

**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	<u>Legal Live Bait and Legal Live Baitfish Species Permitted</u> <del>Baitfish Species Permitted</del>
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
<del>30-03-01.1-09</del>	<del>Transportation of Bait with Aquatic Vegetation within the</del> <del>State</del>
30-03-01.1-4009	Transportation of Bait with Water within the State
30-03-01.1-4410	Stocking
30-03-01.1-4211	Equipment for Taking Legal <u>Live Bait and Legal Live Baitfish</u> <del>fish and Processed Baitfish</del>
30-03-01.1-4312	Prohibited Waters for Taking <u>Legal Live Bait and Legal Live</u> <u>Baitfish</u>
30-03-01.1-4413	Wholesale Bait Pond
30-03-01.1-4514	Inspections and Records
30-03-01.1-4615	Violations and Penalties

**30-03-01.1-01. License required to be displayed.** All licenses must be publicly displayed on the business premise. Business names must be displayed on both sides of any vehicle used to transport live bait. Any bait vendor who violates this section is guilty of a non-criminal offense and shall pay a one hundred dollar fee.

**History:** Effective April 1, 2008; amended effective April 1, 2009.

**General Authority:** NDCC 20.1-06-14

**Law Implemented:** NDCC 20.1-06-14

**30-03-01.1-02. Bait definitions.** Refer to the current fishing proclamation for legal live bait and legal live baitfish definitions. ~~Bait definitions:~~

As used in this chapter:

- ~~1. The term "legal live baitfish" means fathead minnow, stickleback, creek chub and white sucker.~~
- ~~2. The term "live bait" includes all fishes, amphibians, insects, or other invertebrates.~~
- ~~3. The term "processed baitfish" means fathead minnow, stickleback, creek chub, white sucker, rainbow smelt, and lake herring (cisco).~~

~~\_\_\_\_\_ that have been preserved by freezing, salting or otherwise treated  
\_\_\_\_\_ to inactivate sexual products.~~

**History:** Effective April 1, 2008.

**General Authority:** NDCC 20.1-06-14

**Law Implemented:** NDCC 20.1-06-14

**30-03-01.1-03. Legal live bait and legal live Bbaitfish species permitted.** A licensee may possess only legal live bait or legal live baitfish or ~~processed baitfish~~. ~~Other Fish species other than those to be used as legal live baitfish and processed baitfish~~ caught while seining or trapping must be returned to the water immediately.

**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 legal live bait and legal live baitfish at retail only, at one specified selling location per license. A wholesale bait vendor may only sell legal live bait and legal live baitfish 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's person licensed as a wholesaler in any state may not act as an agent or assistant under a North Dakota wholesaler the license of another wholesaler. Any bait vendor who violates this section is guilty of a non-criminal offense and shall pay a two hundred and fifty dollar fee.~~

**History:** Effective April 1, 2008; amended effective April 1, 2009.

**General Authority:** NDCC 20.1-06-14

**Law Implemented:** NDCC 20.1-06-14

**30-03-01.1-05. Assistants covered by license.** A licensed wholesale bait vendor may employ the assistance of up to six other persons to capture or sell and transport live bait in the manner approved by the director. All assistants must have in their possession department issued documentation. The licensee is responsible for the actions of employees, including all ~~agents or assistants~~ acting under their license. ~~No~~ Anyone who has had a department issued their bait vendor license revoked, denied, or suspended within the past three years may act as an agent or assistant. Anyone who violates this section is guilty of a non-criminal offense and shall pay a one hundred dollar fee.

**History:** Effective April 1, 2008.

**General Authority:** NDCC 20.1-06-14

**Law Implemented:** NDCC 20.1-06-14

**30-03-01.1-06. Quantity requiring license.** A retail or wholesale license is required for the possession of more than the limits described in the current fishing proclamation of legal live baitfish, rainbow smelt (must be dead), live crayfish, live frogs, or live five gallons of rainbow smelt (must be dead), or more than 150 legal live baitfish, or more than 24 live crayfish, or more than 24 live frogs, or more than 24 live salamanders shall require a retail or wholesale license salamanders.

**History:** Effective April 1, 2008.

**General Authority:** NDCC 20.1-06-14

**Law Implemented:** NDCC 20.1-06-14

**30-03-01.1-07. Equipment for holding and transport.** Persons commercializing in or transporting legal live bait and legal live baitfish shall use equipment capable of maintaining such live bait in a healthy and lively condition at all times. Each species of legal live baitfish must be kept separate from other species of legal live baitfish in holding and transport equipment. The premises and equipment of all persons commercializing in live bait shall be open to the inspection of the director or any of the director's duly appointed agents at any time. ~~All licensees~~ Equipment used for transporting live bait into or within the state, including bedding (medium), must be free of aquatic nuisance species. Water used to transport live bait into the state must be from a potable or groundwater (well) source and shall not contain any aquatic vegetation. Retail bait vendors must keep all aquatic vegetation and aquatic nuisance species out of bait tanks at their point of sale. Any bait vendor who violates this section is guilty of a non-criminal offense and shall pay a one hundred dollar fee.

**History:** Effective April 1, 2008.

**General Authority:** NDCC 20.1-06-14; NDCC 20.1-17-01

**Law Implemented:** NDCC 20.1-06-14; NDCC 20.1-17-01, 20.1-17-06

**30-03-01.1-08. Interstate transport.** It is illegal to import fathead minnows or stickleback into the state. It is illegal to import other live baitfish or live bait into the state except with a permit issued by the director and only in the manner approved by the director. It is illegal to export live baitfish or live bait out of the state except with a permit issued by the director and only in the manner approved by the director. It is illegal to transport live baitfish or live bait through the state except with a permit issued by the director and only in the manner approved by the director. Permit applications must be received by the director a minimum of forty-eight hours prior to any planned import or export of live baitfish or live bait. ~~Transportation of bait without the proper permits is a class B misdemeanor and may result in the revocation of the vendor's license.~~

**History:** Effective April 1, 2008.

**General Authority:** NDCC 20.1-06-14

**Law Implemented:** NDCC 20.1-06-14

~~30-03-01.1-09. Transportation of bait with aquatic vegetation within the state.~~ It is illegal to transport bait within the state with aquatic vegetation or parts thereof or aquatic nuisance species except with appropriate license or permit issued by the director and only in the manner approved by the director.

~~History:~~ Effective April 1, 2008.

~~General Authority:~~ NDCC 20.1-17-01

~~Law Implemented:~~ NDCC 20.1-17-01; NDCC 20.1-17-06

**30-03-01.1-4009. Transportation of bait in water within the state.** It is illegal to transport aquatic bait in water within the state except with appropriate license or permit issued by the director and only in the manner approved by the director. Any bait vendor who violates this section is guilty of a non-criminal offense and shall pay a one hundred dollar fee.

**History:** Effective April 1, 2008.

**General Authority:** NDCC 20.1-17-01

**Law Implemented:** NDCC 20.1-17-01; NDCC 20.1-17-06

**30-03-01.140 Stocking.** Stocking of any live fish, live fish eggs, live amphibians, or other live aquatic organism into any waters of the state shall be illegal except with the appropriate license or permit issued by the director. ~~Violation of this section is a class B misdemeanor.~~

**History:** Effective April 1, 2008.

**General Authority:** NDCC 20.1-06-14

**Law Implemented:** NDCC 20.1-06-14

**30-03-01.1-121. Equipment for taking legal live bait and legal live baitfish and processed baitfish.** A person possessing only a retail license may take legal live bait and legal live baitfish and ~~processed bait fish~~ with a seine not exceeding twenty-five feet [7.6 meters] in length and six feet [1.8 meters] in depth or with traps not larger than thirty inches [76 centimeters] in length, twelve inches [30.5 centimeters] in diameter, with a throat opening not to exceed one and three-quarter inches [4.445 centimeters] in diameter. The mesh size of both seine and traps shall not exceed three-eighths inch [9.5 millimeters] square measure.

A person possessing the appropriate wholesale license may take legal live bait and legal live baitfish and ~~processed baitfish~~ with fish traps less than five feet (1.5 meters) in any dimension. Mesh size shall not exceed one-half inch (12.7 millimeters) square measure, and the throat opening shall be less than three inches (76.2 millimeters) in diameter or width. A valid tag issued by the department must be attached to each trap. Seines used by a licensed wholesaler shall be restricted to those less than two hundred fifty feet (76 meters) in length and fourteen feet (4.25 meters) in depth. Mesh size shall not exceed one-half inch (12.7 millimeters) square measure. A tag issued by the department must be affixed to each seine used by the licensee.

Any bait vendor who violates this section is guilty of a non-criminal offense and shall pay a two hundred dollar fee.

**History:** Effective April 1, 2008.

**General Authority:** NDCC 20.1-06-14

**Law Implemented:** NDCC 20.1-06-04

**30-03-01.1-132. Prohibited waters for taking legal live bait and legal live baitfish.** Licensees shall not be permitted to take legal live bait and legal live baitfish from 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 United States Fish and Wildlife Service's Wildlife Development Areas, Waterfowl Production Areas or refuges; or
4. The department's Wildlife Management Areas; or;
5. Any waters that have been licensed as a private fish hatchery in the past three years.

Refer to the current fishing proclamation for commercial season and other restrictions for harvesting leeches by licensed bait dealers. Any bait vendor who violates this section is guilty of a non-criminal offense and shall pay a two hundred and fifty dollar fee.

**History:** Effective April 1, 2008.

**General Authority:** NDCC 20.1-06-14; NDCC 20.1-17-01

**Law Implemented:** NDCC 20.1-06-04; NDCC 20.1-17-01; NDCC 20.1-17-06

**30-03-01.1-143. Wholesale bait pond.** The term "wholesale bait pond" means any pond used to take legal live bait and legal live bait fish for wholesale. A legal description, to the quarter section, of each wholesale bait pond must be listed on the wholesaler application and all ponds 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.~~ The maximum number of approved legal descriptions for ponds from which a wholesale bait vendor may trap annually is fifty. Any bait vendor who violates this section is guilty of a non-criminal offense and shall pay a two hundred and fifty dollar fee.

**History:** Effective April 1, 2008; amended effective April 1, 2009.

**General Authority:** NDCC 20.1-06-14

**Law Implemented:** NDCC 20.1-06-14

**30-03-01.1-154. Inspections and Records.** Equipment used to capture, transport, or hold, and shipments of legal live bait and legal live baitfish are subject to inspections by duly appointed agents of the director. Each licensee trapping, seining or purchasing legal live bait and legal live baitfish for sale must accurately complete forms furnished by the department. Each licensee shall keep current (within a month) records at the retail licensee's point of sale and/or the wholesaler licensee's permanent business address. Records must be open to inspection by the department. A copy of these records shall be submitted to the director no later than thirty days following expiration of the license. Records must be retained by the licensee for a period of two years after the expiration of any license issued under this section. Any bait vendor who violates this section is guilty of a non-criminal offense and shall pay a one hundred dollar fee.

**History:** Effective April 1, 2008.

**General Authority:** NDCC 20.1-06-14

**Law Implemented:** NDCC 20.1-06-14

**30-03-01.1-165. Violations and penalties.** Violation of any rule not designated as having a noncriminal penalty is considered a criminal violation as established in the appropriate Chapter of 20.1. Violations ~~Any retail or wholesale bait vendor who violates any section of this chapter for which a penalty is not specifically provided is guilty of a noncriminal offense and shall pay a one hundred dollar fee. The violation may result in license denial, suspension, or revocation. No one who has had a department issued bait vendor license revoked or suspended within three years may obtain a license or be an assistant for another licensee.~~

**History:** Effective April 1, 2008.

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

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

## CHAPTER 30-03-05 FISHING CONTESTS

<b>Section</b>	
30-03-05-01	<b>Fishing Contest Defined</b>
30-03-05-02	<b>Organizations Eligible</b>
30-03-05-03	<b>Use of Proceeds</b>
30-03-05-04	<b>Application</b>
30-03-05-05	<b>Fishing Contest Rules and Regulations</b>
30-03-05-06	<b>Reasons for Denying Permits</b>
30-03-05-07	<b>Post-Contest Report Required</b>
30-03-05-08	<b>Penalty</b>

**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 fourteen participating boats.

**History:** Effective March 1, 1984; amended effective May 1, 1994; April 1, 2009.

**General Authority:** NDCC 20.1-02-05(220)

**Law Implemented:** NDCC 20.1-02-05(220)

**30-03-05-02. Organizations eligible.** Only nonprofit veterans, charitable, education, religious, and fraternal organizations, civic and service clubs, and public-spirited organizations, as those organizations are defined in North Dakota Century Code chapter 53-06.1 will be issued permits to hold fishing contests. Exemptions to this requirement may be granted by the game and fish director, if, in the opinion of the director, the contest is not detrimental to the fishery resource or to the public, or both.

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

**General Authority:** NDCC 20.1-02-05(220)

**Law Implemented:** NDCC 20.1-02-05(220)

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

1. In a boat tournament, the committee or sponsors shall provide boat launching and loading assistance to tournament participants. and must provide all participants with contacts and phone numbers in case of an emergency.
- ~~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 for contests involving more than one hundred boats.~~
32. The North Dakota game and fish department may add further tournament regulation restrictions if deemed necessary.
43. 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; April 1, 2009.

**General Authority:** NDCC 20.1-02-05(20)

**Law Implemented:** NDCC 20.1-02-05(20)

**30-03-05-08. Penalty.** Any fish contest applicant that violates any section of this chapter is guilty of a noncriminal offense and shall pay a two hundred and fifty dollar fee.

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

**General Authority:** NDCC 20.1-02-05(20)

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



## CHAPTER 30-03-06 AQUATIC NUISANCE SPECIES

<b>Section</b>	
30-03-06-01	Equipment
30-03-06-02	Aquatic Vegetation Definition
30-03-06-03	Aquatic Vegetation Prohibited
30-03-06-04	Aquatic Vegetation Transport
30-03-06-05	Water Prohibited
<del>30-03-06-06</del>	<del>Inspections</del>
30-03-06-07 <u>6</u>	Penalty

**30-03-06-05. Water prohibited.** All water must be drained from all watercraft and recreational, commercial, and construction equipment bilges and confined spaces, to include livewells and baitwells, when out of water ~~and/or~~ upon entering the state. Water used for in-state transportation of legal live bait and legal live baitfish in watercraft livewells and bait buckets no larger than five gallons in volume is allowed. Fish transported and held in or on ice is allowed. Within the state is excluded. Refer to the current fishing proclamation for legal live bait and legal live baitfish definitions. Potable and sewage water is excluded.

**History:** Effective April 1, 2008.

**General Authority:** NDCC 20.1-17-01

**Law Implemented:** NDCC 20.1-17-06

~~**30-03-06-06. Inspections.** Operators and haulers of all watercraft and recreational, commercial, or construction equipment must inspect their equipment for aquatic nuisance species when removed from waters of the state or upon entering the state. If present, the aquatic nuisance species must be physically removed immediately.~~

~~**History:** Effective April 1, 2008.~~

~~**General Authority:** NDCC 20.1-17-01~~

~~**Law Implemented:** NDCC 20.1-17-04~~

**30-03-06-076. Penalty.** Any person violating a provision of this chapter ~~for which a penalty is not specifically provided~~ is guilty of a noncriminal offense and shall pay a one hundred dollar fee.

**History:** Effective April 1, 2008.

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

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

**CHAPTER 30-04-06  
DUPLICATE LICENSES**

Section	
30-04-06-01	Petition Required
30-04-06-02	Fees
30-04-06-03	Approval Required

**30-04-06-01. Petition required.** Upon the filing of a petition by the license purchaser, the North Dakota game and fish department may reissue replacements for lost or destroyed game and fish licenses. The petition shall state the name and address of the license vendor where the original license was purchased. It shall also include personal information as required by law for the original license and a listing of the licenses that are to be replaced. The petition shall be signed by the person requesting license replacement and properly notarized or otherwise witnessed by a North Dakota Game and Fish Department employee.

**History:** Effective September 1, 1983.

**General Authority:** NDCC 20.1-02-05(21)

**Law Implemented:** NDCC 20.1-02-05(21)

## CHAPTER 30-05-03 LAKE RESTRICTIONS

### Section

- 30-05-03-01 Brewer Lake [Repealed]
- 30-05-03-02 Clausen Springs Lake [Repealed]
- 30-05-03-03 Crown Butte [Repealed]
- 30-05-03-04 North Golden Lake [Repealed]
- 30-05-03-05 Rudolph Lake
- 30-05-03-06 Watershed Dam No. 4
- 30-05-03-07 Watershed Dam No. 9
- 30-05-03-08 Camels Hump Dam [Repealed]
- 30-05-03-09 Indian Creek Dam [Repealed]
- 30-05-03-10 Lein Dam
- 30-05-03-11 Fish Creek Dam [Repealed]
- 30-05-03-12 Gravel Lake
- 30-05-03-13 Hooker Lake [Repealed]
- 30-05-03-14 Arroda Lakes, East and West [Repealed]
- 30-05-03-15 Kota-Ray Dam
- 30-05-03-16 McGregor Dam [Repealed]
- 30-05-03-17 Heinrich-Martin Dam
- 30-05-03-18 Epping-Springbrook Dam [Repealed]
- 30-05-03-19 Balta Dam [Repealed]
- 30-05-03-20 North Lake
- 30-05-03-21 Sweet Briar Dam [Repealed]
- 30-05-03-22 Violations are Noncriminal
- 30-05-03-23 Department Work
- 30-05-03-24 Ibsen Lake
- 30-05-03-25 Casselton Reservoir
- 30-05-03-26 Missouri River
- 30-05-03-27 Riverdale Spillway Pond
- 30-05-03-28 Jensen Lake
- 30-05-03-29 Carbury Dam
- 30-05-03-30 Raleigh Reservoir
- 30-05-03-31 Dickinson Dike
- 30-05-03-32 Sather Dam
- 30-05-03-33 Lightning Lake
- 30-05-03-34 Strawberry Lake
- 30-05-03-35 Spring Park Lakes (Williston Park Ponds)
- 30-05-03-36 Lake Tschida
- 30-05-03-37 Mirror Lake
- 30-05-03-38 Leland Dam
- 30-05-03-39 Kettle Lake
- 30-05-03-40 Sheep Creek Dam

**30-05-03-33. Lightning Lake.** ~~Boats powered by gas, gasohol, diesel, or other internal combustion motors are prohibited on the waters of Lightning Lake in McLean County.~~ Motorboat operators on the waters of Lightning Lake must operate their boats at idle speed only. "Idle speed" is defined as operating the motorboat at the slowest possible speed necessary to maintain steerage.

**History:** Effective September 1, 1993.

**General Authority:** NDCC 20.1-13-12

**Law Implemented:** NDCC 20.1-13-12

**30-05-03-34. Strawberry Lake.** ~~Boats powered by gas, gasohol, diesel, or other internal combustion motors are prohibited on the waters of Strawberry Lake in Bottineau County.~~ Motorboat operators on the waters of Strawberry Lake in Bottineau County must operate their boats at idle speed only. "Idle speed" is defined as operating the motorboat at the slowest possible speed necessary to maintain steerage.

**History:** Effective September 1, 1993.

**General Authority:** NDCC 20.1-13-12

**Law Implemented:** NDCC 20.1-13-12