

CHAPTER 30-03-06 AQUATIC NUISANCE SPECIES

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30-03-06-01. Equipment.

Upon leaving any water body or while in transit, all watercraft, watercraft motors, watercraft trailers, docks, boatlifts, and recreational and commercial equipment used in fishing, hunting, and watercrafting or construction equipment shall be free of prohibited or regulated aquatic nuisance species, as defined in the state's aquatic nuisance species list. All equipment is subject to inspection by a duly appointed agent of the director.

History: Effective April 1, 2008; amended effective October 1, 2020.

General Authority: NDCC 20.1-17-01

Law Implemented: NDCC 20.1-17-04

30-03-06-02. Aquatic vegetation definition.

Aquatic vegetation includes all obligate submergent species of aquatic plants.

History: Effective April 1, 2008.

General Authority: NDCC 20.1-17-01

Law Implemented: NDCC 20.1-17-06

30-03-06-03. Aquatic vegetation prohibited.

No aquatic vegetation, or parts thereof, shall be in or on watercraft, watercraft motors, watercraft trailers, and recreational, commercial, or construction equipment when out of water. Watercraft and recreational, commercial, or construction equipment on lifts suspended above the water from which they originated are excluded. Time out of the water needed to clean aquatic vegetation from the watercraft, watercraft motors, watercraft trailers, and recreational, commercial, or construction equipment at the immediate water access area (e.g., boat ramp) is allowed. All built-in structures to boats, including livewells and bait compartments and containers used to transport legal live bait, must be free of aquatic vegetation.

History: Effective April 1, 2008.

General Authority: NDCC 20.1-17-01

Law Implemented: NDCC 20.1-17-06

30-03-06-04. Aquatic vegetation transport.

No person may transport any aquatic vegetation to or from any waters of the state without approval from the director. No person may transport any aquatic vegetation into the state.

History: Effective April 1, 2008.

General Authority: NDCC 20.1-17-01

Law Implemented: NDCC 20.1-17-06

30-03-06-05. Water prohibited.

1. Refer to the North Dakota game and fish department website for a listing of state waters infested with class I prohibited aquatic nuisance species. Fish transported and held in or on ice are allowed.
2. All water must be drained from all watercraft and recreational, commercial, and construction equipment bilges and confined spaces, livewells, and baitwells, when out of water or upon entering the state. Water used for instate transportation of legal live bait and legal live baitfish in bait buckets no larger than five gallons in volume is allowed to and from waters of the state not designated as infested with class I prohibited aquatic nuisance species. Refer to the current fishing proclamation for legal live bait and legal live baitfish definitions. Potable water and sewage water are excluded from this restriction.
3. Water may not be transported away from waters of the state designated as infested with class I prohibited aquatic nuisance species unless permitted by the state water commission or otherwise authorized.
4. All drain plugs that may hold back water must be removed, and water draining devices must be open, on all watercraft and recreational, commercial, and construction equipment bilges and confined spaces, during any out-of-water transport of same.

History: Effective April 1, 2008; amended effective October 1, 2010; January 1, 2016; April 1, 2016.

General Authority: NDCC 20.1-17-01

Law Implemented: NDCC 20.1-17-06

30-03-06-06. Inspections.

Repealed effective October 1, 2010.

30-03-06-07. Penalty.

Any person violating a provision of this chapter, except subsection 3 of North Dakota Administrative Code section 30-03-06-05, is guilty of a noncriminal offense and shall pay a one hundred dollar fee. Any person violating subsection 3 of North Dakota Administrative Code section 30-03-06-05 is guilty of a class b misdemeanor under the authority of North Dakota Century Code section 20.1-17-09

History: Effective April 1, 2008; amended effective October 1, 2010; January 1, 2016.

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

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