill covers to the tail. Attempting to snag any fish is prohibited at all times. Landing a fish caught on a hook and line equipment with aid of a gaff is legal except for sturgeon, paddlefish, muskellunge and species in waters in which there are size limits. No gaffed fish may be returned to the water. It is legal to return all other fish to the water at the site of capture if done no longer than the time needed to unhook, measure and/or photograph the fish immediately after being caught. All fish released from bridges must be done immediately after being placed in a fish basket/open container to ensure fish survival. High-grading or culling of fish is illegal. No fish may be returned to the water after being held on a stringer or confined by or in any type of holding structure, except in the case or permitted live-release fishing tournaments with written permission from the TAT Game & Fish director.

7.1-2 Species Legally Taken

All species (game and nongame) can be harvested while hook and line fishing except the following: pallid sturgeon, shovelnose sturgeon, lake sturgeon, and paddlefish (these four species must be immediately released back into the water from which they were caught regardless of condition).

8. Ice Fishing

8.1 Means and Equipment

Ice fishing is defined as hook and line fishing that occurs while on the ice. A maximum of four poles is legal for ice fishing. When fishing a water body where both open water and ice occur at the same time, an angler is allowed a maximum of four poles, of which no more than two poles can be used in open water.

Tip-ups are legal for ice fishing. Each tip-up is considered a single pole.

There is no restriction on the size of the hole in the ice while ice fishing. When a hole greater than 10 inches in diameter is left in the ice, the area in the immediate vicinity of the hole must be adequately marked with a natural object or a brightly painted or colored wooden lath. Markers must be visible from a minimum of 150 feet. Markers must be in possession of the anglers as soon as a hole greater than 10 inches is made.

Fishing holes outside a fish house may be placed no closer than 10 feet from the house without consent of the fish house occupant.

9. Archery, Spear, and Underwater Spear Fishing

9.1 Means and Equipment

Legal archery equipment for licensed anglers is any bow to which an arrow is attached by a line and equipped with a harpoon-style or wire barbed point. Crossbows are illegal, except if disabled or handicapped (i.e. Paraplegics and/or having lost the use of one or both arms) and having a permit from the TAT Game and Fish Department Director. The use of night vision equipment or electronically enhanced light gathering optics including all lights used for locating and/or shooting at fish is legal.

Legal spear equipment is any manually powered shaft with barbed points. The spear head shall not exceed 12 inches in width.

Legal equipment for underwater spear fishing is rubber band powered or pneumatic powered spear guns only. All spear guns shall have the spear attached by a lanyard with maximum length of twenty feet. Underwater spears may be discharged only when the operator and equipment are entirely under the surface of the water. Underwater spearfishing is prohibited within 150 feet of any designated swimming area, water ski area, boat dock, spillway or individuals engaged in fishing. The

Diver's Down Flag must be displayed on the water on a float or buoy during any underwater spear fishing. Underwater spears must stay within 100 feet of the vertical position of their Diver's Down Flag. Individuals who underwater spearfish between sunset and sunrise must display a lighted Diver's Down Flag and must carry a hand-held light which must be visible from a distance of 150 feet. The hand-held light must be displayed when the diver is at the surface.

It is illegal to return fish to the water after being shot or speared.

9.2 Seasons for Legally Taking Fish

Archery fishing is legal from April 1 through November 30

Spear fishing is legal from May 1 through November 30

Underwater spear fishing is legal from May 1 through November 30

9.3 Species Legally Taken

Archery and spear fishing – game fish, as defined in section 2 of this proclamation, may not be taken. All other species are legal.

Underwater spearfishing – all species except the following may be taken: smallmouth bass, muskellunge (pure & hybrid), paddlefish, pallid sturgeon, and shovelnose sturgeon.

10. Dark House Spear Fishing

10.1 Means and Equipment

Legal dark house spear equipment is any manually powered shaft with barbed points. The spear head shall not exceed 12 inches in width. Pneumatic or rubber powered spear guns shall not be legal while dark house spear fishing. There is no limit on the size of the ice hole while actively engaged in dark house spear fishing. All holes greater than 10 inches in diameter made in the ice must be marked by the spearer(s) when the area is vacated with 1) a natural object, or 2) a brightly painted or colored wooden lath – markers must be visible from a minimum of 150 feet. Possession of a spear is counted as a hook and line fishing pole while dark house spear fishing. Artificial and all bait defined in section 3.1 with the exception of live white sucker and rainbow smelt may be used as decoys. Any line used for a decoy will be considered a hook and line fishing pole if a hook is attached to the line. It is illegal to return fish to the water after being speared.

10.2 Seasons for Legally Taking Fish

Dark house spear fishing is legal from December 1 through March 15

10.3 Species Legally Taken

The only legal species for dark house spear fishing are northern pike and nongame species as listed in Section 2.

10.4 Other Regulations

All individuals who participate in dark house spear fishing shall register at the TAT Game & Fish Office.

11. Taking of Live Bait

11.1 Means and Equipment

It is legal for fishing license holder to take legal bait and legal live baitfish by hand, or by use of one dip net, or one trap which shall not exceed 12 inches in diameter and 30 inches in length with a throat or mouth opening not to exceed 1 ¼ inches. Possessing any other fish species taken in a trap, by hand, or dip net is illegal. It is legal to return fish to the water if done immediately after being caught.

11.2 Seasons and Species Legally Taken

Legal live bait and legal live baitfish may be taken at all times.

12. Other Rules and Regulations

1. It is illegal to deposit or cause to be deposited any fish or parts thereof, upon the ice, in the water, or upon the shore of any water body.
2. It is illegal to introduce anything into waters of Lake Sakakwea for the purpose of attempting to attract fish (e.g. chumming) that is not attached or applied to a lure. Decoys used while dark house spear fishing are excluded.
3. All unoccupied ice houses must be removed from all waters beginning midnight March 15 until ice-out.
4. It is illegal to leave fish houses on state-owned land or managed land after March 15.
5. Fishing holes outside of a fish house may be placed no closer than ten feet from the house except by permission of the occupant or owner.
6. No individual or entity may conduct a fishing contest on the waters within the exterior boundaries of the Fort Berthold Indian Reservation without first receiving a permit issued by the TAT Game & Fish Director.
7. Possession or transportation of any live fish, live fish eggs, live amphibians, or other live aquatic organisms, shall be illegal except for 1) licensed anglers transporting legal bait by legal means; 2) dealers of tropical fish species for the pet trade sold by a commercial outlet; or 3) individuals in possession of the appropriate license or permit issued by the TAT Game & Fish Director.
8. While traveling to or from a boating site, no persons 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.
9. 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.
10. 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.

B. Commercial Fishing

Commercial fishing consists of activities where a special permit or license is required by the TAT G&F Director 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.

1. Species Legally Taken

Species of fish eligible for commercial fishing are:

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

2. Gears and Areas for Legally Taking Fish

Seines, hoop nets, and setlines 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).

2.2 Gear Restrictions

Seins – maximum length of 100 feet. Stretched mesh size shall not be less than 1 ½ inches square or more than 3 inches square.

Hoop nets – maximum hoop diameter if four feet. No more than five hoop nest may be possessed.

Set lines – no more than ten hooks per set line is allowed. No more than five set lines may be possessed. The entire set line, except for the ends used for anchoring, must be below the water line at all times. All set lines must be pulled and checked at least once every 48 hours.

2.3 Other

Tags furnished with the license must be attached to the equipment at all times.

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 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 4:30 PM MONDAY THRU FRIDAY.

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 number listed above.

Callers may remain anonymous.