



St. Regis Mohawk Tribe

Chief Mark H. Garrow
Chief Randy Hart
Chief Ron LaFrance Jr.
Sub-Chief Stacy A. Skidders
Sub-Chief Shelley Jacobs
Sub-Chief Michael L. Connors

Tribal Council Resolution

2011-52

RESOLUTION OF THE SAINT REGIS MOHAWK TRIBE TO ADOPT THE NON-MEMBER FISHING REGULATIONS AND LAW

WHEREAS, The Saint Regis Mohawk Tribal Council (the "Tribal Council") is the duly recognized governing body of the Saint Regis Mohawk Tribe (the "Tribe") and is responsible for the health, safety, education and welfare of all community members; and

WHEREAS, the Tribal Council, on behalf of the Tribe, possesses inherent legislative authority to adopt policies, ordinances or regulations in the best interest of the Tribe; and

WHEREAS, the Tribal Council recognizes the spiritual, cultural and economic value of the fish resource of the Tribe and that these resources are an irreplaceable Tribal asset; and

WHEREAS, Tribal Council, in TCR 2010-43, has adopted the Wildlife Conservation: Adoption of DEC Statewide Angling Regulations and now wishes to enact the Non-Member Fishing Regulations and Law to be enforced in conjunction with TCR 2010-43; and

WHEREAS, the Non-Member Fishing Regulations and Law shall specifically apply to all non-members seeking to fish in the territory waters and shall not limit the inherent right of members to fish on the territory so long as their activities are consistent with other applicable Tribal Laws; now, therefore, be it

RESOLVED, That the Saint Regis Mohawk Tribal Council hereby adopts the Non-Member Fishing Regulations and Law, as attached.

THE SAINT REGIS MOHAWK TRIBAL COUNCIL

Mark H. Garrow,
Tribal Chief

Randy Hart,
Tribal Chief

Ron LaFrance, Jr.
Tribal Chief

CERTIFICATION: This is to certify that the St. Regis Mohawk Tribal Council pursuant to the authority vested therein duly passed the above resolution.

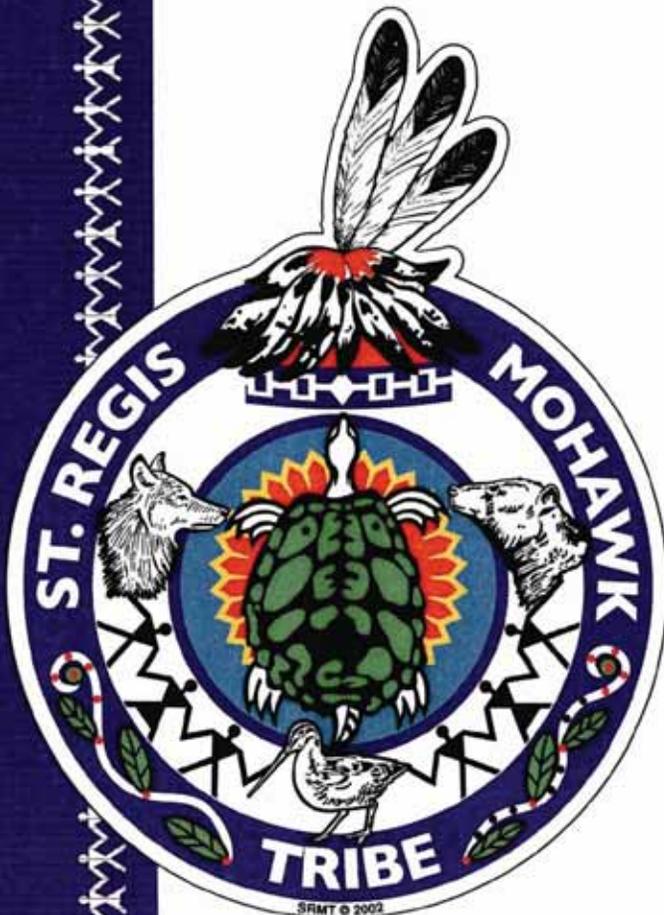
Corleen Jacco, Tribal Clerk

Date

11-22-11

2011

Non-Member Fishing Regulations and Law



Saint Regis Mohawk Tribe
412 State Route 37
Akwesasne, New York 13655
518-358-2272

Saint Regis Mohawk Tribe

Non-Member Fishing Permit Requirements & Law

FORWARD

The rules and Law set forth below are required for Non-Members to participate in fishing activities within the jurisdiction of the St. Regis Mohawk Tribe (SRMT).

The requirements for permits, the distribution of permits, reporting requirements and for other obligations of permitted individuals is as set forth below.

The reporting requirements shall be outlined below and required to be adhered to at all times. The following shall be for specifically protecting the territories natural resources such as fish for the membership of the SRMT and for the health, welfare, and safety of the Tribal Members.

FOR THE PURPOSE OF THIS REGULATION

DEFINITIONS

“Authorized Agent” means an individual tribal member certified by the Compliance Department to distribute applications for a fishing license to non-members.

“Authorized Officer” means an employee of the St. Regis Mohawk Tribe’s Environment Division or Compliance Department authorized to enforce this law.

“Permit” means a Permit issued pursuant to the St. Regis Mohawk Tribe Fishing Law.

“Registered Member Guide” means any Member who is authorized to distribute Fishing Permit applications and offers guide services to Non-Members shall.

“Non- Member” means any individual that is not a member as defined in this section.

“Member” means any individual that is an enrolled/registered member of the St. Regis Mohawk Tribe (SRMT), Mohawks of Akwesasne (MCA) and/or Mohawk Nation.

“SRMT jurisdiction” includes, but is not limited to, the waters of the St Lawrence River and the tributaries known as the St. Regis River, Raquette River, Salmon River and Grasse River.

“Sport Angling or Fishing” means the taking or attempting to take fish species by using of a rod and reel, hook and line including casting and trolling for the retrieval of fish for one’s own enjoyment or use. Not to be sold, traded or harvested for commercial purposes by any means.

“Tournament Fishing” means the retrieval of fish with the use of a rod and reel for the purpose of participating in an advertised tournament that will be offering monetary and non monetary prizes for participating.

“Open Season” means, the period of time defined by these Law, within which it is lawful to harvest a species or group of species (Appendix A)

“Closed Season” means, the period of time defined by these Law within which it is unlawful to harvest any species or group of species (Appendix A)

“Vehicle” means a vehicle or conveyance that is drawn, propelled, or driven by any means, including muscular power, motor fuel and or other.

“Vessel” means a boat, ship, skiff, canoe, punt and raft regardless of how it may be propelled, which includes muscular power, motor fuel and or other means.

“Catch and Release” means the retrieval of a species of fish that is immediately returned to water following the landing of the species.

“Angling/ Fishing” means taking fish by hook and line. This includes bait and fly fishing, casting, trolling and the use of landing nets to complete the catch. Anglers must be in immediate attendance when their lines are in the water. An angler may operate no more than two lines with or without a rod, and each line is limited to not more than five lures or baits or a combination of both, and in addition, each line shall not exceed fifteen hook points in any combination of single, double or treble hooks. Snatching, lifting, hooking and use of tip-ups are not angling.

“Artificial lures or bait” means artificial imitations of natural bait, man-made flies, spinners, spoons, plugs, jigs and other lures including those that may contain some natural substances such as deer hair and feathers.

“Artificial fly” means a hook with no more than two points dressed with feathers, hair, thread, tinsel or any similar material to which no additional hooks, spinners, spoons or similar devices have been added.

“Black bass” means both largemouth and smallmouth bass.

“Blind snatching” means the taking of fish by snatching when the fish is not visible to the angler.

“Catch and release” means catching and immediately releasing the caught fish without harm. Measuring, weighing and photographing of the fish are permitted as long as the fish is not removed from the water for an extended period or handled in a manner that could cause it harm. Fish may not be placed in a bucket, tub, livewell, on a string or any other holding device.

“Chumming” means depositing in the water any substance, not attached to a hook, which may attract fish.

“Foul-hooked” means not hooked in the mouth.

“Hook gap” means the distance from the shank to the point of the hook.

“LL Salmon” means landlocked salmon or Atlantic salmon.

“Minimum length” means the greatest possible length measured from the tip of the fish's snout to the tip of the tail. The mouth may be open or closed and the tail may be spread or compressed in order to achieve the greatest length.

“Natural bait” means all baits which entice or might be ingested or swallowed by fish including, but not limited to, fish (dead or alive), fish eggs, worms, shellfish, crustacean, amphibians (salamanders, frogs and toads), insects (including all stages of development such as larvae, pupae, etc.), pork rinds, liver, meat, corn or other vegetable matter, tapioca, candy, cheese, bread and putty or dough-like scented baits.

“Night” means 1/2 hour after sunset to 1/2 hour before sunrise.

“Snatching” means taking fish not attracted by bait or artificial lure with hooks, gangs or similar devices whether or not baited. Snagging, lifting, and single hook snagging are types of snatching. Snatching is indicated by repeated or exaggerated jerking motions of the fishing rod.

“Spear fishing or Spear” means taking a fish with a hand-propelled single or multiple pronged pike, blade or harpoon. It does not include the mechanically propelled device commonly called a spear gun.

“Trout” means brook trout, brown trout, rainbow trout and hybrids of these species including lake.

“Tip-up” means any device used for fishing through the ice that has a signaling device attached, except a bobber or other floating object on the water that will visually or audibly signal a strike.

A. Granting of Permit

All actions by the Tribal Council regarding the SRMT Fishing Law will be taken in the best interest of the Tribe and taken to insure the continuation of natural resources such as fish, which are important to the community that may use it as a food source or a source of economic development for Tribal Members.

The SRMT has adopted the Fishing Permit requirements to protect the natural resources in the following waters that are within the SRMT jurisdiction and including however not limited to the waters of the St Lawrence River and the contributories known as the St. Regis River, Raquette River, Salmon River and Grasse River.

B. Fishing Permit Requirements

Fishing Permits shall be required of all Non-Members choosing to enter into SRMT waters and fish.

Any non-member, who wishes to fish within the SRMT's jurisdiction, must obtain a valid SRMT Fishing permit.

A Non-Member may not fish during the closed season for any species within the Tribe's jurisdiction.

C. Permit Application Requirements (Attached Appendix B)

The application will contain the following information: The applicant must complete all required information on the application to be considered for a SRMT Fishing Permit.

- Full Name
- Address
- Drivers license number
- Phone Numbers: Home, and Cell
- Date of Birth
- Member of another Native American/Indian Nation? Yes / No Enrollment Number:
- Do you have a valid and current Fishing License from your current Resident State/ Province?
- Have you ever been convicted of a Violation to any Fishing or Hunting regulation in any other jurisdiction? Within the following Administrations or enforcement authority?
(DEC, EPA, Ministry of Natural Resources, Please detail if applicable.)
- Have you ever been convicted of a felony? If so, please provide details and date of conviction.
- A Non-Member must sign the application and acknowledge the jurisdiction of the Tribe and its Court.

D. Non-Members

All Non-Members must complete an application and submit the following:

1. Complete the required SRMT license application with The Compliance Department, Environment Department or Tribal Members authorized to distribute SRMT Fishing Permit applications.
2. Each applicant must remit a **non-refundable** Forty dollar (\$40.00) application fee upon completion of an application to the Authorized individual accepting completed applications.
3. No Permit is required for a Non-Member who has not reached the age of sixteen (16) years of age, provided that the individual under 16 years of age is accompanied by a Member or a Non-Member who possesses a valid SRMT Fishing permit.
 - a) The Permit holder and Non-Member less than 16 years of age shall not exceed the daily limits of one individual although they are two individuals. (Appendix A)

E. License Denial

The Saint Regis Mohawk Tribe reserves the right to deny any request for a SRMT Fishing permit for the following reasons but not limited to:

1. The omission of inaccurate or incomplete information on the application.
2. Discrepancies or failure to disclose information of a conviction of any crime which may be exposed during an investigation process.
3. A determination that the individual applicant would not likely comply with this ordinance, or other tribal laws..
4. If the applicant is denied a license, the Compliance Department will promptly notify the applicant of the denial by registered mail within 15 days.

F. Registered Fishing Agent

- 1 Individual Tribal Members may apply to become Registered Fishing Agent of the SRMT by filling out an application with the SRMT Compliance Department.

2. The SRMT Compliance shall have the sole discretion to determine requirements for Registered Fishing Agents and shall have the sole discretion to determine whether to certify someone as a Registered Fishing Agent. This determination may not be appealed.
- 3 Each Registered Fishing Agent is required to submit a Monthly report to the Compliance Department. (Appendix C.)
 - a. Applications Distributed
 - b. Application Date
 - c. Total Completed applications
 - d. Total Assessed fees collected
4. A Completed fishing application must be returned to the Compliance department along with the imposed fee collected for each completed application in a timely manner by each registered fishing agent.

G. License Renewal.

Each individual licensee must complete a new application on a yearly basis, Each Permit Expires on December 31 (*A Permit Does NOT Permit out of season harvesting on Tribal Waters*)
(Please see Appendix A - Seasons)

H. Enforcement Authority

The SRMT Council possesses the inherent authority to regulate fishing within the Tribe's jurisdiction. It hereby delegates the authority to issue permits and regulate fishing pursuant to this Ordinance to the Compliance Department, the Environment Division and the St. Regis Mohawk Tribal Police. The Compliance Department is further authorized to adopt any regulations it deems necessary to implement this Ordinance. Finally, the St. Regis Mohawk Tribal Court shall have jurisdiction over matters arising under this Ordinance.

In the sole discretion of an Authorized Officer of one of these departments, any individual found to be violating this Law may be offered the opportunity to comply by completing an application for a permit and remitting the appropriate application fees.

Should the person/s violating the Law not comply, the Authorized Officer may contact Tribal Police who may issue a summons to appear before the St. Regis Mohawk Tribal Court.

A Tribal Police Officer acting upon reasonable and probable grounds may seize any vessel, vehicle, and/or equipment in the possession of and used by a person to commit the Violation/s of the SRMT Fishing Law.

Any article seized or ordered forfeited pursuant to this regulation shall be held in accordance with the SRMT Police policy.

Any species of fish that may be in possession when a violation has occurred shall be seized by the Authorized Officer and disposed of pursuant to the policy.

The Authorized Officer that finds an individual to be in violation of this regulation may issue a Notice of Violation letter to the person/s and/or contact Tribal Police to issue a summons to appear, as only a Tribal Police officer may issue an appearance ticket.

Violations

- A. Any Non-Member that doesn't possess a valid SRMT Fishing Permit is in violation of the SRMT Fishing Law.
- B. Any Non-Member who is in possession of a species of fish that is not in season (Appendix A) shall be in violation of the SRMT Fishing Law.
- C. Any Non-Member that is in violation with daily limits (Appendix A) shall be in violation of the SRMT Fishing Law.

J. Fines and Penalties

First Offence – Penalties shall be a monetary fine of up to Five Hundred dollars (\$500.00) and a Thirty Five dollar (\$35.00) administration surcharge

Second Offence (within 3 years) – Penalties shall be a monetary fine of up to One Thousand (\$1000.00) dollars and a Thirty Five (\$35.00) dollar administration surcharge.

K. Suspension of License

Should a SRMT Fishing permit holder be found have violated these Law on a recurring basis an Authorized Enforcement Officer may seize the permit immediately, complete a report substantiating the basis for taking the permit, and contact Tribal Police who may issue a summons to appear in Tribal Court.

L. Appeals Process

Should the permit holder in violation choose to appeal the violation, they may do so by forwarding a written appeal to the SRMT Director of Compliance who may review the violation or defer the appeal to the Tribal Court.

M. Revocation of License

The duration of a suspension or the indefinite revocation of a SRMT Fishing Permit is reserved to Tribal Court.

Should the Tribal Courts order a permit held by a person to become suspended, null and void upon his conviction of a violation of this Law, that person shall not be eligible for a permit for a period of no less than eighteen (18) months from the date of conviction in Tribal Court.

Law and General Guidelines

N. Permit Holders Responsibilities

Every person who has obtained a permit under this SRMT Fishing Law shall:

1. Have the issued permit in his person at all times when Angling/ Fishing within the jurisdiction of the SRMT
2. Have the issued permit in his persons at all times when within the jurisdiction of the SRMT while possessing and/or transporting of fish.
3. Shall provide the issued permit to any Authorized Enforcement Authority within this regulation
4. Every Person who possesses a valid permit shall wear the valid permit on his person and provide additional proof of name and address should enforcement authority request them to do so.
5. No Person shall take any species under a valid permit by any means other then by Angling/Fishing.
6. No person shall take possession of fish by means of Spearing, Bow Hunting, Snagging or the use of un-baited hooks except for an artificial lure/plug.
7. No person permitted under this Law shall use or posses Gill, Hoop, Pound, Seine, trap or trawls Nets in any waters within the jurisdiction.

O. Taking and Possession of Fish

St. Regis Mohawk Tribe Waters include the following waterways and /or a portion of: the St Lawrence River, St. Regis River, Raquette River, Grasse River and Salmon River

1. A Non-Member with a valid SRMT Fishing Permit may not have in possession, or intentionally kill or injure fish that is not in open season within SRMT
2. A Non-Member with a valid SRMT Fishing Permit may not possess, kill or unnecessarily injure fish in excess of the daily limit for that species that is within open season.
3. The Non-Member with a valid SRMT Fishing Permit who catches and immediately releases uninjured will not be counted as part of the daily limit for that species.
4. A Non-Member having obtained a valid SRMT Fishing Permit may continue to fish for a species while in possession of a daily limit for that species provided all fish of that species subsequently caught are immediately returned to the water. (See below 5). For special provisions made for largemouth and smallmouth bass.
5. A single, uninjured largemouth bass or smallmouth bass that an angler is landing, measuring or in the process of releasing from a recirculating or aerated livewell, is not considered part of the daily limit.

P. Foul Hooking

All foul-hooked trout, lake trout, coho salmon, Chinook salmon, pink salmon and landlocked salmon must be released without unnecessary injury to the fish.

Q. Ice fishing

Ice fishing is permitted in the following waters: St Lawrence River and the tributaries known as the St. Regis River and Raquette River, in jurisdictions of the SRMT.

No person shall operate a tip-up that has more than 3 lures or baits or a combination of both, or has more than 9 hook points in any combination of single, double or treble hooks.

Wherever ice fishing is permitted, no more than two hand lines and 3 tip-ups may be used by any one permit holder. All tip-ups must be marked with the name and address of the operator. The operator must be present when lines (tip-ups or hand lines) are in the water.

Where ice fishing is permitted, fish may be taken in accordance with the seasons, minimum size and daily limits in effect in that water.

R. Ice shanties

Ice shanties must be marked on the outside with the owner's name and address in letters at least 3 inches high. Shanties must be removed from all waters by March 15 to prevent them from falling through the ice in spring and becoming navigational hazards.

S. Tournament General Guidelines

All Tournaments or individuals operating tournaments must register with the SRMT Compliance Department prior to a tournament within 14 days, when it is likely a participant may enter SRMT jurisdiction to participate.

2. All Non-Members who choose to be tournament participants must hold a valid SRMT Fishing Permit to conduct angling activities in Tribal waters.
3. All Non-Member tournament participants must follow SRMT Fishing Laws and regulations when within jurisdiction waters of the SRMT.
4. A Non-Member with a valid SRMT Fishing Permit may continue to fish for a species while in possession of a daily limit for that species provided all fish of that species subsequently caught are immediately returned to the water or in the process of releasing from a recirculating or aerated livewell *during Tournament Competition only*.

T. Amendments

This law and regulation may be amended by Tribal Council Resolution. This shall allow for any changes that may be necessary and shall be within the best interests of the Tribe and shall continue to ensure the health, safety and welfare of Tribal Members and the community.

APPENDIX

A

(SRMT ANGLING REGULATIONS)

- **Species Open Season**
- **Species Minimum Length**
- **Species Daily Limit**



SAINT REGIS MOHAWK TRIBE ANGLING REGULATIONS

412 State Rt. 37, Akwesasne, NY 13655

Phone (518)358-2272

Species	Open	Minimum Length	Daily limit
Trout—Brook, Brown and Rainbow and hybrids of these species; and Splake	All year	15" except Rainbow or Steelhead	3 in any combination not to include more than 1 rainbow or Steelhead in the tributaries
Lake Trout	April 1 through Oct 15	21"	3
Landlocked (LL) / Atlantic Salmon		25"	1
Kokanee	April 1 through Oct 15	Any size	10
Coho, Chinook, Pink Salmon		15", except 21" for Rainbow Trout or Steelhead	3
Largemouth/Smallmouth Bass	3rd Sat in June through Nov 30	12"	5
Largemouth/Smallmouth Bass	Dec 1 through Fri preceding the 3rd Sat in June	Catch & Release Only	Artificial Lures Only
Muskellunge	3rd Sat in June through Dec 15	48"	1
Northern Pike	1st Sat in May through March 15	18"	5
Pickerel	1st Sat in May through March 15	15"	5
Tiger Muskellunge	3rd Sat in June through Dec 15	48"	1
Walleye	1st Sat in May through March 15	18"	3
Crappie	All year	9"	25
Atlantic, Shortnose & Lake Sturgeon; Paddlefish	Closed	0	0
Lake Whitefish	All year	Any size	5
Striped Bass	March 16–Nov 30	18"	1
Hickory Shad	Aug 1 – Nov 30	Any size	5
Yellow Perch	All year	Any size	50
Sunfish (Bluegill, Pumpkinseed and Redbreast Sunfish)	All year	Any size	50
American Eel	Closed	0	0
All other species (except endangered and threatened species and those listed elsewhere in special regulation)	All year	Any size	Any number

APPENDIX

B

(FISHING PERMIT APPLICATION)



SAINT REGIS MOHAWK TRIBE

412 State Route 37 Akwesasne, NY. 13655

Phone (518) 358-2272

NON - MEMBER FISHING PERMIT APPLICATION

(Please print all information)

Applicants Name: _____
Last First MI Suffix

Applicants Date of Birth: ____/____/____ Driver License NO. _____
Day Month Year

Applicants Address: _____

Applicants Phone Number: (Home) _____ (Cell) _____

(Please circle Yes / No where applicable)

Are you a member of a Tribe or First Nations? Yes / No ID #. _____

Do you have a valid Fishing license from a State or Province? Yes / No License #. _____

I certify that I have read and understand the St. Regis Mohawk Tribe's rules and regulations governing fishing within SRMT territory waters. I understand my responsibility, obligations to property, health and safety of the community upon this applications approval. I certify that I will remit the application fees of \$40.00 due to the St Regis Mohawk Tribe.

APPLICANT'S SIGNATURE, _____ DATE: _____

Member Issuing SRMT Fishing Permit Application: _____

Please do not write below this line, for office use only by authorized individuals.

This License has been approved on this ____ day of _____, 20____, by
_____ director of _____; I do hereby certify that this application
is in full force and effect in accordance with the appropriate Laws of the St Regis Mohawk Tribe.

_____ Date: _____

Permit No. 2012 - _____

APPENDIX

C

AUTHORIZED AGENT MONTHLY REPORT FORM

