



Fort Berthold Reservation
Mandan, Hidatsa and Arikara Tribes
Fish and Wildlife Division
P.O. Box 1402, New Town, ND 58763
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2022-2023 FISHING PROCLAMATION

Effective April 1, 2022 through March 31, 2023

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

ANY PERSONS OF A FEDERALLY RECOGNIZED TRIBE 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

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, 2022 TO MARCH 31, 2023. No individual shall take for the purpose of sale, barter, or trade any fish except as provided in Section B.

1. 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 other species of fish, other than game fish, that inhabit and reproduce in the waters of Lake Sakakawea.

2. Bait & Lure

2.1 Definitions

2.1.1 Legal live aquatic bait. Legal live aquatic baitfish are leeches, native frog, salamander and crayfish species, and the following live baitfish species: fathead minnows, creek chubs, and brook sticklebacks. All other species of live aquatic bait are illegal.

2.1.2 Legal dead aquatic bait. Aquatic bait noted in section 2.1.1, and nongame fish, which have been frozen, salted, preserved, or cut into pieces (to include entrails) are legal bait.

2.1.3 Legal terrestrial bait All terrestrial bait (live or dead), including nightcrawlers and waxworms, are legal.

2.1.4 Game Fish. The use of game fish and parts thereof are illegal, except yellow perch eyes, and trout and salmon eggs.

2.1.5 Manufactured and biodegradable bait. Products manufactured as edible fishing bait and other inert biodegradable substances are legal bait.

2.1.6 Lure. A 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, or attached to a downrigger ball are legal.

2.2 Bait Restrictions

- 2.2.1** No live aquatic organisms may be imported from out-of-state. This includes all fish, amphibians, aquatic insects and aquatic invertebrates.
- 2.2.2** It is illegal to possess or use as live aquatic bait any species other than those defined in Section 2.1.1. The possession of a live baitfish species while fishing in waters prohibiting their use is illegal.

3 Fish Daily and Possession Limits, Transportation and Size Restrictions

3.1 Means

- The storage limit at one's personal permanent residence is unlimited.
- Wanton Waste – no individual shall waste, destroy, spoil or abandon the edible flesh (filets) of any game fish at the place where taken and between that place and his/her residence.
- At no time may an individual transport more than a possession limit unless with written approval of the TAT Fish & Wildlife Director and in the manner as approved by the TATFW Director.
- At no time may an individual store more than a possession limit away from their permanent residence unless with written approval of the TATFW Director.
- Fish may be filleted for transport, unless size limits apply, under the following conditions:
 - Each individual portion of the meat removed from a fish is considered a fillet*,
 - Two fillets are counted as one fish,
 - The packaging of fish, away from one's personal permanent residence, must be done in a manner so that the fillets can be readily separated and counted, and
 - If fillets are frozen, they must be packaged so that the fillets are separated and thus can be easily counted without thawing.

*Fish cheeks and pectoral girdles ('wings') are not considered as fillets and are legal to transport

- It is illegal to remove more than gills, entrails, and scales from fish species harvest in waters that are subject to a size limit while on the water or actively engaged in fishing.
- Multiple fillets packaged together and frozen, would be illegal for transport, as they are not easily separated and counted.
- 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. Individuals who receive gifted fish may not exceed the possession limit while the fish are being transported.
- 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.
- 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 or as otherwise permitted.
- 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 owner's name and address.

3.2 Daily Creel and Possession Limits

The **daily creel limit** is defined as the maximum number of legally taken fish (by species) that may be harvested or received from midnight to midnight. No individual may harvest or 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) or aquatic bait that an individual may have in their actual possession during any phase of any single fishing trip of more than one day.

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	5	10
Salmon	5	10
Trout	3	6
Yellow Perch	20	40
Bluegill	10	20
White Bass	20	40
Crappie	10	20
Burbot	10	20
Muskellunge (pure hybrid)	1	1
Channel Catfish	No Limit	No Limit
Non-Game Fish (other than smelt and legal live baitfish)	No Limit	No Limit
Smelt	5 gallons	5 gallons
Legal Live Baitfish*	150	150
Leeches	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

3.2 Size Limits

3.2.1 Minimum Size Restrictions

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

4 Licenses & Permits

4.1 Fishing License

Tribal fishing licenses are required of TAT tribal members and tribal members of other federally recognized tribes 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 married 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 and must have in each of their possession while fishing. The husband and wife may each possess a limit of fish.

4.2 Conservation Permits

Individuals required to obtain a conservation permit are non-tribal members that do not permanently reside in the state of North Dakota. 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, Game 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).

4.3 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. The certificate of number is nontransferable. 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. No Boat may be overloaded over the capacity of individuals. All boats operating between sunset and sunrise must display legal lights. For more information on boating regulations and safety, contact the Fish & Wildlife Division office at 627-4760.

4.4 Reckless Operation

Operating a vessel or manipulating water skis, a surfboard, or similar device in a manner that endangers the life, limb, or property of another person is reckless operation and is illegal. Examples of reckless operating are included but are not limited to below:

- Weaving through congested waterway traffic
- Operating so that you must swerve at the last possible moment in order to avoid collision
- Jumping the wake of another vessel within 100 feet of that vessel
- Operating in a manner that causes dangerous or damaging wake
- Boating in restricted area without regard for other boaters or persons, posted speed and wake restrictions, diver down flags.
- Operating within marked swimming area or near anyone swimming.
- Operating near dams and other hazardous waters.
- Operating such that you molest or annoy persons fishing.
- Chasing, harassing, or disturbing wildlife with your vessel.
- Operating in such a manner that is not reasonable or prudent
- Remember, as an owner of a vessel, you may be held responsible if you allow others to operate your vessel in a reckless manner.
- No person may operate a motorboat (includes personal watercraft) within 100 feet of a person fishing from a shoreline, a swimmer, or an occupied, anchored or nonmotorized vessel.
- No person may operate a motorboat or vessel while intoxicated or under the influence of alcohol or any narcotic drug, barbiturate or marijuana.

5 Schedule of Fees

ENROLLED TAT TRIBAL MEMBERS:

Individual	\$10.00
Husband/Wife	\$15.00
55 and older.....	\$0.00
Disabled Veteran.....	\$0.00
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 FORT BERTHOLD RESERVATION RESIDENTS:

ND STATE LICENSE REQUIRED*

*Members of other federally recognized tribes..... \$20.00/person

NON-MEMBER NON-FORT BERTHOLD RESERVATION RESIDENTS:

ND STATE LICENSE REQUIRED* but all Non-TAT enrolled members who do not reside in North Dakota are required to purchase a Tribal Conservation Permit.

Conservation Permit.....\$20.00/person/annual

*Members of other federally recognized tribes.....\$20.00/person

6 Manner of Taking Fish

Legal equipment, restrictions, seasons, waterbodies, species and care of fish are defined as follows:

6.1 Hook and Line Fishing

6.1-1 Means and Equipment

No person shall lay, set, or use any drug, poison, lime, medicated bait, dynamite, or other injurious substance whatsoever. With the exceptions noted in Section 6.1-1.1 **legal hook and line equipment for each angler shall consist of not more than two poles, each equipped with one line, in the water at any one time.** Each line in the water may have zero, one or two lures attached (See section 2.1.6). 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 secure to the boat, shore or ice with the use of a line is illegal. The use of any device to automatically hook or retrieve the fish is illegal. Ice fishing is defined as hook and line fishing which occurs while on the ice. Tip-ups are permissible for ice fishing and each tip-up is considered one pole. All holes greater than 10 inches in diameter made in the ice must be marked when the area is vacated as specified in Section 7. 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.

6.1-1.1 Exceptions

Four poles per angler:

- While ice fishing.
- Note: When fishing a water body where both open water and ice fishing 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.

6.1-2 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).

6.1-3 Care of Fish

Possession of any foul-hooked (snagged) fish is illegal. Any foul-hooked (snagged) fish must be returned immediately to the water regardless of condition. A foul-hooked (snagged) fish is defined as any fish hooked or caught in any area from behind the gill covers to the tail. For fish hooked by a lure with multiple hooks, the fish is not considered foul-hooked if at least one of the hooks is embedded from the gill covers forward.

Attempting to foul-hook (snag) any fish is always prohibited.

Landing a fish caught on 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.

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 of permitted live-release fishing tournaments with written permission from the TAT Fish & Wildlife Director.

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. Anglers must exercise reasonable care in limiting harm to the fish when being released. Fish, on which there is a size limit, if undersized or oversized, must be returned to the water immediately regardless of condition and must be handled carefully to avoid injury.

It is illegal to tag or mark any fish prior to release except with written approval from the TAT Fish & Wildlife Director.

7 Ice Fishing

7.1 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. However, 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.

Fishing poles must be easily visible and within a maximum distance of 150 feet of the participating angler.

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 1) a natural object, or 2) 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 or owner.

7.2 Fish Houses

Any unoccupied fish house must have displayed on its outside in readily distinguishable characters at least three inches high, the owner's name and address or the owner's name and telephone number. Any unoccupied fish house left on the ice without having this proper identification may be removed or destroyed by the TAT Fish & Wildlife Department. This includes darkhouses.

Any structure used as a fish house or darkhouse (to include campers) that is required to have the owner's name and address or telephone number inscribed on it, shall be constructed of material that will allow it to float and be readily removable from the ice at any time.

When in use, fish houses must be open for inspection at all times.

Fish houses may be placed no closer than 50 feet in any direction from another fish house, without consent of the other fish house occupant.

All unoccupied ice houses must be removed from all waters beginning midnight March 15 until ice-out.

It is illegal to leave fish houses on any federal refuge land, on any state-owned or managed land, or tribal land after March 15.

8 Archery, Spear, and Underwater Spear Fishing

8.1 Means and Equipment

Legal archery equipment for licensed anglers is any hand-drawn and released longbow, recurve bow, compound bow, or rubberband-assisted (sling) 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 Fish & Wildlife 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. Possession of a bow is counted as a hook and line fishing pole while archery fishing.

Legal spear equipment is any manually powered shaft with barbed points. The spear head shall not exceed 12 inches in width. Possession of a spear is counted as a hook and line fishing pole while spearfishing.

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 spearers 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.

8.2 Seasons for Legally Taking Fish

Archery fishing is legal from April 1 through March 31 of each fishing year.

Spear fishing is legal from May 1 through November 30 of each fishing year.

Underwater spear fishing is legal from May 1 through November 30 of each fishing year.

8.3 Species Legally Taken

Archery and spear fishing – game fish, as defined in Section 1 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.

9 Dark House Spear Fishing

9.1 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 a dark house is moved, the area within the immediate vicinity of the hole must be adequately marked with 1) a natural object, or 2) a brightly painted or colored wooden lath – markers must be visible from a minimum of 150 feet. Markers must be in possession of spearers as soon as a hole greater than 10 inches in diameter is made. Possession of a spear is counted as a hook and line fishing pole while dark house spear fishing. Artificials and all bait defined in section 2.1 may be used as decoys. Any line used for a decoy will be considered a hook and line fishing pole. It is illegal to return fish to the water after being speared.

9.2 Seasons for Legally Taking Fish

Dark house spear fishing is legal from ice-up through March 15

9.3 Species Legally Taken

The only legal species for dark house spear fishing are northern pike and nongame species as listed in Section 1.

9.4 Other Regulations

Individuals who are required to possess a valid TAT fishing license to participate dark house spear fishing shall register at the TAT Fish & Wildlife Office prior to participating.

10 Taking of Legal Live Aquatic Bait

10.1 Seasons, Equipment and Restrictions

It is legal for fishing license holder to take legal live aquatic bait 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 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 Sakakawea for the purpose of attempting to attract fish (e.g. chumming, artificial light, acoustic equipment, etc.) that is not attached or applied to a lure as defined in Section 2.1.6. Decoys used while dark house spear fishing are excluded.
3. 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 Fish & Wildlife Director. A completed application, along with the tournament sponsor rules and regulations, must be submitted to the Department at least 30 days prior to the pending contest.
4. 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 Fish & Wildlife Director.
5. 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.
6. 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.
7. Stocking of any live fish, live amphibians, or other live aquatic organisms into any waters shall be illegal except with the appropriate license or permit issued by the TAT Fish & Wildlife Director.
8. All water must be drained from boats and other equipment, including bilges, live wells and motors before leaving or entering Fort Berthold Reservation.
9. All Aquatic vegetation must be removed from boats, personal watercrafts, trailers and associated equipment, such as fishing poles/lures, and bait buckets, before leaving or entering Fort Berthold.

B. Commercial Fishing

Commercial fishing consists of activities where a special permit or license is required by the TAT Fish & Wildlife 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, and must possess a commercial fishing permit.

1. Species Legally Taken

Species of fish eligible for commercial fishing are:

1. Species of fish designated as “nongame fish” excluding legal live baitfish as stated in Section A.1.; 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

Seines – 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 of four feet. No more than five hoop nets 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 must be attached to the equipment at all times indicating name of permit holder or permit holder’s license number.

3. Season for Commercial Harvest

- The open season for commercial fishing shall be from May 15 through November 30.
- The season for harvest of clams (mussels) and turtles is closed.
- Contact the Fish & Wildlife 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, ND Mine Pond).

Pursuant to Chapter 18-6-1 Tribal Proclamations Have Force of Law—Penalty: Any tribal proclamation issued at the request of the Natural Resources Board or the Director of the Tribal Fish & Wildlife Division shall have the force of law. Any persons violating a provision of such order or proclamation is guilty of a misdemeanor and shall be fined for not more than five hundred (\$500.00). In addition to any fine imposed in this chapter, the person shall be subject to forfeiture of his license, the privilege to hunt and fish for a period of one year, and confiscation of his vehicle, guns, boat, fishing equipment or anything used in connection with the violation.

**PLEASE NOTIFY THE FORT BERTHOLD FISH & WILDLIFE DIVISION OF ANY VIOLATIONS.
CALL 627-4760 BETWEEN 8 AM AND 4:30 PM MONDAY THRU FRIDAY.
After hours please call that TAT Police Department 627-3617**

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