

CHAPTER 30-03-05 FISHING CONTESTS

Section

- 30-03-05-01 Fishing Contest Defined
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Sections 30-03-05-01, 30-03-05-03, 30-03-05-04, 30-03-05-05, 30-03-05-06, 30-03-05-07 are amended as follows:

30-03-05-01. Fishing contest defined. A fishing contest is any event where prizes or cash are given for catching fish from waters open to public use. These events include high value tag contests, fishing tournaments, fishing leagues, biggest fish contests, and contests giving prizes for the largest number or weight of fish. Also included are fishing leagues and tournaments that involve multiple fishing events and have a cumulative fee equal to or exceeding five dollars. Entry fees must be collected and listed separately from other activities. Fishing contests do not include the following:

1. Individual big fish promotions sponsored by resident, local businesses not charging any entry or participation fee. If any local, resident business desires to sponsor a high value (prizes exceeding one thousand dollars cash or merchandise) individual fishing contest, the game and fish director shall designate the species of game fish to be included and the contest may be limited to only those species in select waters.
2. Any local fishing tournament charging an entry or participation fee of less than five dollars per angler, unless there are more than forty-nine participating individuals or ~~twenty-four~~ fourteen participating boats.
3. ~~Local tournaments where fishing is through the ice where the activity is beneficial to the fishery resource as determined by the game and fish director.~~

History: Effective March 1, 1984; amended effective May 1, 1994.

General Authority: NDCC 20.1-02-05(22)

Law Implemented: NDCC 20.1-02-05(22)

30-03-05-03. Use of proceeds. A minimum of seventy-five percent of any entry or participation fee paid by the contestants for fishing activities must be returned to the contestants as cash or merchandise (must be cash equivalent and cannot include donated merchandise when an entry fee is required). Payback procedures must be stated in the tournament rules and regulations. A minimum of ten percent of the gross proceeds from entry or participation fees, to a maximum of five thousand dollars, is

required to be paid as a conservation fee. Contests with no entry fee, but still subject to regulations as defined in subsection 2 of section 30-03-05-01, are required to submit a five thousand dollar conservation fee unless there is no cash payout associated with the contest, i.e., all prizes are donated merchandise. The conservation fees must be expended on fishery conservation projects or for providing public access to fishing areas and the intended project must be identified on the permit application form. Moneys for fishery conservation or public access projects must be allocated within ninety days after the completion of the tournament. The fishery conservation projects and public access projects must be approved by the game and fish director. In the absence of an outside sponsor, the tournament committee may retain a maximum of fifteen percent of the gross proceeds from entry or participation fees for expenses incurred in putting on the contest.

History: Effective March 1, 1984; amended effective May 1, 1994; January 1,2000.

General Authority: NDCC 20.1-02-05(202)

Law Implemented: NDCC 20.1-02-05(202)

30-03-05-04. Application. Any person organizationne desiring to hold a fishing contest must submit an application for a permit to the game and fish director at least thirty days prior to the start of the contest. Information on the application must include the name of the sponsor applicant, location of the waters where the contest is to be held, the dates of the contest, the number of participants expected for the contest, the amount of the entry fee, identification of the intended fishery conservation or public access project, a copy of the tournament regulations, and the name of a person or persons responsible for organizing and conducting the fishing~~to be contacted for additional information about the contest.~~

History: Effective March 1, 1984; amended effective May 1, 1994.

General Authority: NDCC 20.1-02-05(202)

Law Implemented: NDCC 20.1-02-05(202)

30-03-05-05. Fishing contest rules and regulations.

1. In a boat tournament, committee/_or_/sponsors shall provide boat launching and loading assistance to tournament participants.

2. The ratio of tournament patrol boats to participant boats shall at no time be less than one to twenty-five in fishing contests involving one hundred or fewer boats and one to thirty ~~twenty-five~~ for contests involving more than one hundred boats.

3. The North Dakota game and fish department may add further tournament regulation restrictions if deemed necessary.

4. Fishing contests for all game and nongame fish, with the exception of paddlefish, pallid and shovelnose sturgeon, zander, and grass carp (white amur) are allowable.

History: Effective March 1, 1984; amended effective May 1, 1994; January 1,2000.

General Authority: NDCC 20.1-02-05(202)

Law Implemented: NDCC 20.1-02-05(202)

30-03-05-06. Reasons for denying permits. Permits may not be issued or may be revoked if the game and fish director believes the fishing contest does not or will not comply with game and fish rules or regulations, or could be harmful to the fishing resource, or that public use facilities such as boat ramps, parking areas, campgrounds, and related facilities are inadequate to support the contest, or committee/sponsors have failed to submit timely reports ~~in a previous year~~.

History: Effective March 1, 1984; amended effective May 1, 1994.

General Authority: NDCC 20.1-02-05(202)

Law Implemented: NDCC 20.1-02-05(202)

30-03-05-07. Post-contest report required. Within thirty days after completion of the fishing contest, the permittee shall submit a report to the game and fish director. The report must include the number of contest participants, the quantity (number and total weight) and species of fish taken in the contest, the gross and net proceeds for the tournament, the percentage of the entry fees paid back to the participants as prizes, and suggested conservation projects for departmental approval. Failure to submit this report is justification for denial of future fishing contest permits. Moneys for fishing conservation or public access projects must be allocated within ninety days after the completion of the tournament.

History: Effective March 1, 1984; amended effective May 1, 1994.

General Authority: NDCC 20.1-02-05(202)

Law Implemented: NDCC 20.1-02-05(202)

**CHAPTER 30-03-03
CONSTRUCTION AND USE OF FISHHOUSES FOR WINTER FISHING**

Section

- 30-03-03-01 License Procurement [Repealed]
- 30-03-03-02 Use [Repealed]
- 30-03-03-03 Dimensions
- 30-03-03-04 Location
- 30-03-03-05 Open When in Use
- 30-03-03-06 Violations Are Noncriminal

Section 30-03-03-03 is amended as follows:

30-03-03-03. ~~Dimensions~~Construction. Any structure used as a fishhouse shall be constructed of material that will allow it to float and to be readily removable from the ice at any time. ~~Campers may not be used as fishhouses. Holes not to exceed twelve inches [30.5 centimeters] in diameter or square may be made in the ice for hook and line angling.~~

History: Amended effective September 1, 1993; April 1, 2006.

General Authority: NDCC 20.1-06-07

Law Implemented: NDCC 20.1-06-07

**CHAPTER 30-03-01.1
BAIT VENDORS**

Section

- 30-03-01.1-01 License Required to Be Displayed
- 30-03-01.1-02 Bait Definitions
- 30-03-01.1-03 Baitfish Species Permitted
- 30-03-01.1-04 License Limitations
- 30-03-01.1-05 Assistants Covered by License
- 30-03-01.1-06 Quantity Requiring License
- 30-03-01.1-07 Equipment for Holding and Transport
- 30-03-01.1-08 Interstate Transport
- 30-03-01.1-09 Transportation of Bait With Aquatic Vegetation Within the State
- 30-03-01.1-10 Transportation of Bait in Water Within the State
- 30-03-01.1-11 Stocking
- 30-03-01.1-12 Equipment for Taking Legal Live Baitfish and Processed Baitfish
- 30-03-01.1-13 Prohibited Waters for Taking Live Bait
- 30-03-01.1-14 Wholesale Bait Pond
- 30-03-01.1-15 Inspections and Records
- 30-03-01.1-16 Violations and Penalties

Sections 30-03-01.1-01, 30-03-01.1-04, 30-03-01.1-14 are amended as follows:

30-03-01.1-01. License required to be displayed. All licenses must be publicly displayed on the business premises. Business names must be displayed on any vehicle used to transport live bait. ~~Licenses will be issued on a calendar-year basis.~~

History: Effective April 1, 2008.

General Authority: NDCC 20.1-06-14

Law Implemented: NDCC 20.1-06-14

30-03-01.1-04. License limitations. Retail or wholesale bait vendor licenses are issued for a calendar year to one person only. An individual may be issued only one wholesale license per calendar year. The holder of a retail bait vendor license may sell live bait at retail only, at one specified selling location per license. A wholesale bait vendor may only sell live bait to licensed bait vendors. Both a retail license and a wholesale license are necessary to sell live bait at both retail and wholesale. A wholesale licensee may not act as an agent or assistant under the license of another wholesaler.

History: Effective April 1, 2008.

General Authority: NDCC 20.1-06-14

Law Implemented: NDCC 20.1-06-14

30-03-01.1-14. Wholesale bait pond. The term "wholesale bait pond" means any pond used to take live bait for wholesale. A legal description, to the quarter section, of each wholesale bait pond must be listed on the wholesaler's application and all ~~ponds~~ locations must be approved by the director before a license is issued. The maximum number of ponds from which a wholesale bait vendor may trap annually is fifty ponds.

History: Effective April 1, 2008.

General Authority: NDCC 20.1-06-14

Law Implemented: NDCC 20.1-06-14

CHAPTER 30-03-02 PRIVATE FISH HATCHERIES

Section

30-03-02-01 Private Fish Hatchery [Repealed]

30-03-02-02 Fishpond

30-03-02-03 License Required [Repealed]

30-03-02-04 Species Authorized

30-03-02-05 Sale of Fish

30-03-02-06 Transportation

30-03-02-07 Receipts

30-03-02-08 State Fishing License Not Required [Repealed]

30-03-02-09 Fish Hatchery Certificates

30-03-02-10 Use of Seines and Nets

30-03-02-11 Removal From Ponds

30-03-02-12 Equipment for Transport
30-03-02-13 Illegal Waters for Private Fish Hatcheries
30-03-02-14 Violations and Penalties

Sections 30-03-02-03 and 30-03-02-14 are created as follows:

~~30-03-02-03. License required. Repealed effective December 1, 1982.~~

30-03-02-03. License required. Only one private fish hatchery license may be issued per individual each calendar year.

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. No person who has had a department-issued private fish hatchery license revoked or suspended within three years may obtain a license.

**CHAPTER 30-04-03
GUIDES AND OUTFITTERS**

Section

30-04-03-22 Bona fide pursuit of Agricultural Interests

30-04-03-23 Advertising Exemption

Sections 30-04-03-22 and 30-04-03-23 are created as follows:

30-03-03-22. Bona fide pursuit of Agricultural Interests.

1. To be exempt from regulation as an outfitter under N.D.C.C. § 20.1-03-36.1(4), the person must provide services on real property that person owns or leases for the "primary pursuit of bona fide agricultural interests." The following definitions apply:

a. "Agriculture" means the production of food, feed and fiber and other goods by the systematic growing or harvesting of plants, animals and other life forms, and includes aquaculture, cultivation, animal husbandry, and horticulture.

b. "Bona fide" means that the person earnestly intends to devote the land primarily to an agricultural pursuit. In determining a person's intent, a person's use of buildings associated with hunting, such as a hunting facility or accommodation, is generally incompatible with a primary pursuit of agricultural interest, but rather shows that the person's intent is to primarily use the land for hunting.

c. "Primary pursuit" means that the person is:

1. actively engaged in the agricultural interest, which does not include the passive ownership of land. Receiving payment on account of agricultural land enrolled in the Federal Conservation Reserve Program does not constitute the active pursuit of agriculture by itself; rather, the individual must also be actively engaged in farming or ranching;

2. primarily engaged in the agricultural interest, which means the individual's farming or ranching activities must be of the first rank, importance, or value.

History: Effective _____, 2008

General Authority: NDCC § 20.1-02-04

Law Implemented: NDCC §§ 20.1-01-02, 20.1-02-15, 20.1-03-36.2, 20.1-03-37, 20.1-03-38

CHAPTER 30-02-03
OPERATION OF PRIVATE GAME BIRD SHOOTING PRESERVES

Sections 30-02-03 ___ and 30-02-03 _____ are created as follows:

30-02-03 . Maximum area of shooting preserve. Except for permitted shooting preserves operating prior to January 1, 2009, no individual, corporation, or business association may operate or own any interest in one or more shooting preserves with a comprised total of more than 640 acres.

30-02-03 . Pheasants, only males to be harvested. All pheasants harvested on shooting preserves must be male pheasants.

CHAPTER 30-02-03
OPERATION OF PRIVATE GAME BIRD SHOOTING PRESERVES

Section 30-02-03-05 is amended as follows:

30-02-03-05 Number of game birds released. A minimum of one hundred birds of each species permitted to be hunted on the shooting preserve shall be released during the shooting preserve season. Only male ring-necked pheasants may be counted towards the total number of birds released. Female ring-necked pheasants may be released but do not count toward the total number of birds released. Fewer birds may be released upon written permission of the director.

**CHAPTER 30-04-02
PUBLIC USE OF GAME OR FISH MANAGEMENT AREAS**

Section

30-04-02-14.1 Tree Stands

Section 30-04-02-14.1 is amended as follows:

30-04-02-14.1. Tree stands. No person may construct or use a permanent tree stand or permanent steps to a tree stand on any wildlife management area. Portable tree stands and portable steps, screw-in steps, and natural tree stands may be used. Portable tree stands and portable steps are defined as those that are held to the tree with ropes, straps, cables, chains, or bars. Screw-in steps are those that are screwed into the tree by hand without the aid of any tools. Ladder-type stands that lean against the tree are portable stands. A notched board placed in a tree crotch is a portable stand. Natural stands are those crotches, trunks, down trees, etc., where no platform is used. A metal or plastic tag must be attached to each tree stand. This tag must display the owner's name, address and telephone number. Tree stands do not preempt hunting rights of others in the vicinity of the tree stand. Tree stands and steps may not be put up before August twentieth of the year, and they shall be taken down by January ~~tenth~~ thirty-first of the following year. Stands and steps not removed by the ~~tenth~~ thirty-first of January are considered abandoned property and are subject to removal and confiscation by the director or the director's designee. Any person who violates this section is guilty of a noncriminal offense and shall pay a one hundred dollar fee.

History: Effective April 1, 1986; amended effective April 1, 2006.

General Authority: NDCC 20.1-11-05

Law Implemented: NDCC 20.1-11-05

Sections 30-04-02-20 and 30-04-02-21 are created as follows:

30-04-02-20. Paintballing prohibited.

1. No person shall engage in any form of paintballing on any state wildlife management area unless authorized by the director or the director's designee.

2. The term "paintballing" refers to any sport in which participants eliminate opponents from play by hitting them with paintballs (spherical gelatin capsules containing primarily polyethylene glycol, other non-toxic and water-soluble substances, and dye) shot from a compressed-gas-powered gun, commonly called a marker.

History:

General Authority:

Law Implemented:

30-04-02-21. Geocaching prohibited

1. No person shall engage in any form of geocaching on any state wildlife management area unless authorized by the director or the director's designee.

2. The term "geocaching" refers to an outdoor treasure-hunting game in which the participants use a Global Positioning System (GPS) receiver or other navigational techniques to hide and seek containers (called "geocaches" or "caches"). A typical cache is a small waterproof container containing a logbook and "treasure".

History:

General Authority:

Law Implemented: