CHAPTER 30-03-02
PRIVATE FISH HATCHERIES

Section
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30-03-02-01. Private fish hatchery.

Repealed effective December 1, 1982.

30-03-02-02. Fishpond.

A "fishpond" as referred to in this chapter shall mean a private fish hatchery holding fish for public fishing for a fee.

General Authority: NDCC 20.1-06-12
Law Implemented: NDCC 20.1-06-12

30-03-02-03. License required.

Repealed effective December 1, 1982.

30-03-02-03.1. License required.

Only one private fish hatchery license may be issued per individual each calendar year.

History: Effective April 1, 2009.
General Authority: NDCC 20.1-06-12
Law Implemented: NDCC 20.1-06-12

30-03-02-04. Species authorized.

The game and fish director will publish a list of fish species that may be authorized for raising or holding in a licensed fish hatchery. Such list may be amended from time to time at the discretion of the game and fish director.

History: Amended effective September 1, 1989; November 1, 1990; October 1, 1991.
General Authority: NDCC 20.1-06-12
Law Implemented: NDCC 20.1-06-12

30-03-02-05. Sale of fish.

An operator of a licensed fish hatchery may sell fish owned or raised for market or for stocking other waters. The operator also may operate the operator's fish hatchery as a fishpond and may sell fish caught from the pond by fee-paying anglers. Live fish purchased for stocking private ponds may be transported only if a bill of sale from the vendor accompanies the load of fish.

General Authority: NDCC 20.1-06-12
Law Implemented: NDCC 20.1-06-12

30-03-02-06. Transportation.

Transportation of authorized fish stock into, out of, or within the state by a licensed hatchery operator in a private fish hatchery may be done only with a permit issued by the director and only in the manner approved by the director. All fish stock entering the state must be accompanied by disease-free certification and a bill of sale from the vendor. Disease-free certification will be species specific as warranted by the department.

History: Amended effective April 1, 2008.
General Authority: NDCC 20.1-06-12
Law Implemented: NDCC 20.1-06-12

30-03-02-07. Receipts.

The holder of a private fish hatchery license shall furnish to each person purchasing fish from the hatchery a written receipt giving the number, length, and species of the fish purchased, retaining a copy of the receipt for a permanent record to be retained at the hatchery.

General Authority: NDCC 20.1-06-12
Law Implemented: NDCC 20.1-06-12

30-03-02-08. State fishing license not required.

Repealed effective December 1, 1982.

30-03-02-09. Fish hatchery certificates.

Fish taken from a licensed fish hatchery used as a fishpond may be possessed, shipped, or transported within North Dakota in the same manner as fish taken by a resident under a resident fishing license, with a certificate from the owner or operator of the fishpond giving the hatchery license number, the date the fish was taken, and the number and species of the fish.

General Authority: NDCC 20.1-06-12
Law Implemented: NDCC 20.1-06-12

30-03-02-10. Use of seines and nets.

The operator of a licensed fish hatchery may use seines and nets in the operator's hatchery operation if the equipment is authorized by the director of the game and fish department. Tags, issued with the authorization for each piece of equipment, must be attached to the equipment.

History: Amended effective April 1, 2008.
General Authority: NDCC 20.1-06-12
Law Implemented: NDCC 20.1-06-12

30-03-02-11. Removal from ponds.

Fish which has been stocked by a licensed hatchery operator for private, nonhatchery use in private ponds may be removed by angling with hook and line, or may be removed by a licensed fish hatchery operator possessing authorization from the director of the game and fish department to do so. The maximum number of ponds from which a fish hatchery operator may contract to remove fish is twenty ponds.

History: Amended effective April 1, 2008.
General Authority: NDCC 20.1-06-12
Law Implemented: NDCC 20.1-06-12

30-03-02-12. Equipment for transport.

All equipment used for transporting fish to and from a private fish hatchery must be free of aquatic vegetation and aquatic nuisance species and all equipment is subject to periodic inspection by a duly appointed agent of the director.

History: Effective April 1, 2008.
General Authority: NDCC 20.1-17-01
Law Implemented: NDCC 20.1-17-01, 20.1-17-06

30-03-02-13. Illegal waters for private fish hatcheries.

Private fish hatcheries shall not be permitted on the following:

1. Waters managed as recreational fisheries;
2. Waters designated by the department as infested with prohibited or regulated aquatic nuisance species;
3. The department's wildlife management areas; or
4. The United States fish and wildlife service's wildlife development areas, waterfowl production areas, or refuges.

History: Effective April 1, 2008.
General Authority: NDCC 20.1-17-01
Law Implemented: NDCC 20.1-17-01, 20.1-17-05, 20.1-17-06

30-03-02-14. Violations and penalties.

Any private fish hatchery that violates any section of this chapter is guilty of a noncriminal offense and shall pay a one hundred dollar fee. The violation may result in license revocation. Violations may be the basis of administrative action up to and including license revocation or suspension.

History: Effective April 1, 2009.
General Authority: NDCC 20.1-06-12
Law Implemented: NDCC 20.1-06-12