CHAPTER 20.1-02
GAME AND FISH DEPARTMENT

20.1-02-01. Director of the game and fish department - Office to be maintained - Appointment - Term - Removal.

The governor shall appoint the director of the game and fish department. The director holds office for a term of four years beginning on the first day of July after the governor's election and until a successor is appointed and qualified. The director is subject to removal by the governor for cause only.

20.1-02-02. Oath of director.

Before entering upon that individual's duties and within ten days after the date of appointment, the director shall take and file the oath prescribed for civil officers.

20.1-02-03. Compensation and expenses of director - Audit and payment.

The salary of the director must be within the amount appropriated for salaries by the legislative assembly. The director must be reimbursed for the necessary expenses incurred by the director in the performance of the director's duties. The director's salary and expenses must be paid out of the game and fish fund and must be audited and paid in the same manner as the salary and expenses of other state officers.

20.1-02-04. Duties of director.

The director shall:

1. Maintain an office in Bismarck.
2. Adopt rules necessary to the conduct of the department.
3. Keep an accurate record of all the transactions and expenditures of the department and submit a biennial report to the governor and the secretary of state in accordance with section 54-06-04.
4. Enforce state laws involving wildlife.
5. Collect and distribute statistics and information germane to this title and publish information and reports, including a monthly bulletin, for the education of the public in conservation matters.
6. Examine all waters of the state and, wherever suitable waters are found, arrange to plant, stock, or deposit available fish, spawn, or fry.
7. Cooperate with the United States fish and wildlife service, or any other appropriate federal agency, and make applications for fish, spawn, and fry, to apportion and deposit in waters of the state.
8. Cooperate with and assist clubs and individuals in stocking the waters of this state with fish.
9. Remove or take from any public waters containing a surplus of fish any reasonable quantity of fish for stocking other public waters, hatching or propagating purposes, or exchange with other states and countries.
10. Control, construct, mark, designate, manage, and have charge of all state fish hatcheries, state game farms, game refuges, and game reserves owned, leased, or controlled for the propagation and protection of game birds, game animals, and fish.
11. Supervise the breeding, propagation, capture, distribution, and preservation of game birds, game animals, and fish as the director deems advisable.
12. Adopt rules necessary for carrying out section 20.1-10-01 and these rules have the force of law after one publication in the daily newspapers of this state.
13. Provide the necessary blank forms for making applications for licenses of all kinds and distribute them among those authorized to sell licenses.
14. Keep a record of all permits issued for the purpose of propagation and domestication of game birds or protected animals.

20.1-02-05. Powers of director.

The director may:

1. Fix the salaries and the necessary travel and other expenses of department personnel subject to law and legislative appropriations.
2. Employ any part-time personnel necessary to run the director's office and remove the employees at will. Salaries and necessary traveling and other expenses of these appointees must be authorized, audited, and paid in the same manner as salaries and expenses of state officers.
3. Accept from any person, or gather, or purchase, fish, spawn, or fry, for distribution in state waters.
4. Take alive at any time, under the director's personal supervision or under the personal supervision of any of the director's bonded appointees, any birds or animals for propagation purposes or for exchange with other states and foreign countries for game birds and animals of other species.
5. Order additional protection for any fish with an open season when, after investigation, the director finds danger of extinction, undue depletion in any waters, or to aid in the propagation and protection of immature fish, by prescribing how, how many, where, and when the fish may be taken. The orders have the force of law.
6. Take or cause to be taken at any time from any state public waters any suckers, carp, or pickerel.
7. With the governor's approval, purchase, lease, or, subject to chapter 32-15, condemn real estate, when it is required to carry out this title, and sell it when it is no longer required, in the name of the state.
8. Lease up to ninety-nine years any department land, for the purpose of development and improvement, to any nonprofit corporation, upon consideration of specified improvements to be made by the corporation and other improvements the department and the corporation may agree upon. The lease must provide that all funds received by the corporation through lease of the property be expended upon the leased premises for development and improvements. The corporation has the authority, subject to approval by the director, to sublease the premises for cabin sites and other recreational purposes. Upon termination of the lease, the leased property, together with all improvements, reverts to the department.
9. Secure specimens of game birds, animals, and fish for breeding purposes by purchase or otherwise and by exchange with the game commissions or state game wardens of other states or countries.
10. Issue special permits to shoot wildlife from a stationary motor vehicle upon application from individuals who are physically unable to walk for purposes of hunting or taking wildlife or who have lost the use of an arm at or below the elbow. The application must be accompanied by a statement from a physician, physician assistant, or advanced practice registered nurse which verifies the individual's condition, and if used to hunt on lands controlled by the board of university and school lands, must designate the land on which the individual intends to hunt. The permittee must have permission from the lessee and the commissioner of university and school lands to hunt on lands controlled by the board of university and school lands. A permit issued under this subsection allows the permittee to drive, or to be driven, onto any land for the purposes of hunting wildlife, except that neither any other passenger within the vehicle nor the driver, if someone other than the permittee, may be a hunter, unless the other individual also is a permittee. If the land is privately owned and if the permittee is not going to drive or be driven along an established road or trail, the permittee first must obtain the consent of the owner or lessee to hunt on the land in the manner provided in this title.
11. Issue to any individual who is blind, is a paraplegic, or who has lost the use of one or both arms a special permit to hunt game with a crossbow if that individual otherwise complies with and qualifies under the licensing and other provisions of this title. Battery-powered and electronic-lighted sight pins and telescopic sights not exceeding a maximum power of eight may be attached to crossbows used for hunting under this

subsection. However, an individual who is blind and who receives a special permit to hunt game with a crossbow under this subsection may hunt only on a preserve or area approved by the director. For purposes of this subsection, an individual who is blind means an individual who is totally blind, whose central visual acuity does not exceed twenty/two hundred in the better eye with corrective lenses, or in whom the widest diameter of the visual field is no greater than twenty degrees.

12. Issue any resident license and adopt rules if necessary to carry out resident licensing for each of the following, except a lottery permit or license may be issued only to an individual who qualifies as a resident under subdivision a:
    a. A resident who is eligible for a license under this title, except that the director shall issue a license on proper application. A resident who is eighteen years of age or older must submit a valid driver's license number from this state or valid nondriver photo identification number issued by this state before the director may issue a license.
    b. An individual who has come to the state with a bona fide intention of becoming a resident, even though that individual has not been a resident of this state for the required time period immediately preceding the application for the license. However, an individual who is eighteen years of age or older is not eligible for a resident license under this subsection unless that individual first produces a driver's license number from this state or a nondriver photo identification number issued by this state and submits an affidavit of a bona fide resident setting forth the actual conditions of residency. An individual is not eligible for a resident license under this subsection if the individual maintains a valid resident hunting-related or fishing-related license from another state or country, unless the license is a lifetime license.
    c. An individual who is a member of the United States armed forces and who is within the state on duty or leave or nonresident current North Dakota national guard member.
    d. An employee of the United States fish and wildlife service or the conservation department of any state or province of Canada in the state to advise or consult with the department.
    e. A nonresident full-time student living in this state who is attending an institution under the jurisdiction of the state board of higher education, a private institution of higher education, or a tribal college. A license may not be issued under this subdivision unless a valid student identification number accompanies the application.
    f. A resident of this state who applies for a resident deer hunting license, is a member of the United States armed forces stationed outside this state, who shows proof of North Dakota residence, including a driver's license number from this state or a nondriver photo identification number from this state, and who pays the appropriate licensing fee, except the director shall issue the resident deer hunting license on proper application. A deer license issued to a member of the United States armed forces under this subdivision must be issued without being subject to the lottery for deer hunting licenses.
13. Adopt rules, and issue permits for the transporting or introducing of fish, fish eggs, small game, big game, or fur-bearers after determining that the fish, fish eggs, birds, or animals have been properly inspected for disease, and that the transplanting or introduction will be in compliance with state laws and rules. No person may transplant or introduce any fish or fish eggs into any of the public waters of this state, or transplant or introduce any species of small game, big game, or fur-bearers into this state without obtaining a permit from the director.
14. Pursuant to section 4-01-17.1, cooperate with the agriculture commissioner, the United States fish and wildlife service, and other agencies in the destruction of predatory animals, destructive birds, and injurious field rodents. The director may adopt rules in accordance with organized and systematic plans of the department of the interior for the destruction of these birds and animals. The director may determine the necessity

and issue permits and rules and regulations therefor for the operation and use of private aircraft to assist in the destruction of the above birds and animals and aid in the administration or protection of land, water, wildlife, livestock, domesticated animals, human life, or crops.

15. Exercise authority to establish programs and rules and administer state and federal funds provided to the state for the preservation and management of resident species determined by the director to be threatened or endangered species of wildlife. The authority exercised must be in compliance with the Endangered Species Act of 1973, Public Law 93-205. Any person who violates rules adopted under this subsection is guilty of a class B misdemeanor.
16. Provide for the funding of a private land habitat and access improvement program with moneys derived from the interest earned on the game and fish fund and habitat restoration stamp fees. The director shall place these funds in a special fund called the "game and fish department private land habitat and access improvement fund".
17. Carry out a private land habitat and access improvement program by:
    a. Entering cost-sharing, habitat enhancement, and access agreements with landowners or agencies working on private land to help defray all or a portion of their share of local, state, or federally sponsored conservation practices considered beneficial to fish and wildlife.
    b. Leasing and developing fish and wildlife habitat or sport fishing areas on private land. Except for purposes of subdivisions i and j, public access to leased land may not be prohibited.
    c. Carrying out practices or designating an individual to carry out practices or authorizing or having the designee authorize landowners to carry out practices that will alleviate depredations caused by predatory animals and big game animals.
    d. Publishing a brochure on an annual basis describing areas funded from the game and fish department private land habitat and access improvement fund which are open to public access in this state.
    e. Receiving advice from the game and fish advisory board concerning expenditures from the game and fish department private land habitat and access improvement fund.
    f. Working with livestock producers experiencing chronic deer depredation problems to develop site-specific deer depredation management plans.
    g. Giving first consideration to producers impacted by deer foraging on stored winter forage when purchasing winter deer management supplies.
    h. Making available the sum of one million dollars from each biennial game and fish department appropriation to be used to provide feeding and other winter management practices to alleviate depredation caused by big game animals. Any unexpended funds under this subdivision, up to two million dollars, are not subject to section 54-44.1-11 and may be carried forward for expenditure in future bienniums.
    i. Making available the sum of one hundred thousand dollars from each biennial game and fish department appropriation to be used for food plots on private property for the purpose of providing winter feed. These food plots are not subject to public access considerations.
    j. Developing agreements to compensate private landowners for the development of habitat on private property specific to the geography, form, and function necessary for addressing fish and wildlife populations.
    k. Granting authority to program managers to carry out the duties of the program including signing for, negotiating, and renewing agreements and leases.
18. Subject to prior approval of the attorney general, lease or exchange lands under the director's jurisdiction or control which are deemed necessary for the improved management of wildlife resources.
19. Subject to prior approval of the attorney general, impose any conditions or reservations to the leases or exchanges as the director determines necessary.

20. Issue permits for conducting fishing contests involving public waters of the state in accordance with section 20.1-02-33. The director may deny permits. A person may not conduct a fishing contest on public waters without first receiving a permit issued by the director.
21. Issue duplicates of lost or destroyed game and fish licenses or permits. The procedure for reissuing the licenses or permits and fees to be charged must be prescribed by the director by rule.
22. Establish noncriminal penalties for any rules adopted by the director. The maximum noncriminal penalty that may be set by the director is a fine of two hundred fifty dollars. Violation of any rule not designated as having a noncriminal penalty is considered a criminal violation as established in the appropriate chapter of this title.
23. Issue, as a means of encouraging and promoting economic development in this state, complimentary fishing licenses to nonresident visiting dignitaries. The circumstances and conditions of complimentary fishing licenses issued must be determined by the director. The number of complimentary licenses may not exceed fifty licenses per year. The director shall determine the visiting dignitaries to be of national or international stature before they are eligible for complimentary licenses.
24. Carry out a coyote depredation prevention program by conducting practices that will alleviate depredations caused by coyotes.
25. Issue, as a means of rewarding the dedication of certified game and fish department volunteer instructors:
    a. A complimentary resident certificate and combination license to resident instructors, provided under section 20.1-03-11.1; or
    b. A complimentary composite of nonresident licenses to include a certificate, fishing license, general game and habitat license, small game license, statewide waterfowl license, spring white goose license, furbearer and nongame license, and a reciprocal trapping license to nonresident instructors.

    Any license issued under this subsection is valid for the lifetime of the instructor. An individual is eligible for a license under this subsection if the individual has served and maintained an active status as a certified volunteer instructor in the state for thirty years. Any license issued under this subsection must be revoked by the director if the licenseholder is convicted of a felony or found to have violated any provision of this title.
26. Carry out a program that targets waterfowl resting areas within the private lands initiative program which includes payments to private landowners for lease of waterfowl resting areas on private lands that during the term of the lease provides limited public access for the hunting of waterfowl.
27. Issue free hunting licenses to an organization that sponsors hunting trips for terminally ill children. A license issued under this subsection may be used by an individual sponsored by the organization to hunt the species indicated on the license.
28. Authorize individuals with valid antlerless deer licenses to take deer on private lands determined by the director to be severely impacted by deer. Before authorizing individuals under this subsection, the director must attempt other measures and determine them to be ineffective. A landowner dissatisfied with a decision of the director under this subsection may submit the decision to the agricultural mediation service for mandatory mediation. A decision of an agricultural mediation service negotiator is subject to review by the credit review board. A decision of the credit review board under this subsection is final. The director may authorize individuals to take deer under this subsection between December first of a year through January fifteenth of the following year.

20.1-02-05.1. Land acquisitions - Statewide land acquisition plan.

1. The director shall establish a comprehensive statewide land acquisition plan, subject to approval by the legislative assembly or the budget section if the legislative assembly is not in session. Every land acquisition made by the department exceeding ten acres [4.05 hectares] or ten thousand dollars must be approved by the legislative assembly

or the budget section if the legislative assembly is not in session. Any request considered by the budget section must comply with section 54-35-02.9.

2. Before a land acquisition, the department shall have the land in question appraised by a certified appraiser. The department may not acquire any land for an amount that exceeds the appraised value except for parcels or tracts of land less than forty acres [16.19 hectares] which may be acquired for up to two hundred percent of the appraised value.
3. Before the appraisal, the director shall give notice of the intent to purchase to every landowner within one mile [1.16 kilometers] of the boundary of the land to be appraised unless the landowner is within the boundary of a city, then the director shall send notice to the governing body of the city or unless the landowner is within the geographical boundary of a rural subdivision where the lots are ten acres [4.04 hectares] or less, then the director shall send notice to the governing body of the township or other governing authority for the rural subdivision. The director shall send notice to the board of county commissioners in the county of the land to be appraised, the board of township supervisors if the land to be appraised is in an organized township, and the governing body of a city within twelve miles [19.32 kilometers] of the boundary of the land to be appraised. The director shall publish notice in the official newspaper of the county of the land to be appraised, once a week for two consecutive weeks. The notice must contain the amount of acreage, the legal description, and the fact that the department intends to purchase the land.

20.1-02-05.2. Private land access program - Guidelines.

Expired under S.L. 2005, ch. 210, § 4.

20.1-02-06. Deputy director - Appointment, removal, oath, reports.

The director shall appoint, and may remove at pleasure, a deputy director who is under the director's direct control and supervision. The deputy, within ten days after the date of that person's appointment, shall take and file the oath prescribed for civil officers. The oath must be filed in the office of the secretary of state. The deputy director shall make monthly and annual reports to the director in the manner required by the director.

20.1-02-07. Chief game warden, district deputy game wardens, biologists, and technicians - Appointment - Removal.

The director, with the governor's approval, may appoint the following permanent employees:

1. A chief game warden who shall enforce all state game and fish laws and supervise all deputy game wardens.
2. District deputy game wardens, assigned by the director, to enforce all state game and fish laws within specific appropriation limitations.
3. Biologists and technicians with specialized training and experience to perform duties specified by the director.

The appointees may be removed for cause only and in the manner specified by law.

20.1-02-08. Oath of chief game warden.

The chief game warden, within ten days of appointment, shall take the oath prescribed for civil officers and file it with the secretary of state.

20.1-02-09. Supervision of chief game warden by director - Records - Reports.

The chief game warden is under the direct control and supervision of the director and shall make monthly and annual reports to the director in a manner required by the director. The chief game warden shall keep a complete and correct record, in a format authorized by the director, of all the chief game warden's transactions and of the name of each person violating the game and fish laws; the date of that person's arrest, if applicable; the amount of the fine and costs imposed upon and paid by each person; and the name of the judge before whom that person appeared. The record, when requested, must be open to inspection by the public. The chief

game warden shall make a full report to the director within thirty days after the end of each calendar year.

20.1-02-10. Special deputy game wardens - Appointment, removal, compensation.

The director may appoint and remove at pleasure, one or more special deputy game wardens in each county. They serve for the time and manner as the director directs. They serve without compensation, but are entitled to a reward pursuant to section 20.1-02-16.

20.1-02-11. Deputy game wardens supervised by director - To make reports.

Each district deputy game warden and each special deputy game warden are under the direct control and supervision of the director, and shall make monthly and annual reports to the director in a manner required by the director.

20.1-02-12. Bond of deputy game wardens.

Repealed by S.L. 1999, ch. 113, § 24.

20.1-02-13. Disqualification of game wardens.

No person who owns or possesses land in this state under lease or contract for hunting purposes, nor that person's employee or agent, may be appointed or may act as a chief, district, or special deputy game warden.

20.1-02-14. Writs served and executed by game wardens - Peace officers and others to aid wardens, when.

The director, deputy director, and all wardens and deputy wardens may serve and execute, in the same manner as any sheriff, all warrants and legal process issued by a court in enforcing this title. The officers of the department may call to their aid any sheriff, deputy sheriff, police officer, or other person to enforce this title. All peace officers or other persons, when called upon, shall enforce and aid in enforcing this title.

20.1-02-14.1. Uniform complaint and summons - Promise to appear - Penalty.

1. There is established a uniform complaint and summons that may be used in cases involving violations of this title or other violations of a state law which occur on property that the department owns, leases, or manages or on sovereign lands as defined by section 61-33-01. Whenever the complaint and summons established by this section is used, the provisions of the North Dakota Rules of Criminal Procedure apply. The uniform complaint and summons must be of a form prescribed by the director and approved by the attorney general.
2. The time of court appearance to be specified in the summons must be at least five days after the issuance of the summons unless the defendant demands an earlier hearing.
3. Upon receipt from the defendant of written promise to appear at the time and place specified in the summons, the defendant must be released from custody. After signing a promise to appear, the defendant must be given a copy of the uniform complaint and summons. Any person refusing to give a written promise to appear may be arrested if proper cause exists, or proceeded against by complaint and warrant of arrest as provided in the North Dakota Rules of Criminal Procedure.

If an individual fails to appear in court after promising to do so, the court may issue an arrest warrant and in addition to other conditions shall order the department to suspend the individual's hunting, fishing, and trapping privileges until after the final disposition of the case.

20.1-02-15. Police powers of director, deputy director, and bonded appointees of director.

The director, deputy director, and any bonded appointees of the director have the power:

1. Of a peace officer for the purpose of enforcing this title and any other state laws or rules relating to wildlife.

2. To make arrests upon view and without warrant for any violation, committed in that person's presence, of this title and any other state laws or rules relating to wildlife.
3. To regulate dealers in green furs, propagation or possession of live protected wildlife, taxidermists, shooting preserves, guides and outfitters, commercial fishing operations, private fish hatcheries, and commercial bait vendors. In the regulation of these licensed activities, the premises used to conduct the business and records required by law must be open for inspection at reasonable hours by game and fish law enforcement officers.

20.1-02-15.1. Additional powers of director, deputy director, chief game wardens, or district game wardens.

The director, deputy director, chief game wardens, or district game wardens have the power of a peace officer in the following circumstances:

1. To enforce state laws and rules on any game refuge, game management area, or other land or water owned, leased, or managed by the department and on sovereign lands as defined by section 61-33-01.
2. When responding to requests from other law enforcement agencies or officers for aid and assistance. For the purposes of this subsection, a request from a law enforcement agency or officer means only a request for assistance as to a particular and singular violation or suspicion of violation of law, and does not constitute a continuous request for assistance outside the purview of enforcement of the provisions of this title.
3. The powers and duties conferred are supplemental to other powers and duties conferred upon the director, deputy director, chief game wardens, or district game wardens and do not constitute an obligation beyond the regular course of duty of those officers.
4. To enforce chapter 20.1-15.
5. To enforce chapter 20.1-13.1.
6. To enforce chapter 39-24.1.

This section may not be construed to limit the powers or duties of any peace officer within this state.

20.1-02-16. Director may pay rewards in connection with the conviction of violators - Amounts - Exceptions.

The director, out of legislative reward appropriation, may pay complainants, upon the arrest and conviction of any person violating this title, a reward not to exceed:

1. One hundred dollars if the offense involves a violation relating to big game.
2. Fifty dollars if the offense involves a violation relating to game birds, fish, fur-bearers, or protected animals not mentioned in subsection 1.

This section does not apply when the complaint is made or required information is furnished by an officer, employee, or game warden who is regularly employed and who receives a salary from the department, or by a sheriff or other peace officer who receives a regular salary.

20.1-02-16.1. Game and fish fund - Use - Required balance - Budget section approval.

All income of the state game and fish department deposited by the director with the state treasurer must be credited to the state game and fish fund and the fund may be used only by the department. All money derived from the investment of the fund, special accounts, or portions of the fund may be credited to the game and fish department private land habitat and access improvement fund. The department shall spend moneys in the game and fish fund within the limits of legislative appropriations, only to the extent the balance of the fund is not reduced below fifteen million dollars, unless otherwise authorized by the legislative assembly or the budget section if the legislative assembly is not in session. Any request considered by the budget section must comply with section 54-35-02.9. Investment of up to fifteen million dollars of the balance of the game and fish fund may be made under the supervision of the state investment board and the moneys must be invested by the investing authority according to the

laws relating to state investments. The department shall notify the state investment board of the amount available for investment.

20.1-02-16.2. Nongame wildlife fund established - Uses - Appropriation.

There is hereby established in the state treasury a special fund known as the nongame wildlife fund. The fund may be expended subject to appropriation by the legislative assembly to the game and fish department and must be used only for the purposes of preservation, inventory, perpetuation, and conservation of nongame wildlife, natural areas, and nature preserves in this state. The game and fish department shall allocate a portion of the fund to other state agencies for the purpose stated in this section, and with approval of the director. For the purpose of this section, "nongame wildlife" means all species of native animals not commonly taken for sport or commercial purposes and does not include animals determined by the game and fish department to be harmful animals. "Natural areas" and "nature preserves" mean areas as defined in section 55-11-02.

20.1-02-16.3. Small and big game habitat restoration trust fund - Advisory committee - Transfer - Continuing appropriation.

Repealed by S.L. 1997, ch. 210, § 5.

20.1-02-16.4. Clam harvesting privilege fee.

There is hereby imposed, for the grant of the privilege of the right to harvest clams, a privilege fee of ten percent of the market value of clam shells harvested in this state. The fee imposed by this section must be paid to the director for deposit in the game and fish fund. The director may adopt rules under chapter 28-32 for the administration of the fee imposed under this section.

20.1-02-16.5. Motorboat programs and safety account - Use.

The director shall deposit all motorboat license fees in a special account within the game and fish fund to be known as the motorboat programs and safety account. Funds placed in the motorboat programs and safety account may be used only for construction and installation of boat launching facilities, fish cleaning and comfort stations, boating enforcement, boating safety education, and boat licensing administration. All money derived from the investment of the account, or portions of the account, must be credited in accordance with section 20.1-02-16.1.

20.1-02-16.6. Motorboat programs and safety account - Transfer from highway tax distribution fund.

Each year in the month of July the state treasurer shall transfer from the highway tax distribution fund, before allocation of the fund under section 54-27-19, to the motorboat programs and safety account an amount equal to two dollars and fifty cents multiplied by the number of motorboats licensed with the game and fish department as of July first of that year.

20.1-02-16.7. Aquatic nuisance species program fund.

There is created in the state treasury a special fund known as the aquatic nuisance species program fund. The fund consists of transfers and deposits made in accordance with section 20.1-02-16.1 and section 20.1-13-02.1.

20.1-02-16.8. Waterfowl habitat improvement fund.

There is created in the state treasury a special fund known as the waterfowl habitat improvement fund. The fund consists of transfers and deposits made in accordance with section 20.1-03-12.5 and interest earned on moneys in the fund. Moneys in the fund may be expended, subject to legislative appropriations, for improving or restoring waterfowl habitat and supporting youth hunting programs, including providing a match for federal funding obtained by the department.

20.1-02-17. Conditional assent to federal aid projects - Proceeds from license fees and application to be used for administration of department.

North Dakota assents to the Act of Congress entitled "An Act to provide that the United States shall aid the states in wildlife restoration projects and for other purposes" [Pub. L. 75-415; 50 Stat. 917; 16 U.S.C. 669 et seq.], and the Act of Congress entitled "An Act to provide that the United States shall aid the states in fish restoration and management projects, and for other purposes" [Pub. L. 81-681; 64 Stat. 430; 16 U.S.C. 777 et seq.] subject to the conditions of section 20.1-02-17.1. The director may conduct and establish cooperative wildlife and fish restoration projects as defined in these Acts, in compliance with the Acts and with rules adopted by the federal agency administering these Acts.

Hunting and fishing license fees and application fees assessed under section 20.1-03-12.2 may only be used for departmental programs and administration.

20.1-02-17.1. Procedures and conditions for land acquisitions for wildlife and fish restoration.

1. The director shall submit proposed wildlife and fish restoration programs or projects and updated segments thereof involving proposed acquisitions by purchase, lease, easement, or servitude of wetlands, water, or land areas by certified mail with return receipt to the board of county commissioners of the county or counties in which the affected areas are located for the board's approval prior to agreement with and approval by the secretary of the interior.
2. The board of county commissioners of the county affected, or a designee or designees of the board, shall, within twenty-one days of receipt of an acquisition proposal, physically inspect the proposed acquisition areas. The board shall give public notice of the date, hour, and place where the public may comment on the proposed acquisitions. The notice must be published once each week for two consecutive weeks in the official newspaper of the county or counties in which the land and water areas are located. The notice must set forth the substance of the proposed action and must include a legal description of the proposed acquisitions. The board of county commissioners shall give its approval or disapproval by certified mail with return receipt within sixty days after receipt of an acquisition proposal.
3. A detailed impact analysis from the state game and fish department shall be included with the acquisition proposal for board of county commissioner consideration in making recommendations. The analysis by the game and fish department shall include, but shall not be limited to, the recreational and wildlife impacts. In addition, the county agent of the affected county or counties shall prepare an impact analysis for board of county commissioner consideration which shall include the fiscal, social, and agricultural impacts of the proposed acquisition. The state game and fish department shall reimburse the county or counties for any expenses incurred by the county agent in preparing the analysis. The analyses shall also be forwarded to the department of commerce division of community services which shall furnish copies to all interested state agencies and political subdivisions, which agencies and political subdivisions shall have thirty days to review the analyses and return their comments to the division of community services. Upon expiration of the thirty-day period, all comments received by the division of community services shall be forwarded to the state game and fish department. The state game and fish department may, after consideration of such comments, file a final impact analysis with the division of community services and the board of county commissioners.
4. Any landowner may negotiate the time period of a lease, easement, or servitude sought under the federal Acts cited in section 20.1-02-17. Except with respect to flowage and access easements, a lease, easement, or servitude shall terminate upon the death of a landowner or upon change in ownership of the affected land.
5. A landowner may restrict a lease, easement, or servitude by legal description to the wetlands, water, or land areas sought under the Acts and may drain any expanded wetland or water area in excess of the legal description.

20.1-02-17.2. Lands acquired by game and fish department to qualify as Garrison diversion mitigation lands.

Repealed by S.L. 1985, ch. 274, § 4.

20.1-02-18. State's conditional consent to United States' acquisition of areas for migratory bird reservations - State retains jurisdiction.

North Dakota consents, subject to the approval of the governor for each proposed acquisition, along with the conditions of sections 20.1-02-18.1 and 20.1-02-18.2, to the United States acquiring, by purchase, gift, devise, or lease, land or water in this state as the United States may deem necessary to establish migratory bird reservations in accordance with the federal Migratory Bird Conservation Act [Pub. L. 70-770; 45 Stat. 1222; 16 U.S.C. 715 et seq.]. North Dakota reserves such full and complete jurisdiction and authority over all such areas of land or water so acquired by the United States as is not incompatible with the administration, maintenance, protection, and control of such areas by the United States under the terms of said Act of Congress.

20.1-02-18.1. Federal wildlife area acquisitions - Submission to county commissioners, opportunity for public comment, and impact analysis required.

The governor, the director, or their designees, responsible under federal law for final approval of land, wetland, and water acquisitions by the United States department of the interior, its bureaus or agencies, for waterfowl production areas, wildlife refuges, or other wildlife or waterfowl purposes, shall submit the proposed acquisitions by certified mail with return receipt to the board of county commissioners of the county or counties in which the land, wetland, and water areas are located for the board's recommendations.

The board of county commissioners of the county affected, or a designee or designees of the board, shall, within twenty-one days of receipt of an acquisition proposal, physically inspect the proposed acquisition areas. The board shall give public notice of the date, hour, and place where the public may comment on the proposed acquisitions. The notice must be published once each week for two successive weeks in the official newspaper of the county or counties in which the land and water areas are located. The notice must set forth the substance of the proposed action and must include a legal description of the proposed acquisitions. The board of county commissioners shall make its recommendations by certified mail with return receipt within sixty days after receipt of an acquisition proposal.

A detailed impact analysis from the federal agency involved must be included with the acquisition proposal for board of county commissioner consideration in making recommendations. The analysis must include the recreational and wildlife impacts. In addition, the county agent of the affected county or counties shall prepare an impact analysis for board of county commissioner consideration which must include the fiscal, social, and agricultural impacts of the proposed acquisitions. The department of the interior shall reimburse the county or counties for any expenses incurred by the county agent in preparing the analysis. The analyses must also be forwarded to the department of commerce division of community services, which shall furnish copies to all interested state agencies and political subdivisions, which agencies and political subdivisions have thirty days to review the analyses and return their comments to the division of community services. Upon expiration of the thirty-day period, all comments received by the division of community services must be forwarded to the federal agency involved and to the state official or agency responsible for final acquisition approval. The federal agency may, after consideration of the comments, file a final impact analysis with the governor, the board of county commissioners, and any other state official or agency responsible for final acquisition approval.

20.1-02-18.2. Negotiation of leases, easements, and servitudes for wildlife production purposes.

A landowner may negotiate the terms of a lease, easement, or servitude for land, wetland, or water areas sought to be acquired by the United States department of the interior, its bureaus

or agencies, with moneys from the migratory bird conservation fund [16 U.S.C.718d] for use as waterfowl production areas, wildlife refuges, or for other wildlife purposes. A landowner may:

1. Negotiate the time period of the lease, easement, or servitude being sought; however, the duration of an easement for a waterfowl production area acquired by the federal government, and consented to by the governor or appropriate state agency after July 1, 1985, may not exceed fifty years.
2. Restrict a lease, easement, or servitude by legal description to the land, wetland, or water areas being sought, and may drain any after-expanded wetland or water area in excess of the legal description in the lease, easement, or servitude.

20.1-02-18.3. Suspension of federal authority to acquire interests in land.

Notwithstanding the provisions of section 20.1-02-18, or any other provision of law, the United States may not acquire by any means any land or interests in land for migratory bird reservations, and the governor may not approve the acquisition of any land or interests in land with moneys from the migratory bird conservation fund until December 31, 1985, or until the date a management plan for such land is approved by both the legislative assembly and the governor, whichever date is first. The management plan must be jointly prepared by the secretary of the interior and the governor and shall address the extent and general locations of all proposed acquisitions with moneys from the migratory bird conservation fund, the management of all such lands whether already acquired or to be acquired, and the relationship of such acquisitions to mitigation acquisitions for federally financed or permitted projects.

20.1-02-18.4. Wetlands mediation advisory board.

Repealed by S.L. 1997, ch. 211, § 1.

20.1-02-18.5. Wetlands mediation advisory board - Meetings - Staff - Compensation and expenses.

Repealed by S.L. 1997, ch. 211, § 1.

20.1-02-18.6. Wetlands mediation advisory board - Petition - Mediation - Hearing.

Repealed by S.L. 1997, ch. 211, § 1.

20.1-02-19. Removal proceedings - Game and fish hearing board.

Repealed by S.L. 1991, ch. 236, § 1.

20.1-02-20. Time of hearing - Notice of hearing and of determination.

Repealed by S.L. 1991, ch. 236, § 1.

20.1-02-21. Suspension pending hearing.

Repealed by S.L. 1991, ch. 236, § 1.

20.1-02-22. Appeal to district court.

Repealed by S.L. 1991, ch. 236, § 1.

20.1-02-23. Game and fish advisory board - Appointment - Qualifications - Term.

The state game and fish advisory board consists of eight members, one from each of the following districts, appointed by the governor:

1. District one shall consist of the counties of Divide, McKenzie, and Williams.
2. District two shall consist of the counties of Bottineau, Burke, McHenry, Mountrail, Pierce, Renville, and Ward.
3. District three shall consist of the counties of Benson, Cavalier, Eddy, Ramsey, Rolette, and Towner.
4. District four shall consist of the counties of Grand Forks, Nelson, Pembina, and Walsh.
5. District five shall consist of the counties of Cass, Ransom, Richland, Sargent, Steele, and Traill.

6. District six shall consist of the counties of Barnes, Dickey, Foster, Griggs, LaMoure, Logan, McIntosh, Stutsman, and Wells.
7. District seven shall consist of the counties of Burleigh, Emmons, Grant, Kidder, McLean, Mercer, Morton, Oliver, Sheridan, and Sioux.
8. District eight shall consist of the counties of Adams, Billings, Bowman, Dunn, Golden Valley, Hettinger, Slope, and Stark.

Four members must be bona fide farmers or ranchers and four members must be bona fide sportsmen. Each farmer or rancher appointment must be made from a list of three names submitted by agricultural organizations requested by the governor to submit the list and each sportsman appointment must be made from a list of three names submitted by outdoor, sportsmen, wildlife, and conservation organizations requested by the governor to submit the list. Appointments are for a term of four years from the first day of July of the year of expiration of the basic term, and until a successor has been appointed and qualified. Vacancies occurring other than by the expiration of an appointive term may be filled by appointment for the remainder of the term only. No member of the board may serve longer than two full terms. The members of the advisory board are subject to removal by the governor for cause only. The advisory board shall select from their members a chairman, vice chairman, and secretary who serve in these positions until June thirtieth of the year next following their selection.

20.1-02-24. Compensation.

Each member of the advisory board is entitled to be paid a per diem of sixty-two dollars and fifty cents for each day of service in going to, attending, and returning from the meetings required by section 20.1-02-25 to be held in that person's respective district and the meetings of the advisory board. Each member is entitled to be reimbursed for necessary and actual expenses at the rates and in the manner provided by law for other state officers. The compensation and expenses must be paid out of department appropriations.

20.1-02-25. Meetings and duties.

Each board member shall hold a public meeting at least twice each fiscal year in the board member's respective district to make presentations and to determine the needs and the opinions of those interested in these activities. The board shall meet at least twice each fiscal year. The board has the authority to advise the director regarding any policy of hunting, fishing, and trapping regulations, and may make general recommendations concerning the operation of the department and its programs that the director may carry out. The board shall forward copies of its recommendations to the governor. This section does not limit or restrict the powers, duties, and authority of the governor in the issuance of orders and proclamations as provided in chapter 20.1-08.

20.1-02-26. Mounted bighorn sheep trophy heads and horns - Plugging or tagging required - Rules.

Any person who brings into this state any mounted trophy head or horns, has any trophy head or horns mounted in this state, or comes into possession of any horns of dall sheep, stone sheep, desert bighorn sheep, or Rocky Mountain bighorn sheep shall have the trophy head or horns plugged or tagged by the department. A trophy head or horns plugged or tagged in the state, province or territory of Canada, or in Mexico where the sheep was taken satisfies the requirements of this section. The department may adopt rules to implement the provisions of this section.

20.1-02-27. Public access program - Private landowner assistance to promote public hunting access.

1. The director may establish programs for landowner assistance that encourage public access to private lands for purposes of hunting.
2. Rules adopted by the director to implement this section may address:
   a. A hunter management program consisting of a cooperative agreement between landowners and the department, and including other resource management

agencies when appropriate, that allows public hunting with certain restrictions or use rules.

b. A hunting access enhancement program consisting of incentives for private landowners who allow public hunting access on their land.

c. Development of similar efforts outside the scope of the program that are designed to promote public access to private lands for hunting purposes.

3. The director may not structure a program in a manner that provides assistance to a private landowner who charges a fee for hunting access to private land that is enrolled in the program or who does not provide reasonable public hunting access to private land that is enrolled in the program. The director shall develop criteria by which tangible benefits are allocated to participating landowners, and the director may distribute the benefits to participating landowners. Benefits must be provided to offset potential impacts associated with public hunting access, including those associated with general ranch maintenance, conservation efforts, weed control, fire protection, liability insurance, roads, fences, and parking area maintenance.

20.1-02-28. Deerproof hay yard program.

Within legislative appropriations, the director shall provide for a deerproof hay yard program. The deerproof hay yard program must provide materials and supplies at no cost and construction cost-share assistance to landowners for the establishment of deerproof hay yards to protect crops, hay, or feed on private property with deer depredation problems. A landowner who allows commercial hunting for big game on a majority of acres owned and operated in exchange for compensation and who posts a majority of the acres owned and operated by that person to prohibit big game hunting is not eligible to participate in the deerproof hay yard program. The department shall establish a prorated repayment system over a three-year period. For winter management program purposes of this section, a person may not willfully hunt, harass, chase, pursue, take, attempt to take, possess, transport, ship, convey by common carrier, sell, barter, or exchange a deer except as provided in carrying out practices to alleviate depredations under the private land habitat and access improvement program and elsewhere in this title.

20.1-02-29. Protection of personal information of the public.

The following records, regardless of form or characteristic, of or relating to the game and fish department are exempt under section 44-04-18 and section 6 of article XI of the Constitution of North Dakota:

1. A record that would identify the name, address, or electronic mail address of an individual participating in a wildlife harvest survey.
2. A record that would identify population distributions or locations of pallid sturgeon, bighorn sheep, moose, elk, eagles, sage grouse, prairie chickens, and any species of wildlife listed as threatened or endangered under the federal Endangered Species Act of 1973 [Pub. L. 93-205; 87 Stat. 884; 16 U.S.C. 1531 et seq.], as amended.
3. Telemetry radio frequencies or global positioning system coordinates of monitored species, denning sites, nest locations of raptors, and the specific location of wildlife capture sites used for wildlife research or management.

20.1-02-30. Private land open to sportsmen program - Biomass demonstration project.

The department may develop and make available, as part of the broader support for establishment cost-share provided through the industrial commission, a special demonstration component of the private land open to sportsmen program to support perennial grass stand establishment of participating acres in return for public access to hunting and adherence to conservation best practices, including postseason harvest, minimum stubble height, and nonannual harvest. The demonstration project may include an evaluation component to assess the effects and compatibility of perennial biomass harvest with the habitat and public access objectives of the private land open to sportsmen program.

20.1-02-31. Deer reduction programs.

The director or the director's designee may authorize an individual to euthanize injured, sick, or emaciated deer under conditions determined by the director. The director may authorize targeted deer reduction programs to alleviate deer depredation.

20.1-02-32. Canada goose depredation kill permits.

The department shall implement a web-based online application process for Canada goose kill permits, publicize in select agricultural publications and trade journals the availability of Canada goose kill permits, and implement a program to match volunteers with agricultural producers with kill permits.

20.1-02-33. Fishing contests.

1. A "fishing contest" means an event at which a prize or cash is given to a contestant for catching fish from waters open to the public. The term includes high-value tag contests, fishing tournaments, biggest fish contests, contests providing a prize for the largest number or weight of fish, and fishing leagues and tournaments comprised of multiple fishing events which have a cumulative fee of fifty dollars or more per event. The term does not include:
   a. A fishing event with fewer than fifty participants or fewer than fifteen boats for which an entry or participation fee of less than fifty dollars is charged.
   b. An individual big fish promotion for which an entry or participation fee is not charged.
   c. An organized youth fishing event if participants are under the age of nineteen or enrolled in a high school.
   d. An online contest not held on a single body of water.
2. A fishing contest may not include a conservation fee if the fishing contest is held by a nonprofit veterans organization, charitable organization, educational organization, religious organization, fraternal organization, civic and service organization, or public-spirited organization, as those organizations are defined in chapter 53-06.1. A membership fee for a club or organization may not be classified as an entry fee or proceeds.
3. An organization desiring to hold a fishing contest shall submit an application to the director at least thirty days before the start of the contest. The application must list the recipient of the conservation fee and include a seventy-five dollar application fee. A conservation fee must be negotiated between the organization desiring to hold the fishing contest and a representative of the fishing league or fishing tournament.
4. The director may deny or revoke a permit if:
   a. The director believes the fishing contest does not or will not comply with the rules of the department or could be harmful to the fishing resource;
   b. An agency with jurisdiction deems the public use facilities such as a boat ramp, parking area, campground, or related facilities are inadequate to support the contest; or
   c. The committee or sponsors have failed to submit timely reports.
5. A permittee shall submit a report to the director within thirty days after completion of the fishing contest. The report must include the number of contest participants, the quantity and species of fish taken in the contest, and the total amount and recipient of the conservation fee. Failure to submit this report is justification for denial of future fishing contest permits.
6. The director may adopt rules to administer this section.

20.1-02-34. Educational and community outreach programs.

The department may establish educational and community outreach programs to promote public understanding of fisheries and wildlife management and promote interest in pursuing careers in fields employed by the department. The director may establish programs and

determine participation eligibility, including the direct participation in job shadowing of field activities and ride-alongs.