



"VARIETY IN HUNTING AND FISHING"

NORTH DAKOTA GAME AND FISH DEPARTMENT

100 NORTH BISMARCK EXPRESSWAY BISMARCK, NORTH DAKOTA 58501-5095 PHONE 701-328-6300 FAX 701-328-6352

SEP 24 2008

September 19, 2008

Mr. John Walstad
Code Revisor
North Dakota Legislative Council
State Capitol
600 East Boulevard, 2nd Floor
Bismarck, ND 58505

Dear Mr. Walstad:

The Notice of Intent to Adopt, Amend, and Repeal Administrative Rules and a copy of the proposed rules are enclosed as required by N.D.C.C. § 28-32-10(1).

Sincerely,

A handwritten signature in blue ink that reads "Paul Schadewald". The signature is fluid and cursive.

Paul Schadewald, Chief
Administrative Services Division
North Dakota Game and Fish Department

Enclosures

**NOTICE OF INTENT TO
ADOPT AND AMEND ADMINISTRATIVE RULES**

TAKE NOTICE that the North Dakota Game and Fish Department will hold a public hearing to address proposed new rules AND amendments to North Dakota Administrative Code title 30, at 1:00 P.M. on October 23, 2008, at 100 North Expressway, Bismarck, ND. The proposed rules changes are not expected to have an impact on the regulated community in excess of \$50,000.

The purpose and an explanation of the proposed rule changes follow:

Chapter 30-03-05 – Fishing Contests. The contest definition is clarified as to events that require a permit. Wording in some sections is clarified. The number of required tournament patrol boats is reduced.

Chapter 30-03-03 – Construction and Use of Fishhouses for Winter Fishing.

Removes the restriction prohibiting the use of campers as fishhouses. Removes the hole size restriction for ice fishing. This is done to remove unnecessary restrictions.

Chapter 30-03-01 – Bait Vendors. Limits the maximum number of ponds to fifty for a wholesale bait license. An individual may be issued only one wholesale license per calendar year. Minor clarifications of existing rules are made. The pond and license restrictions are implemented to put some controls in place to reduce potential over harvest problems.

Chapter 30-03-02 – Private Fish Hatcheries. Only one private fish hatchery license may be issued per individual per year. Establishes a penalty section for this chapter. These are done to make the rules effective.

Chapter 30-04-03 - Guides and Outfitters. Establishes the Department's interpretation of NDCC 20.1-03-36.1(4) dealing with the exemption for guide and

outfitter licenses for persons who own or lease real property for the primary pursuit of bona fide agricultural interests. The purpose is to provide guidelines to implement legislation.

Chapter 30-02-03 – Operation of Private Game Bird Shooting Preserves.

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. It also allows only male pheasants to be harvested on shooting preserves. Only male ring-necked pheasants may be counted towards the total number of birds released. The purpose is to establish that shooting preserves are allowed primarily to allow the taking of stocked birds, rather than wild birds.

Chapter 30-04-02 – Public Use of Game or Fish Management Areas.

Requires a name, address and telephone number tag for tree stands placed on Department wildlife management areas. Requires removal of tree stands on wildlife management areas by January 31st each year. Prohibits paintballing and geocaching on wildlife management areas unless authorized by the Game and Fish Director or designee. The purpose is to better control these activities on Game and Fish lands.

The proposed rules may be reviewed at the Game and Fish Department's office, 100 North Bismarck Expressway, Bismarck, ND 58501-5095 or on the Department's website at <http://gf.nd.gov/>. A copy of the proposed rules may be requested by writing the above address, calling 701-328-6305, or e-mailing ndgf@nd.gov. Written or oral comments on the proposed rules sent to the above mailing or e-mail address, or telephone number and received by November 6, 2008, will be fully considered.

If you plan to attend the public hearing and will need special facilities or assistance relating to a disability, please contact the Department at the above address or phone number at least seven days before the public hearing.

Dated this 19th day of September, 2008.

Terry Steinwand
Director